

Gazette officielle du Québec

Part 2 Laws and Regulations

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Summary

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PROVINCE OF QUÉBEC

2nd SESSION

35th LEGISLATURE

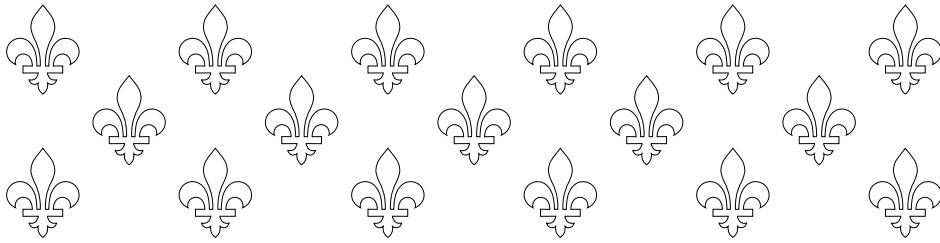
QUÉBEC, 16 APRIL 1998

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 16 April 1998*

This day, at five minutes past eleven o'clock in the morning, His Excellency the Lieutenant-Governor was pleased to sanction the following bills:

- 181 An Act to amend the Civil Code and other legislative provisions as regards the publication of personal and movable real rights and the constitution of movable hypothecs without delivery
- 401 An Act to amend the Consumer Protection Act with respect to itinerant merchants
- 410 An Act to amend the Act respecting off-highway vehicles

To these bills the Royal assent was affixed by His Excellency the Lieutenant-Governor.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 181
(1998, chapter 5)

**An Act to amend the Civil Code and
other legislative provisions as regards
the publication of personal and movable
real rights and the constitution of
movable hypothecs without delivery**

**Introduced 28 November 1997
Passage in principle 10 December 1997
Passage 31 March 1998
Assented to 16 April 1998**

**Québec Official Publisher
1998**

EXPLANATORY NOTES

This bill modifies the rules contained in the Civil Code concerning the publication of movable rights and concerning movable hypothecs without delivery.

Thus, in addition to lifting the suspension of the publication requirement as regards reservations of ownership or rights of redemption affecting property acquired for the service or operation of an enterprise, the bill extends publication requirements to all reservations of ownership and rights of redemption in respect of road vehicles or other movable property determined by regulation. On the other hand, publication requirements are relaxed as concerns persons operating an enterprise, as it will from now on be possible, on certain conditions, to publish all such rights by means of a single registration.

The bill clarifies the rules applicable to the seller's exercise of a right of repossession or redemption, according to whether or not the reservation of ownership or right of redemption has been published. As regards repossession, the bill also revises the application of the rules relating to taking in payment contained in the Book on Prior Claims and Hypothecs, so as to accord the reposessor the benefit of the other hypothecary rights set out in that Book.

Moreover, publication will be required in the case of rights under a long-term lease pertaining to a road vehicle or other movable property determined by regulation or to any movable property required for the service or operation of an enterprise, subject in the latter case to certain regulatory exclusions. As well, an amendment will allow individuals to grant hypothecs without delivery on road vehicles or other movable property determined by regulation, whether at the time of purchase or subsequently.

The bill assigns the keeping and management of the personal and movable real rights register to an independent registrar and, for such purpose, recognizes the existence of a registry office separate from the land registry offices. A number of other adjustments are made to Civil Code rules dealing with the publication of personal and movable real rights.

Finally, the bill contains transitional provisions and consequential amendments.

LEGISLATION AMENDED BY THIS BILL :

- Civil Code of Québec ;
- Act respecting the implementation of the reform of the Civil Code (1992, chapter 57);
- Act respecting registry offices (R.S.Q., chapter B-9);
- Code of Civil Procedure (R.S.Q., chapter C-25);
- Consumer Protection Act (R.S.Q., chapter P-40.1).

Bill 181

AN ACT TO AMEND THE CIVIL CODE AND OTHER LEGISLATIVE PROVISIONS AS REGARDS THE PUBLICATION OF PERSONAL AND MOVABLE REAL RIGHTS AND THE CONSTITUTION OF MOVABLE HYPOTHECS WITHOUT DELIVERY

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

CIVIL CODE OF QUÉBEC

1. Article 1263 of the Civil Code of Québec (1991, chapter 64) is replaced by the following article :

“1263. The purpose of an onerous trust established by contract may be to secure the performance of an obligation. If that is the case, to have effect against third persons, the trust must be published in the register of personal and movable real rights or in the land register, according to the movable or immovable nature of the property transferred in trust.

In case of default by the settlor, the trustee is governed by the rules regarding the exercise of hypothecary rights set out in the Book on Prior Claims and Hypothecs.”

2. Article 1745 of the said Code is amended by replacing the second paragraph by the following paragraph :

“A reservation of ownership in respect of a road vehicle or other movable property determined by regulation, or in respect of any movable property acquired for the service or operation of an enterprise, has effect against third persons only if it has been published; effect against third persons operates from the date of the sale provided the reservation of ownership is published within fifteen days. As well, the transfer of such a reservation has effect against third persons only if it has been published.”

3. Article 1749 of the said Code is replaced by the following article :

“1749. A seller or transferee who, upon the default of the buyer, elects to take back the property sold is governed by the rules regarding the exercise of hypothecary rights set out in the Book on Prior Claims and Hypothecs; however, in the case of a consumer contract, only the rules contained in the Consumer Protection Act are applicable to the exercise by the seller or transferee of the right of repossession.

If the reservation of ownership required publication but was not published, the seller or transferee may take the property back only if it is in the hands of the original buyer; the seller or transferee takes the property back in its existing condition and subject to the rights and charges with which the buyer may have encumbered it.

If the reservation of ownership required publication but was published late, the seller or transferee may likewise take the property back only if it is in the hands of the original buyer, unless the reservation was published before the sale of the property by the original buyer, in which case the seller or transferee may also take the property back if it is in the hands of a subsequent acquirer; in all cases, the seller or transferee takes the property back in its existing condition, but subject only to such rights and charges with which the original buyer may have encumbered it at the time of the publication of the reservation of ownership and which had already been published.”

4. Article 1750 of the said Code is amended by replacing the second paragraph by the following paragraph :

“A right of redemption in respect of a road vehicle or other movable property determined by regulation, or in respect of any movable property acquired for the service or operation of an enterprise, has effect against third persons only if it has been published; effect against third persons operates from the date of the sale provided the right of redemption is published within fifteen days. As well, the transfer of such a right of redemption has effect against third persons only if it has been published.”

5. Article 1751 of the said Code is amended

(1) by replacing the words “The notice shall be published; it” at the beginning of the second sentence by the words “If the right of redemption has been published, the notice must also be published; in that case, the notice”;

(2) by adding the following sentence at the end: “In the case of a consumer contract, the twenty days’ notice is increased to thirty days.”

6. Article 1752 of the said Code is amended by replacing the words “laid upon it, provided his right was published in accordance with the rules respecting the publication of rights” at the end by the words “encumbered it with, provided the seller’s right, if it required publication, was published in due time and in accordance with the rules regarding the publication of rights.”

7. Article 1847 of the said Code is replaced by the following article:

“**1847.** The rights of ownership of the lessor have effect against third persons only if they have been published; effect against third persons operates from the date of the leasing contract provided the rights are published within fifteen days.

As well, the transfer of the lessor's rights of ownership has effect against third persons only if it has been published."

8. Article 1852 of the said Code is amended by adding the following paragraphs :

"Publication is required, however, in the case of rights under a lease with a term of more than one year in respect of a road vehicle or other movable property determined by regulation, or of any movable property required for the service or operation of an enterprise, subject, in the latter case, to regulatory exclusions ; effect of such rights against third persons operates from the date of the lease provided they are published within fifteen days. A lease with a term of one year or less is deemed to have a term of more than one year if, by the operation of a renewal clause or other covenant to the same effect, the term of the lease may be increased to more than one year.

The transfer of rights under a lease requires or is open to publication, according to whether the rights themselves require or are open to publication."

9. Article 2683 of the said Code is amended

(1) by replacing the words "on the conditions and in the forms authorized by law" at the end by the words "on road vehicles or other movable property determined by regulation and subject to the conditions determined by regulation";

(2) by adding the following paragraph :

"Where the act constituting the hypothec is accessory to a consumer contract, it is subject to the rules as to form and contents prescribed by this Book or by regulation."

10. Article 2700 of the said Code is amended by replacing the words "and that is registered under the name of the grantor is preserved" in the first paragraph by the words "and that is not registered in a file opened under the description of the property is preserved".

11. Article 2745 of the said Code is amended by replacing the second sentence by the following sentence : "To do so he shall notify the grantor and the debtor of the hypothecated rights that he himself will thenceforth collect the sums falling due."

12. Article 2758 of the said Code is amended by adding the following at the end of the second paragraph : " ; however, the period is of thirty days in the case of a notice relating to movable property charged with a hypothec constituted by an act accessory to a consumer contract."

13. The said Code is amended by inserting, after article 2961, the following article :

“2961.1. The registration of reservations of ownership or rights of redemption, or of any transfer thereof, in respect of a universality of movable property of the same kind that may be involved in sales or transfers in the ordinary course of business between persons operating enterprises preserves all the rights of the seller or transferee not only in that property but also in any property of the same kind involved in reservations of ownership, rights of redemption or transfers between those persons subsequent to the registration. However, such reservations, rights or transfers do not have effect against a third person who acquires any such property in the ordinary course of business of the seller’s enterprise.

Registration preserves the rights for a period of ten years; the period may be extended if the registration is renewed.

These rules also apply to the registration of rights of ownership under leasing contracts and of rights under leases with a term of more than one year, or of any transfer thereof, in respect of a universality of movable property of the same kind that may be involved in such contracts in the ordinary course of business between persons operating enterprises.”

14. Article 2969 of the said Code is amended by replacing the second paragraph by the following paragraph :

“In addition, a register of personal and movable real rights for Québec is kept in the registry office for personal and movable real rights.”

15. The said Code is amended by inserting, after article 2971, the following article :

“2971.1. No one may use the information contained in the registers and documents kept in registry offices in such a manner as to damage the reputation or invade the privacy of a person identified in such a register or document.”

16. Article 3000 of the said Code is amended by replacing the words “No copy of the act evidencing such a sale may be issued” at the beginning of the second paragraph by the words “Where an immovable is sold by way of a forced sale or a sale following the exercise of a hypothecary right, no copy of the act evidencing the sale may be issued”.

17. Article 3018 of the said Code is replaced by the following article :

“3018. The registrar may not, except for purposes prescribed by regulation, use the registers for purposes other than ensuring, in accordance with the law, the publication of the rights registered therein, particularly so as to render them effective against third persons, establish their rank and give them effect.

Nor may the registrar use the registers to furnish to any person a list of owners, hypothecary creditors or other holders of rights, a list of debtors or grantors of rights or a list of the properties owned by a person. Furthermore, no search in the land register by reference to a person's name is permitted, unless it concerns an immovable situated in a territory which has no cadastral survey, a real right of State resource development or a public service network which is not immatriculated.”

18. Article 3105 of the said Code is amended by replacing the words “attached to a claim or charged on” in the third paragraph by the word “encumbering”.

ACT RESPECTING THE IMPLEMENTATION OF THE REFORM OF THE CIVIL CODE

19. Sections 98, 107, 137 and 162 of the Act respecting the implementation of the reform of the Civil Code (1992, chapter 57) are repealed.

ACT RESPECTING REGISTRY OFFICES

20. Section 2 of the Act respecting registry offices (R.S.Q., chapter B-9) is amended by replacing the words “registration division” in the first paragraph by the words “registry office”.

CODE OF CIVIL PROCEDURE

21. Article 592.2 of the Code of Civil Procedure (R.S.Q., chapter C-25) is amended by adding the following paragraph:

“Where the property seized is not the property of an enterprise, the seizing officer must also obtain such a certified statement if the property includes a road vehicle or other movable property, or a group of such properties, which, according to the regulation under article 2683 of the Civil Code of Québec, may be hypothecated and of which the market value is estimated to be \$1,000 or more according to the valuation of the seizing officer.”

CONSUMER PROTECTION ACT

22. Section 132 of the Consumer Protection Act (R.S.Q., chapter P-40.1) is amended by replacing the words “the transfer of ownership of the goods sold by a merchant to a consumer is deferred until” in the first and second lines by the words “a merchant selling goods to a consumer reserves ownership of the goods until”.

TRANSITIONAL AND FINAL PROVISIONS

23. Unless it has already been published, a trust in respect of movable property established on or after 1 January 1994 to secure the performance of an obligation must be published within one year of (*insert here the date of*

coming into force of section 1) in order to retain its initial effect against third persons.

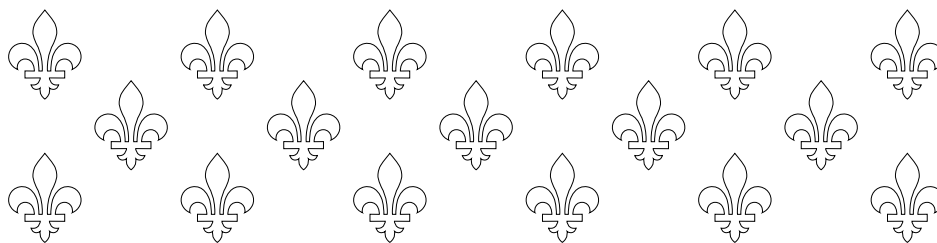
24. Reservations of ownership or rights of redemption in respect of movable property, as well as transfers of such reservations or rights, granted before (*insert here the date of coming into force of section 19*), whose effect against third persons is, pursuant to the provisions enacted herein, henceforth subject to publication formalities must be published within one year of that date in order to retain their initial effect against third persons.

The same applies to a lessor's ownership rights under a leasing contract, unpublished rights under a lease of movable property with a term of more than one year or stipulations of unseizability in respect of movable property, or to any transfer thereof, granted before (*insert here the date of coming into force of section 19*), if the effect of such rights or transfers against third persons is, pursuant to the provisions enacted herein, henceforth subject to publication formalities.

25. From (*insert here the date of coming into force of section 19*), no entry referring to a right referred to in section 23 or 24 may be made in the register of personal and movable real rights unless the right itself is registered therein.

26. Section 10 has effect from 1 January 1994.

27. The provisions of this Act come into force on 1 July 1998, except sections 1 to 9, 12, 13, 19, 21, 23, 24 and 25 which come into force on a later date to be fixed by the Government.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 401
(1998, chapter 6)

**An Act to amend the Consumer
Protection Act with respect
to itinerant merchants**

**Introduced 18 December 1997
Passage in principle 31 March 1998
Passage 9 April 1998
Assented to 16 April 1998**

**Québec Official Publisher
1998**

EXPLANATORY NOTES

This bill is designed to harmonize the provisions of the Consumer Protection Act concerning itinerant merchants with the proposals concerning direct sales made by the Committee on Consumer-Related Measures and Standards, established under the Agreement on Internal Trade.

The bill redefines the content of the contracts that must be drawn up in writing, in particular as regards the description of goods covered by those contracts, the duration of the services or the terms and conditions of payment, delivery or performance.

The bill also introduces a provision that will enable consumers to cancel a contract within one year if the merchant does not hold a permit or has failed to provide the necessary security, if the contract violates the rules prescribed regarding the making or content of a contract or if the merchant fails to deliver the goods or services within the prescribed time.

Bill 401

AN ACT TO AMEND THE CONSUMER PROTECTION ACT WITH RESPECT TO ITINERANT MERCHANTS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 56 of the Consumer Protection Act (R.S.Q., chapter P-40.1) is replaced by the following section:

“56. Sections 58 to 65 apply to contracts of sale or lease of goods or services and to mixed contracts of sale and lease entered into by an itinerant merchant, except contracts excluded by regulation.”

2. Section 58 of the said Act is amended

(1) by replacing subparagraph *b* of the first paragraph by the following subparagraphs:

“(b) the name, address and telephone number and, where applicable, the electronic address and fax number of each establishment of the itinerant merchant in Québec and each representative of the itinerant merchant who signed the contract;

“(b.1) the name, address and telephone number and, where applicable, the electronic address and fax number of the consumer;”;

(2) by replacing the words “of the contract” in subparagraph *c* of the first paragraph by the words “on which the contract is made”;

(3) by replacing subparagraph *d* of the first paragraph by the following subparagraph:

“(d) the description and quantity of the goods that are the object of the contract, the year of the model or any other distinguishing mark, and the duration of each service provided for by the contract;”;

(4) by replacing the words “chargeable duties” in subparagraph *f* of the first paragraph by the words “the amounts of all duties chargeable”;

(5) by inserting, after subparagraph *g* of the first paragraph, the following subparagraphs:

“(g.1) where applicable, the terms and conditions of payment; in the case of a contract of credit, the terms and conditions of payment are set out as provided in Schedule 3, 5 or 7;

“(g.2) the frequency and dates of all deliveries of goods and the frequency and dates of all performances of services, as well as the date by which delivery or performance must be completed;

“(g.3) where applicable, a description of all goods received as a trade-in or on account, their quantity, and the price agreed for each item;”;

(6) by replacing the word “form” in the second paragraph by the words “Statement of consumer cancellation rights and a cancellation form”.

3. Section 59 of the said Act is amended by adding the following paragraph :

“The time limit is, however, extended to one year from the date on which the contract is made in any of the following cases :

(a) the merchant does not hold the permit required by this Act at the time the contract is made;

(b) the security furnished by the itinerant merchant is invalid or is not in conformity with the security required under this Act at the time the contract is made;

(c) the contract is inconsistent with any of the rules set out in sections 25 to 28 for the making of contracts, or one of the particulars required under section 58 does not appear in the contract;

(d) a Statement of consumer cancellation rights and a cancellation form in conformity with the model in Schedule 1 have not been attached to the contract at the time the contract was made;

(e) the merchant fails to deliver the goods or perform the service within 30 days from the delivery or performance date specified in the contract or a later date agreed to by the consumer, unless the consumer accepts delivery or performance after that time has expired.”

4. Section 61 of the said Act is amended, in the French text, by replacing the words “la formule prévue” in paragraph *b* by the words “le formulaire prévu”.

5. Section 62 of the said Act is amended

(1) by replacing, in the French text, the words “de la formule” by the words “du formulaire”;

(2) by adding the following paragraph:

“A contract of credit made by the consumer, even with another merchant, under or in relation to a contract made with an itinerant merchant, forms part of the whole contract and is also cancelled of right if it was made as a result of an offer or representation made by, or any other action of, the itinerant merchant.”

6. Section 63 of the said Act is amended

(1) by replacing the word “ten” in the first paragraph by the figure “15”;

(2) by inserting, after the first paragraph, the following paragraph:

“If the itinerant merchant is unable to restate to the consumer the goods received in payment, as a trade-in or on account, the merchant must remit to the consumer the value of the goods or the price of the goods as indicated in the contract, whichever is greater.”

7. Section 64 of the said Act is amended by inserting the words “, as a trade-in or on account” after the word “payment” in paragraph *b*.

8. Schedule 1 to the said Act is replaced by the following schedule:

“SCHEDULE 1

STATEMENT OF CONSUMER CANCELLATION RIGHTS
(Consumer Protection Act, section 58)

You may cancel this contract for any reason within 10 days after you receive a copy of the contract along with the other required documents.

If you do not receive the goods or services within 30 days of the date stated in the contract, you may cancel the contract within one year. You lose that right if you accept delivery after the 30 days. There are other grounds for an extension of the cancellation period to one year, for example if the itinerant merchant does not hold a permit or has not provided the required security at the time the contract is made, if the goods are never delivered or the services never performed, or if the contract is incorrectly made or worded. For more information, you may seek legal advice or contact the Office de la protection du consommateur.

If you cancel the contract, the itinerant merchant must refund all amounts you have paid, and return to you the goods received in payment, as a trade-in or on account; if the merchant is unable to return the goods, you are entitled to receive an amount of money corresponding to the value indicated in the contract or the cash value of the goods, within 15 days of cancellation. You also have 15 days to return to the merchant any goods you received from the merchant.

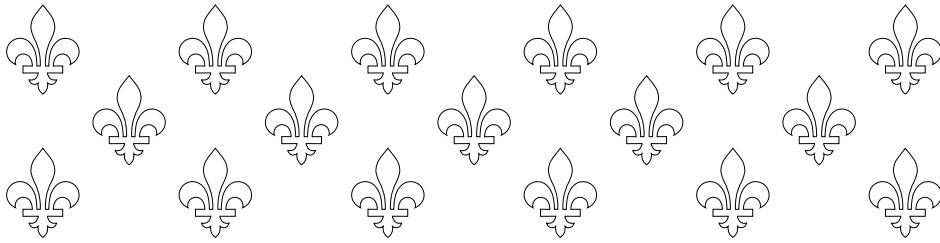
To cancel, you must return the items received from the merchant to the merchant or the merchant's representative, send the merchant the cancellation form printed below, or send the merchant written notice of cancellation. The form or written notice must be sent to the merchant or the merchant's representative at the address indicated on the form, or at any other address indicated in the contract. You must give notice of cancellation by personal delivery or by any other method that will allow you to prove that you gave notice, including registered mail, E-mail, fax and courier.

CANCELLATION FORM (detachable from schedule)

TO BE COMPLETED BY THE MERCHANT
TO: (name of itinerant merchant or representative)
..... (address of itinerant merchant or representative)
Telephone number of itinerant merchant or representative: (.....)
Fax number of itinerant merchant or representative: (.....)
Electronic address of itinerant merchant or representative:
TO BE COMPLETED BY THE CONSUMER
DATE: (date on which form is sent)
By virtue of section 59 of the Consumer Protection Act, I hereby cancel the contract
No.: (contract number, if any)
made on (date of contract)
at (address where contract was signed by consumer)
..... (name of consumer)
Telephone number of consumer: (.....)
Fax number of consumer: (.....)
Electronic address of consumer:
..... (address of consumer)
..... (signature of consumer)

”

9. This Act comes into force on 1 August 1998.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 410
(1998, chapter 7)

An Act to amend the Act respecting off-highway vehicles

Introduced 12 March 1998
Passage in principle 31 March 1998
Passage 31 March 1998
Assented to 16 April 1998

Québec Official Publisher
1998

EXPLANATORY NOTE

This bill amends the Act respecting off-highway vehicles to make the rules regulating the distances required to ensure adequate visibility for drivers of off-highway vehicles when crossing public highways consistent with the rules prescribed under the Highway Safety Code.

Bill 410

AN ACT TO AMEND THE ACT RESPECTING OFF-HIGHWAY VEHICLES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 11 of the Act respecting off-highway vehicles (1996, chapter 60) is amended

(1) by replacing subparagraph 2 of the second paragraph by the following subparagraph :

“(2) cross a road at the place where a crossing for off-highway vehicles is indicated by a road sign or signal;”;

(2) by inserting the word “road” before the word “sign” in the first line of subparagraph 4 of the second paragraph.

2. This Act comes into force on 16 April 1998.

Regulations and other acts

Gouvernement du Québec

O.C. 520-98, 22 April 1998

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

Conditions of contracts of government departments and public bodies — Amendments

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

WHEREAS under section 49 of the Financial Administration Act (R.S.Q., c. A-6), the Government may, by regulation, upon the recommendation of the Conseil du trésor, determine the conditions of contracts made in the name of the Government by a department, a public body whose operating budget is voted wholly or in part by the National Assembly or any other public body;

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Regulation to amend the General Regulation respecting the conditions of contracts of government departments and public bodies was published in Part 2 of the *Gazette officielle du Québec* of 28 January 1998 with a notice that it could be made by the Government upon the expiry of 45 days following the date of that publication;

WHEREAS the Conseil du trésor has made a recommendation concerning the Regulation to amend the General Regulation respecting conditions of contracts of government departments and public bodies and it is expedient to make it without amendment;

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

THAT the Regulation to amend the General Regulation respecting conditions of contracts of government departments and public bodies, attached to this Order in Council, be made.

LIETTE HARVEY,
Deputy Clerk of the Conseil exécutif

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 is amended in section 2 by substituting “register of Government suppliers” for “central register of suppliers of goods and services to the Government” in the definition of “central register”.

2. Section 7.1 is amended by substituting the following for the first paragraph:

“**7.1** No contract pertaining primarily to the supply of goods and services included in one of the specialties listed in Schedule 1 may not, if the contract is in an amount identified in the Schedule, be awarded to a supplier unless he holds a registration certificate, issued by a registrar accredited by the Standards Council of Canada (SCC) or by an accrediting agency recognized by it, to the effect that the supplier has a quality system covering the supply of the goods and services concerned and complying with the ISO standard indicated in the Schedule.

No contract pertaining primarily to the supply of services included in one of the specialties listed in Schedule 2 may, if the contract is in an amount identified in the Schedule, be awarded to a supplier unless he holds accreditation based on the ISO/IEC Guide 25 and issued by the Minister of the Environment and Wildlife under section 118.6 of the Environment Quality Act (R.S.Q., c. Q-2), for each of the fields of accreditation covered by the contract.”.

3. Schedule 1 is amended

(1) by deleting the column “Date of coming into force”; and

(2) by substituting the following for the specialty “Bimimous compound for the Ministère des Transports”:

* 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 (1993, *G.O.* 2, 4920), was last amended by the Regulation made by Order in Council 332-97 dated 19 March 1997 (1997, *G.O.* 2, 1269). For previous amendments, refer to the Tableau des modifications et Index sommaire, Éditeur officiel du Québec, 1997, updated to 1 September 1997.

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Bitumens and bituminous compound

Bitumens designed to make compound for road construction	≥ \$25 000	ISO 9002
Cut-back bitumens for road construction	≥ \$25 000	ISO 9003
Bitumen emulsions for road construction	≥ \$25 000	ISO 9003
Bituminous compound for road construction	≥ \$1	ISO 9002

Timber

Pressure-treated timber	≥ \$25 000	ISO 9002
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Packaging

Document boxes complying with specification DGA-S-8115-1	≥ \$25 000	ISO 9003
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Metal structures

Galvanized steel shafts and posts for road lighting	≥ \$25 000	ISO 9003
Aluminium shafts and posts for road lighting	≥ \$25 000	ISO 9003
Galvanized steel guardrails	≥ \$25 000	ISO 9003
Aluminium single-tube posts	≥ \$25 000	ISO 9003
Aluminium extrusions for road signs	≥ \$25 000	ISO 9003
Galvanized steel high mast towers and mobile crowns for road lighting	≥ \$25 000	ISO 9003

Office supplies

Non-suspended file folders complying with specifications DGA-S-7530-3	≥ \$25 000	ISO 9003
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Furniture

Integrated furniture, composed of electrifiable removable partitions and of furniture components hung on the partitions or self-supporting	≥ \$25 000	ISO 9002
Metal cabinets, libraries and display units	≥ \$25 000	ISO 9003
Chairs and armchairs complying with specification DGA-S-7110-5000	≥ \$25 000	ISO 9003
Side filing units	≥ \$25 000	ISO 9003
Standardized office and office automation furniture, made from wood particle boards, with a stratified or melamine finish, complying with specifications DGA-S-7110-series: 0100, 2000 and 3000	≥ \$25 000	ISO 9003

Roads and road signs

Control devices (controllers) for traffic lights	≥ \$25 000	ISO 9003
Traffic light cabinets	≥ \$25 000	ISO 9003
Alkyd-based paint for road marking	≥ \$25 000	ISO 9002

Pipes

Corrugated metal pipes made of galvanized steel for culvert piping	≥ \$25 000	ISO 9003
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4. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

O.C. 521-98, 22 April 1998

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

An Act respecting the Service des achats du gouvernement
(R.S.Q., c. S-4)

Supply contracts of government departments and public bodies

— Amendments

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

WHEREAS under section 49 of the Financial Administration Act (R.S.Q., c. A-6), the Government may, by regulation, upon the recommendation of the Conseil du trésor, determine the conditions of contracts made in the name of the Government by a department, a public body whose operating budget is voted wholly or in part by the National Assembly or any other public body;

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Regulation to amend the Regulation respecting supply contracts of government departments and public bodies was published in Part 2 of the *Gazette officielle du Québec* of 28 January 1998 with a notice that it could be made by the Government upon the expiry of 45 days following the date of that publication;

WHEREAS the Conseil du trésor has made a recommendation concerning the Regulation to amend the Regulation respecting supply contracts of government departments and public bodies and it is expedient to make it without amendment;

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

THAT the Regulation to amend the Regulation respecting supply contracts of government departments and public bodies, attached to this Order in Council, be made.

LIETTE HARVEY,
Deputy Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting supply contracts of government departments and public bodies (*)

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

An Act respecting the Service des achats du gouvernement
(R.S.Q., c. S-4, s. 4)

1. The Regulation respecting supply contracts of government departments and public bodies is amended in section 10 by substituting “paragraph 4” for “paragraphs 2 and 4”.

2. Section 22 is amended by deleting paragraph 2.

3. Chapters IX and X are revoked.

4. Section 65 is amended by substituting “Those” for “Subject to paragraph 2 of section 22, those”.

5. Section 68 is revoked.

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

2204

Gouvernement du Québec

O.C. 522-98, 22 April 1998

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

Construction contracts of government departments and public bodies

— Amendments

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

WHEREAS under section 49 of the Financial Administration Act (R.S.Q., c. A-6), the Government may, by

* The Regulation respecting supply contracts of government departments and public bodies, made by Order in Council 1167-93 dated 18 August 1993 (1993, *G.O.* 2, 4927) was last amended by the Regulation made by Order in Council 899-97 dated 9 July 1997 (1997, *G.O.* 2, 4169). For previous amendments, refer to the Tableau des modifications et Index sommaire, Éditeur officiel du Québec, 1997, updated to 1 September 1997.

regulation, upon the recommendation of the Conseil du trésor, determine the conditions of contracts made in the name of the Government by a department, a public body whose operating budget is voted wholly or in part by the National Assembly or any other public body;

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Regulation to amend the Regulation respecting construction contracts of government departments and public bodies was published in Part 2 of the *Gazette officielle du Québec* of 28 January 1998 with a notice that it could be made by the Government upon the expiry of 45 days following the date of that publication;

WHEREAS the Conseil du trésor has made a recommendation concerning the Regulation to amend the Regulation respecting construction contracts of government departments and public bodies and it is expedient to make it without amendment;

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

THAT the Regulation to amend the Regulation respecting construction contracts of government departments and public bodies, attached to this Order in Council, be made.

LIETTE HARVEY,
Deputy Clerk of the Conseil exécutif

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 is amended in section 2

(1) by substituting the following for the definition of “Subregion”:

* The Regulation respecting construction contracts of government departments and public bodies, made by Order in Council 1168-93 dated 18 August 1993 (1993, *G.O.* 2, 4937) was last amended by the Regulation made by Order in Council 333-97 dated 19 March 1997 (1997, *G.O.* 2, 1271). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1997, updated to 1 September 1997.

“**Subregion** means the territory corresponding to that of a regional county municipality or of an urban community, or to one of the following territories: Jamésie and Kativik, both divided into 2 subregions located on either side of the 76th meridian, and the territory delimited to the east by the Québec limit, to the north and west by the “Minganie” subregion and to the south by the Gulf of St. Lawrence; an Indian reserve is included in the subregion in which it is geographically located; the territory of the Municipalité de Notre-Dame-des-Anges is included in that of the Communauté urbaine de Québec; (*sous-région*)”; and

(2) by inserting the words “, if the region where the work is carried out includes at least two subregions,” in the definition of “Border subregion”, before the words “located”.

2. Section 4 is amended by substituting “of Kativik, Jamésie” for “of the Kativik Regional Government, the territory covered by the James Bay and Northern Québec Agreement” in paragraph 5.

3. Section 64 is amended by substituting the words “register of Government suppliers” for the words “central register of suppliers of goods and services to the Government”.

4. Section 77 is amended

(1) by inserting the following after “section 76,”:

“the “Sept-Rivières” subregion is deemed to be a subregion bordering on the “Caniapiscau” subregion;”;

(2) by substituting “Kativik-est” for “Administration régionale Kativik-est”;

(3) by substituting “Kativik-ouest” for “Administration régionale Kativik-ouest”;

(4) by substituting “Jamésie-ouest” for “Territoire conventionné-ouest”; and

(5) by substituting “Jamésie-est” for “Territoire conventionné-est”.

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

2205

Gouvernement du Québec

O.C. 523-98, 22 April 1998

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

An Act respecting the Service des achats
du gouvernement
(R.S.Q., c. S-4)

Services contracts of government departments and public bodies — Amendments

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

WHEREAS under section 49 of the Financial Administration Act (R.S.Q., c. A-6), the Government may, by regulation, upon the recommendation of the Conseil du trésor, determine the conditions of contracts made in the name of the Government by a department, a public body whose operating budget is voted wholly or in part by the National Assembly or any other public body;

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Regulation to amend the Regulation respecting services contracts for government departments and public bodies was published in Part 2 of the *Gazette officielle du Québec* of 28 January 1998 with a notice that it could be made by the Government upon the expiry of 45 days following the date of that publication;

WHEREAS the Conseil du trésor has made a recommendation concerning the Regulation to amend the Regulation respecting services contracts of government departments and public bodies and it is expedient to make it without amendment;

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

THAT the Regulation to amend the Regulation respecting service contracts of government departments and public bodies, attached to this Order in Council, be made.

LIETTE HARVEY,
Deputy Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting services contracts of government departments and public bodies (*)

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

An Act respecting the Service des achats
du gouvernement
(R.S.Q., c. S-4)

1. The Regulation respecting services contracts of government departments and public bodies is amended in section 2

(1) by substituting the words “register of Government suppliers” for the words “central register of suppliers of goods and services to the Government” in the definition of “General invitation to tender”;

(2) by inserting the following in the definition of “Region” after the year “1987”: “, amended by Orders in Council 1399-88 dated 14 September 1988, 1389-89 dated 23 August 1989 and 965-97 dated 30 July 1997”;

(3) by substituting the following for the definition of “Subregion”:

“**Subregion** means the territory corresponding to that of a regional county municipality or of an urban community, or to one of the following territories: Jamésie and Kativik, both divided into 2 subregions located on either side of the 76th meridian, and the territory delimited to the east by the Québec limit, to the north and west by the “Minganie” subregion and to the south by the Gulf of St. Lawrence; an Indian reserve is included in the subregion in which it is geographically located; the territory of the Municipalité de Notre-Dame-des-Ânges is included in that of the Communauté urbaine de Québec; (*sous-région*)”; and

(4) by inserting the words “, if the region where the work is carried out includes at least two subregions,” in the definition of “Border subregion”, before the word “located”.

* The Regulation respecting services contracts of government departments and public bodies, made by Order in Council 1169-93 dated 18 August 1993 (1993, *G.O.* 2, 4951), was last amended by the Regulation made by Order in Council 1498-96 dated 4 December 1996 (1996, *G.O.* 2, 4936). For previous amendments, refer to the Tableau des modifications et Index sommaire, Éditeur officiel du Québec, 1997, updated to 1 September 1997.

2. Section 4 is amended by substituting “of Kativik, Jamésie” for “of the Kativik Regional Government, the territory covered by the James Bay and Northern Québec Agreement” in paragraph 8.

3. Section 91 is amended by substituting the words “register of Government suppliers” for the words “central register of suppliers of goods and services to the Government”.

4. Section 108 is amended

(1) by inserting the following after “section 107,”:

“the “Sept-Rivières” subregion is deemed to be a subregion bordering on the “Caniapiscou” subregion;”;

(2) by substituting “Kativik-est” for “Administration régionale Kativik-est”;

(3) by substituting “Kativik-ouest” for “Administration régionale Kativik-ouest”;

(4) by substituting “Jamésie-ouest” for “Territoire conventionné-ouest”; and

(5) by substituting “Jamésie-est” for “Territoire conventionné-est”.

5. Section 165 is amended in paragraph 1 by substituting “the Canadian Newspaper Association (CNA)” for “the Daily Newspapers Publishers Association (DNPA)”.

6. Schedule 8 is amended

(1) in section 3, by substituting “Kativik” for “the Kativik Regional Government”; and

(2) in section 6, by substituting “Jamésie-est, Jamésie-ouest, Kativik-est, Kativik-ouest” for “the Kativik Regional Government” for “Territoire conventionné-est, Territoire conventionné-ouest, Administration régionale Kativik-est, Administration régionale Kativik-ouest”.

7. The central register of suppliers of goods and services to the Government, mentioned in section 193 of that Regulation, is henceforth referred to as the register of Government suppliers.

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

Gouvernement du Québec

O.C. 524-98, 22 April 1998

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

Snow removal services contracts of government departments and public bodies
— Amendments

Regulation to amend the Regulation respecting snow removal services contracts of government departments and public bodies

WHEREAS under section 49 of the Financial Administration Act (R.S.Q., c. A-6), the Government may, by regulation, upon the recommendation of the Conseil du trésor, determine the conditions of contracts made in the name of the Government by a department, a public body whose operating budget is voted wholly or in part by the National Assembly or any other public body;

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Regulation to amend the Regulation respecting snow removal services contracts of government departments and public bodies was published in Part 2 of the *Gazette officielle du Québec* of 28 January 1998 with a notice that it could be made by the Government upon the expiry of 45 days following the date of that publication;

WHEREAS the Conseil du trésor has made a recommendation concerning the Regulation to amend the Regulation respecting snow removal services contracts of government departments and public bodies and it is expedient to make it without amendment;

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

THAT the Regulation to amend the Regulation respecting services contracts of government departments and public bodies, attached to this Order in Council, be made.

LIETTE HARVEY,
Deputy Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting snow removal services contracts of government departments and public bodies(*)

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

1. The Regulation respecting snow removal services contracts of government departments and public bodies is amended in section 2

(1) by inserting the following after the definition of “Place of business”:

“**Public call for tenders** means a call for tenders published in a Québec newspaper; (*appel d’offres public*); and

(2) by substituting “register of Government suppliers” for “central register of suppliers of goods and services to the Government” in the definition of “General invitation to tender”.

2. Section 6 is revoked.

3. The following is substituted for the headings of Chapter III and Division 1 of that chapter:

“CHAPTER III CALL FOR TENDERS

DIVISION 1 TYPES OF CALLS FOR TENDERS”.

4. The following is substituted for sections 7 and 8:

“**7.** A public call for tenders shall be used where

(1) the estimated amount of the work is equal to or greater than \$100 000; or

(2) the call for tenders provided for in section 8 did not make it possible to select a contractor.

8. A general invitation to tender shall be used where the estimated amount of the work is less than \$100 000.”.

5. Sections 8.2 and 9 are revoked.

6. The word “called” is substituted for the word “invited” in section 10.

7. The following headings and sections are inserted before section 12:

“§1. *Public call for tenders*

11.1 A public call for tenders shall be published in French in a daily newspaper in Montréal and in Québec City, in a regional daily or weekly newspaper distributed in the subregion where the services are to be rendered and in at least one specialized publication, if any.

11.2 The published text of the call for tenders shall include, at least,

(1) the name of the department or agency;

(2) a brief description of the services required;

(3) the place to reach for information and where tender documents can be obtained or consulted;

(4) the nature and amount of the tender security required, where applicable;

(5) the place and time limit fixed for the submission and opening of tenders; and

(6) a statement that only tenders submitted by contractors entered in the register at the appropriate level, having, according to their registration statement, at least the number of trucks required to perform the contract and being entitled under section 52 to tender in the subregion where the work is to be carried out will be considered; and

(7) a statement that the department or agency does not undertake to accept any of the tenders.

§2. *General invitation to tender*

11.3 Subject to section 52, a general invitation to tender shall be addressed to all the contractors entered in the register at the appropriate level in the subregion where the work is to be carried out and the border subregions thereof and having, according to their registration statement, at least the number of trucks required to be allowed to tender. That number is equal to the number of trucks required to perform the contract, unless the number of contractors meeting that condition is fewer than 5, in which case the number of trucks shall be reduced until at least 5 contractors become eligible or, if

* The Regulation respecting snow removal services contracts of government departments and public bodies, made by Order in Council 1170-93 dated 18 August 1993 (1993, *G.O.* 2, 4989) was last amended by the Regulation made by Order in Council 1500-96 dated 4 December 1996 (1996, *G.O.* 2, 4940). For previous amendments, refer to the Tableau des modifications et Index sommaire, Éditeur officiel du Québec, 1997, updated to 1 September 1997.

it proves impossible, until all the registered contractors become eligible.”

8. The following heading is inserted after section 13:

“§3. *Provisions applicable to any call for tenders*”.

9. The words “the call for tenders is first published or the letters of invitation are sent, as the case may be,” are substituted for the words “on which the letters of invitation are sent” in section 16.

10. Section 35 is amended in the part preceding paragraph 1 by substituting “register of Government suppliers” for “central register of suppliers of goods and services to the Government”.

11. Sections 36.1 to 36.3 are revoked.

12. The words “concerning his equipment” are struck out in sections 39 and 41.

13. The following is substituted for section 41.3:

“**41.3** Where a contractor registers in level 1 or 2 of the register, he shall declare the trucks that he owns or leases for one year or more, that are in good working order, that have a minimum capacity of 15 400 kg and are less than 20 years old and that are registered in his name with the Société de l’assurance automobile du Québec or, where an intergovernmental agreement is applicable, with the competent department or agency in a province or territory covered by that agreement.”.

14. The words “concerning equipment” are struck out in sections 42 and 45.

15. The words “whose name has been referred from the central register and” are struck out in section 46.

16. The words “allowed” is substituted for the word “invited” in section 52.

17. Schedule 4 is revoked.

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

2207

Gouvernement du Québec

O.C. 551-98, 22 April 1998

Medical Act
(R.S.Q., c. M-9)

Physicians
— **Acts which may be done by classes of persons other than physicians**
— **Amendments**

Regulation to amend the Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians

WHEREAS under section 31 of the Medical Act, every act having as its object to diagnose or treat any deficiency in the health of a human being constitutes the practice of medicine and comprises, in particular, medical consultation, prescribing of medication or treatment, radiotherapy, attendance at confinements, establishing and controlling diagnosis and treatment of illnesses or diseases;

WHEREAS under subparagraph *b* of the first paragraph of section 19 of the Medical Act, the Bureau of the Collège des médecins du Québec, hereinafter called the “College”, in addition to the duties provided in sections 87 to 93 of the Professional Code (R.S.Q., c. C-26), shall by regulation determine among the acts contemplated in section 31 of the Medical Act those which, under certain prescribed conditions, may be done by classes of persons other than physicians;

WHEREAS under the second paragraph of section 19, the Bureau of the College shall, before passing a regulation under subparagraph *b* of the first paragraph, consult the Office des professions du Québec and the professional orders to which the persons contemplated by such regulation belong or, if there are no such orders, the representative bodies of such classes of persons;

WHEREAS under subparagraph *b* of the first paragraph of the above-mentioned section 19, the Bureau of the College adopted the Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians on 18 September 1981, and it was published in Part 2 of the *Gazette officielle du Québec* on 6 January 1982;

WHEREAS under the same subparagraph, the Bureau of the College, at its meeting of 16 October 1996, adopted in French and in English the Regulation to amend the Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of

persons other than physicians, with a view to amend Schedule A to the Regulation;

WHEREAS under the same subparagraph and at the same meeting, the Bureau of the College adopted in French and in English a second Regulation to amend the Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians, with a view to amend Schedule B to the Regulation;

WHEREAS the consultations required under the second paragraph of the above-mentioned section 19 before the passing of both regulations have been done;

WHEREAS both regulations, being subject to the provisions of the Regulations Act (R.S.Q., c. R-18.1), were published as draft regulations in Part 2 of the *Gazette officielle du Québec* of 5 February 1996;

WHEREAS both regulation were accompanied by a notice indicating that they could be submitted to the Government for approval, which could approve them with or without amendments upon the expiry of 45 days following that publication and inviting any person having comments to make could send them in writing, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec;

WHEREAS under section 3 of the Medical Act and subject to it, the College and its members shall be governed by the Professional Code;

WHEREAS under section 95 of the Professional Code, subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau of a professional order under the Act constituting it shall be transmitted to the Office for examination and it shall be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS it is expedient to approve both regulations with amendments;

WHEREAS both regulations amend the same Regulation and it is expedient at this stage to merge their provisions for the purposes of their publication in Part 2 of the *Gazette officielle du Québec*;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the provisions of both regulations be merged into a single text entitled "Regulation to amend the Regulation respecting the acts contemplated in section 31

of the Medical Act which may be done by classes of persons other than physicians";

THAT the Regulation, a copy of which is attached to this Order in Council, be approved.

LIETTE HARVEY,
Deputy Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians

Medical Act
(R.S.Q., c. M-9, s. 19, 1st par., subpar. b)

1. Schedule A to the Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians is amended

(1) by striking out the words "or intraperitoneal dialysis" in section A-1.41; and

(2) by adding the following after section A-1.41:

“

Act consisting in:	Medical prescription	Remote supervision	Supervision on the premises	Direct supervision	In an hospital centre only	According to protocol	Other conditions
"A.1.42 Maintaining intraperitoneal dialysis treatment of a renal insufficiency patient at the frequency and for the time prescribed by a physician	X	X				X	The treatment must be provided by a nurse trained in intraperitoneal dialysis".

”

* The Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians, adopted on 18 September 1981 (1982, *G.O.* 2, 871) was last amended by the Regulation approved by Order in Council 821-95 dated 14 June 1995 (1995, *G.O.* 2, 1891). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1997, updated to 1 September 1997.

2. Section B-1.05 of Schedule B is amended

(1) by inserting the word “, intramuscular” after the word “intradermic”; and

(2) by striking out the words “in view of tests or analyses in the field of medical biology prescribed by the physician”.

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

2208

Gouvernement du Québec

O.C. 566-98, 22 April 1998

An Act respecting industrial accidents and occupational diseases
(R.S.Q., c. A-3.001)

**Commission des lésions professionnelles
— Recruitment and selection of persons declared to be qualified for appointment as commissioners and renewal of their term of officiel**

Regulation respecting the procedure for the recruiting and selection of persons declared to be qualified for appointment as commissioners to the Commission des lésions professionnelles and for the renewal of their term of office

WHEREAS under sections 388 and 395 of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001), as replaced by section 24 of the Act to establish the Commission des lésions professionnelles and amending various legislative provisions (1997, c. 27), the Government may establish by regulation a recruiting and selection procedure for persons declared to be qualified for appointment as commissioners to the Commission des lésions professionnelles and a procedure for the renewal of their term of office;

WHEREAS under section 390 of the Act respecting industrial accidents and occupational diseases, as replaced by section 24 of the Act to establish the Commission des lésions professionnelles and amending various legislative provisions, the Government may determine by regulation the period of validity of a declaration of aptitude;

WHEREAS under sections 391 and 396 of the Act respecting industrial accidents and occupational diseases, as replaced by section 24 of the Act to establish the Commission des lésions professionnelles and amending various legislative provisions, the Government may determine by regulation the cases, conditions and extent under which the members of a selection committee or of an examination committee are entitled to remuneration or reimbursement of expenses incurred in the performance of their duties;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation respecting the procedure for the recruitment and selection of persons for appointment as commissioners to the Commission des lésions professionnelles and for the renewal of their term of office was published in the *Gazette officielle du Québec* of 28 January 1998;

WHEREAS under Order in Council 334-98 dated 18 March 1998, the provisions of the Act to establish the Commission des lésions professionnelles and amending various legislative provisions, other than those already in force under Order in Council 1416-97 dated 29 October 1997, came into force on 1 April 1998;

WHEREAS it is expedient to make the Regulation respecting the procedure for the recruiting and selection of persons declared to be qualified for appointment as commissioners to the Commission des lésions professionnelles and for the renewal of their term of office, attached to this Order in Council;

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

THAT the Regulation respecting the procedure for the recruiting and selection of persons declared to be qualified for appointment as commissioners to the Commission des lésions professionnelles and for the renewal of their term of office, attached to this Order in Council, be made.

LIETTE HARVEY,
Deputy Clerk of the Conseil exécutif

Regulation respecting the procedure for the recruiting and selection of persons declared to be qualified for appointment as commissioners to the Commission des lésions professionnelles and for the renewal of their term of office

An Act respecting industrial accidents and occupational diseases
(R.S.Q., c. A-3.001, ss. 388, 390, 391, 395 and 396;
1997, c. 27, s. 24)

DIVISION I NOTICE OF VACANT POSITIONS

1. When it is expedient to make up a list of persons declared to be qualified for appointment as commissioners to the Commission des lésions professionnelles, the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif shall publicly announce the vacant positions by a notice in a publication circulating throughout Québec, and shall invite interested persons to submit their candidacies for the position of commissioner of the board.

2. The notice shall give

(1) a brief description of the duties of a commissioner;

(2) the main place of work of the commissioner;

(3) in substance, the selection conditions and criteria prescribed by the Act and this Regulation and, where applicable, the qualifications, training and professional experience required for the board;

(4) in substance, the system of confidentiality applicable to the selection procedure and an indication that the selection committee may hold consultations about the candidacies; and

(5) the deadline and address for submitting a candidacy.

3. A copy of the notice shall be sent to the Minister of Labour and to the president of the board.

DIVISION II CANDIDACIES

4. A person who wishes to submit his candidacy shall forward his résumé and the following information:

(1) his name, address, home telephone number and, if applicable, office telephone number;

(2) his date of birth;

(3) the nature of the activities that he has carried out and through which he has acquired the relevant experience;

(4) where applicable, proof that he has the qualifications mentioned in the notice of vacant positions, when they were acquired and for how many years they were required;

(5) any condemnation for an indictable offence or an offence punishable on summary conviction or any disciplinary decision, as well as the nature of the offence or fault in question and the imposed sentence or disciplinary penalty;

(6) any condemnation for a penal offence, the nature of the offence in question and the sentence imposed and whether one can reasonably believe that such offence is likely to question the integrity or impartiality of the board or of the candidate, to interfere with his ability to perform his duties or to ruin the trust of the public in the office holder;

(7) where applicable, the names of his employers or partners over the past 10 years;

(8) where applicable, whether he has filed his candidacy for a position of commissioner of the board in the past 3 years;

(9) a summary of the reasons for his interest in performing the duties of commissioner of the board.

The person shall also provide a written statement in which he agrees to a verification with a disciplinary body, any professional order of which he is or was a member, his employers in the last 10 years, police authorities and, where applicable, in which he agrees that the persons, partnerships, organizations mentioned in section 14 may be consulted.

DIVISION III FORMATION OF A SELECTION COMMITTEE

5. Following publication of the notice of vacant positions, the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif shall form a selection committee, designate a chairman and appoint to it

(1) the chairman of the board or, after consulting him, another commissioner of the board;

(2) a member of the staff of the Ministère du Conseil exécutif or the Ministère du Travail; and

(3) a representative of the groups concerned who is neither an advocate nor a notary and a representative of the legal community or one of them.

6. Where his impartiality could be questioned, a member of the committee shall withdraw in regard to a candidate, particularly in the following situations:

(1) the member is or was the candidate's spouse;

(2) the member is related to the applicant by birth or marriage, to the degree of first cousin inclusively;

(3) the member is or was a partner, employer, employee of the candidate in the last 10 years; notwithstanding the foregoing, a member who is in the public service must withdraw in regard to a candidate only if he is or was the employee or immediate superior of the candidate.

Where a member of the committee has withdrawn, is absent or unable to act, the decision shall be made by the other members.

7. Before taking office, the members of the committee shall take oath by solemnly affirming the following: "I, (full name), swear that I will neither reveal nor make known, without due authorization to do so, anything whatsoever of which I may gain knowledge in the exercise of my office.

The oath shall be taken before a member of the staff of the Ministère du Conseil exécutif or the Ministère du Travail empowered to administer oaths.

The writing evidencing the oath shall be sent to the Associate Secretary General."

8. A person may be appointed to more than one committee at the same time.

9. Travel and accommodation expenses of the committee members shall be reimbursed in accordance with Décret 2500-83 dated 30 November 1983 concernant les règles sur les frais de déplacement des présidents, vice-présidents et membres d'organismes gouvernementaux, as amended.

In addition to the reimbursement of their expenses, the committee members who are neither commissioners of the board nor employees of a government department or agency are entitled to fees of \$100 per half-day of sitting which they attend.

DIVISION IV OPERATION OF THE SELECTION COMMITTEE

10. The list of candidates and their records shall be sent to the chairman of the selection committee.

11. The committee shall analyze the candidates' records and shall retain those who, in its opinion, meet the eligibility requirements and any additional evaluative measures applied in consideration of the positions to be filled or the large number of candidates.

12. The chairman of the committee shall inform the short-listed candidates of the date and place of their meeting with the committee and shall inform the other candidates that they were turned down and, as a result, will not be called to a meeting.

13. The committee's report shall list the candidates that were turned down, giving the reasons therefor.

DIVISION V CONSULTATIONS AND SELECTION CRITERIA

14. The committee may, on any matter in a candidate's record or any aspect of a candidacy or of the candidacies as a whole, consult with

(1) any person who has been, in the last 10 years, an employer, partner, immediate superior or first-line supervisor of the candidate;

(2) any legal person, partnership or professional association of which the candidate is or was a member.

15. The selection criteria that the committee shall take into account in determining a candidate's aptitude are

(1) the candidate's personal and intellectual qualities;

(2) the candidate's experience and the relevancy of that experience in relation to the duties of the Board;

(3) the extent of the candidate's knowledge or skills in view of the required qualifications, training or professional experience stated in the notice of vacant positions;

(4) the candidate's ability to carry out adjudicative functions;

(5) the applicant's judgment, open-mindedness, perceptiveness, level-headedness, decision-making and expressive abilities;

(6) the candidate's conception of the duties of a commissioner of the Board.

DIVISION VI REPORT OF THE SELECTION COMMITTEE

16. Committee decisions shall be made by a majority of its members. In the case of a tie-vote, the chairman of the committee has a casting vote.

17. Not later than 30 days after an application therefor by the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif, the committee shall promptly submit a report including

(1) the names of the candidates with whom the committee met and whom it declared qualified to be appointed as commissioners to the board, their profession and the particulars concerning their work place;

(2) any comments that the committee considers expedient, especially with respect to the particular characteristics or qualifications of the candidates considered qualified.

That report shall be submitted to the Associate Secretary General and to the Minister of Labour.

18. Wherever possible, the committee shall declare qualified a number of candidates normally corresponding to at least twice the number of vacant positions.

19. A member may register his dissent with respect to all or part of the report.

DIVISION VII REGISTER OF DECLARATIONS OF APTITUDE

20. The Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif shall write to the candidates to inform them that they have been declared qualified or not to be appointed as commissioners to the board.

21. The Associate Secretary General shall keep the register of declarations of aptitude up-to-date and shall enter therein the list of the persons declared qualified to be appointed as commissioners to the board.

The declaration of aptitude shall be valid for a period of three years from the date it is entered in the register.

He shall strike out an entry upon the expiry of the validity period of the declaration of aptitude, or where the person is appointed as commissioner to the board, dies or asks to be withdrawn from the register.

DIVISION VIII RECOMMENDATION

22. As soon as he is notified of a vacant position, the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif shall forward a copy of the updated list of persons declared qualified to the Minister of Labour.

23. If the Minister of Labour is of the opinion that he cannot, considering the list of persons qualified to be appointed as commissioners and in the interests of, and to best carry out the duties of the board, recommend an appointment, he shall then ask the Associate Secretary General to have a notice of vacant positions published, in accordance with Division I.

The committee in charge of evaluating the qualification of the candidates who submitted their candidacy after the publication of another notice and of reporting to the Minister may be composed of persons previously designated to sit on a preceding committee.

24. The Minister of Labour shall recommend to the Government the name of a person who has been declared qualified to be appointed as commissioner to the board, after consulting with the Conseil consultatif du travail et de la main-d'oeuvre.

Where the vacant position is that of president or a position of vice-president of the board, the Minister of Labour shall recommend to the Government the name of a commissioner of the board or the name of a person declared qualified to be appointed as a commissioner to the Commission, after consulting with the Conseil consultatif du travail et de la main-d'oeuvre.

DIVISION IX RENEWAL OF TERMS OF OFFICE

25. In the 12 months before the expiry of a commissioner's term of office, the Secretary General for Senior Positions of the Ministère du Conseil exécutif shall ask that commissioner to provide him with the information mentioned in subparagraphs 5 and 6 of section 4 and with a written statement in which he agrees to a verification with, *inter alia*, a disciplinary body, any professional order of which he is or was a member and police authorities and, where applicable, in which he agrees that the persons or organizations mentioned in section 14 be consulted.

26. The Associate Secretary General shall form a committee to examine the renewal of the commissioner's term of office and shall designate the chairman thereof.

The committee shall be composed of the president of the board or another commissioner of the board designated by the president, a member of the staff of the Ministère du Conseil exécutif or Ministère of Labour and a representative of the legal community. Notwithstanding the foregoing, the president of the board may not be represented by the person who has been, during the last year of the term of office of the commissioner whose renewal is examined, has been his line superior.

In the case of a commissioner who performs administrative duties within the board, the committee in charge of examining the renewal of his term of office shall be composed of a member of the staff of the Ministère of the Conseil exécutif, a member of the staff of the Ministère du Travail and a representative of the legal community.

Sections 6 to 9 then apply.

27. The committee shall determine whether the commissioner still fulfils the criteria set out in section 15, taking into account the needs of the board and may hold the consultations provided for in section 14 on any matter in the record.

28. Committee decisions shall be made by a majority vote of its members. In the case of a tie-vote, the chairman of the committee shall have a casting vote. A member may register his dissent.

The committee shall forward its recommendation to the Associate Secretary General and to the Minister of Labour.

29. The Associate Secretary General shall be the agent empowered to notify a commissioner of the non-renewal of his term of office.

DIVISION X CONFIDENTIALITY

30. The names of candidates, the reports of selection or renewal committees, the register, the list of candidates declared qualified to be appointed as commissioners to the board, as well as any information or document related to a consultation or decision by a committee, are confidential.

Notwithstanding the foregoing, a commissioner whose term of office is not renewed may consult the recommendation of the renewal committee concerning him.

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

Gouvernement du Québec

O.C. 567-98, 22 April 1998

An Act respecting piping installations
(R.S.Q., c. I-12.1)

Plumbing Code

Plumbing Code

WHEREAS under paragraphs *a, b, c, d, e, f* and *i* of section 24 of the Act respecting piping installations (R.S.Q., c. I-12.1) amended by section 11 of Chapter 83 of the Statutes of 1997, the Government may make regulations relating to a piping system on the matters mentioned therein;

WHEREAS the Plumbing Code (R.R.Q., 1981, c. I-12.1, r.1) was made by the Government;

WHEREAS it is expedient to make the 1995 edition, in French and in English, of the National Plumbing Code of Canada with certain amendments the new Plumbing Code, so as to:

— bring up-to-date the requirements respecting piping installations and take into account the technological developments;

— give installers a revised work tool that is better adapted to their needs;

— lessen the effects that slow down the development of the industry and restrict the means that may be used by designers, manufacturers and installers;

— promote competition and adaptation of all the partners to the market;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Plumbing Code was published in Part 2 of the *Gazette officielle du Québec* of 26 November 1997 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS the comments received have been examined;

WHEREAS it is expedient to make the Regulation with amendments:

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

THAT the Plumbing Code attached hereto be made.

LIETTE HARVEY,
Deputy Clerk of the Conseil exécutif

Plumbing Code

An Act respecting piping installations
(R.S.Q., c. I-12.1, s. 24)

DIVISION I

APPLICATION OF THE NATIONAL PLUMBING CODE

1. Subject to the amendments and exceptions provided for in this Regulation, the “Code national de la plomberie - Canada 1995” (CNRC 38728f) and the “National Plumbing Code of Canada 1995” (NRCC 38728), published by the Canadian Commission on Building and Fire Codes of the National Research Council of Canada, hereinafter called “the Code”, apply in Québec to the design and carrying out of works related to a plumbing system covered by the Act respecting piping installations (R.S.Q., c. I-12.1) and carried out from the date of coming into force of this Regulation.

DIVISION II

AMENDMENTS TO THE CODE

2. A reference in the Code to the NBC is a reference to the National Building Code of Canada adopted by reference under the Public Buildings Safety Act (R.S.Q., c. S-3) and to any later provisions amending it, in force when work is being carried out on a plumbing system.

3. The Code is amended

“

BNQ	BNQ 2613-090 (1983)	Tuyaux et raccords en fonte pour canalisation sous pression - Revêtement interne au mortier de ciment - Prescriptions générales	2.6.4.2)
BNQ	BNQ 2622-120 (1984)	Tuyaux circulaires en béton armé	2.5.3.1)
BNQ	BNQ 2622-130 (1984) (Modificatif N° 1/86)	Tuyaux circulaires en béton non armé	2.5.3.1)
BNQ	BNQ 2632-040 (1983)	Tuyaux et manchons de raccordement circulaires en amiante-ciment pour canalisations sous pression	2.5.2.1)
BNQ	BNQ 2632-050 (1983)	Tuyaux et manchons de raccordement circulaires en amiante-ciment pour canalisations gravitaires	2.5.1.1)
BNQ	NQ 3619-280 (1991)	Séparateurs de graisse - Critères de performance	2.3.2
BNQ	NQ 3623-075 (1986)	Raccords en fonte grise pour canalisations sous pression	2.6.4.3)

(1) in section 1.3.3., by inserting the following after “AWWA...American Water Works Association (6666 West Quincy Avenue, Denver, Colorado 80235 U.S.A.)”:

“BNQ...Bureau de normalisation du Québec (333, rue Franquet, Sainte-Foy (Québec) G1P 4C7)”;

(2) in section 1.3.4., by inserting the following abbreviation after the abbreviation “PVC”:

“QS... Québec standard”;

(3) by adding the following after section 1.4.3.:

“1.4.4. For the purposes of sections 1.4.2. and 1.4.3., every application for equivalence shall be accepted by the Régie du bâtiment du Québec.

1.4.5. Tests and evaluations on materials or products shall be performed following the standards in Table 1.9.3. In the absence of appropriate standards, the Board shall determine tests or standards equivalent to those standards, the use of which is compulsory.”;

(4) by adding the following after section 1.5.1.:

“1.5.2. Every concrete or paved floor or part thereof below the floor level shall include or drain toward a floor drain in its lowest part.

1.5.3. Every paved garage adjoining the *building* or contiguous thereto shall be equipped with a sump or catch basin which serves as a floor drain.”;

(5) in section 1.9.3., by inserting the following in Table 1.9.3. after the document incorporated by reference “ASTM D3261-93”:

BNQ	NQ 3623-085 (1993)	Tuyaux en fonte ductile pour canalisations sous pression	2.6.4.1)
BNQ	BNQ 3623-095 (1985)	Raccords en fonte ductile pour canalisations sous pression	2.6.4.3)
BNQ	NQ 3624-050 (1997)	Unplasticized poly(vinyl chloride) (PVC) perforated rigid pipe and fittings, 150 mm in diameter or smaller, for underground disposal of effluents	2.5.10.1)
BNQ	NQ 3624-110 (1989) (Modificatifs N° 1, 2/95)	Tuyaux annelés semi-rigides et raccords en plastique PE ou PP, de diamètre égal ou supérieur à 300 mm, pour l'évacuation des eaux de surface, l'égout pluvial et le drainage des sols	2.5.10.1)
BNQ	NQ 3624-115 (1991) (Amendment N° 1/95)	Thermoplastic pipe - Flexible corrugated tubing and fittings for soil drainage	2.5.10.1)
BNQ	NQ 3624-120 (1990) (Amendments N° 1/90, 2/94 and 3/95)	PE or PP plastic smooth inside wall corrugated pipes and fittings for rain waters and soil drainage	2.5.10.1)
BNQ	NQ 3624-122 (1989) (Modificatif N° 1/95)	Tuyaux annelés semi-rigides ou flexibles et raccords en plastique PE ou PP de diamètre égal ou inférieur à 250 mm, pour l'évacuation des eaux de surface, l'égout pluvial et le drainage des sols	2.5.10.1)
BNQ	NQ 3624-124 (1991) (Modificatif N° 1/95)	Tuyaux annelés et raccords, rigides à paroi intérieure lisse, en plastique PE ou PP, de diamètre jusqu'à 150 mm, pour l'évacuation des eaux usées, pluviales et pour la dispersion souterraine des effluents	2.5.10.1)
BNQ	NQ 3624-130 (1997)	Unplasticized poly(vinyl chloride) (PVC) rigid pipe and fittings, 150 mm in diameter or smaller, for underground sewage applications	2.5.10.1)
BNQ	NQ 3624-135 (1994) (Amendments N° 1/96 and 2/97)	Unplasticized polyvinyl chloride (PVC) pipe and fittings, 200 mm in diameter or larger, for underground sewage and soil drainage	2.5.10.1)
BNQ	BNQ 3624-140 (1983)	Tuyaux et raccords en plastique ABS pour l'évacuation des eaux usées et la ventilation des installations sanitaires	2.5.10.1) 2.5.12.1)
BNQ	BNQ 3624-145 (1984) (Modificatif N° 1/95)	Tuyaux et raccords en plastique PVC pour l'évacuation des eaux usées et la ventilation des installations sanitaires	2.5.10.1) 2.5.12.1)
BNQ	BNQ 3624-160 (1984)	Tuyauterie en thermoplastique - Manchons de dilatation pour installations d'évacuation des eaux usées	2.5.12.1)
BNQ	NQ 3624-250 (1993) (Modificatif N° 1/93)	Tuyaux et raccords rigides en polychlorure de vinyle pour adduction et distribution de l'eau sous pression	2.5.7.1)
BNQ	NQ 3632-670 (1990)	Soupapes de retenue	4.6.4.
BNQ	NQ 3667-150 (1986)	Réservoirs pour les chauffe-eau domestiques	6.1.7.
BNQ	BNQ 3751-150 (1982)	Adhésifs à solvant pour tuyaux et raccords en plastique acrylonitrile - butadiène -styrène (ABS)	2.5.10.1) 2.5.12.1)
BNQ	BNQ 3751-155 (1982)	Adhésifs à solvant pour tuyaux et raccords en plastique polychlorure de vinyle (PVC)	2.5.7.1)

BNQ	BNQ 3751-160 (1982) (Modificatif N° 1/83)	Adhésifs à solvant pour tuyaux et raccords sans pression - Collage des joints de transition entre les réseaux de tuyauterie en plastique ABS et PVC	2.5.11.1)
BNQ	BNQ 3751-165 (1982)	Adhésifs à solvant pour tuyaux et raccords en plastique polychlorure de vinyle chloré (PVC-C)	2.5.8.1)

”;

(6) by adding the following after Subdivision 1.9.:

“§1.10. *Approval of materials*

1.10.1. Approved materials, accessories and devices

(1) In a plumbing system, only the use of materials, accessories or devices which are recognized or certified, under a standard mentioned in Table 1.9.3., by one of the following bodies, may be used:

- (a) Canadian Standards Association (CSA);
- (b) Canadian Gas Association (CGA);
- (c) Bureau de normalisation du Québec (BNQ);
- (d) Underwriters’ Laboratories of Canada (ULC);
- (e) Canadian General Standards Board (CGSB);
- (f) Services d’essais Intertek AN Ltée (ITS);
- (g) Underwriters Laboratories Inc. (UL).”;

1.10.2. Recognition by the Board

(1) Upon request, the Board may recognize the use of a plumbing material, accessory or device where it may not be recognized or certified by one of the bodies mentioned in section 1.10.1.”;

(7) in section 4.2.1

(1) by adding the following subparagraphs after subparagraph *vi* of paragraph *e* of subsection 1:

“vii. a drain or overflow from a swimming pool or wading pool and the floor drains in the walk around it;

viii. a drain from the pit of an elevator, of a dumb-waiter or of an elevating device.”;

(2) by substituting the following for subsection 2:

“(2) A connection is allowed in the deviation of a deviated soil-or-waste stack, only at more than

(a) 1.5 m from the base of the upper section or from another connection receiving sewage from another soil-or-waste stack;

(b) 600 mm higher or lower than the nominally horizontal part, in the upper or lower vertical section of that deviated soil-or-waste stack.”;

(3) by adding the following after subsection 3:

“4) A connection is allowed only at more than

(a) 1.5 m from the bottom of a soil-or-waste stack in a building drain or a branch that receives sewage from that soil-or-waste stack;

(b) 600 mm from the top of the building drain or the branch to which that soil-or-waste stack is connected.

(5) The fixture drain of a floor drain or of an appliance without a flushing system shall have a nominally horizontal part of at least 450 mm in developed length, measured between the trap and its connection into an nominally horizontal offset, a branch or a building drain. The developed length of a floor drain shall be increased to 1.5 m if it is connected less than 3 m from the bottom of a soil-or-waste stack or from a leader.”;

(8) in section 4.5.4., by adding the following after subsection 1:

“(2) A sanitary drainage system or a combined building drain shall not be equipped with a building trap.”.

DIVISION III
GENERAL

4. In the case of the renewal, alteration or repair of an existing plumbing system, the contractor or the owner may, if certain provisions of the Code referred to in section 1 are hardly applicable, because of their impact, propose equivalent measures to the Board, which may accept them, in order to ensure the safety and hygiene of the plumbing system.

DIVISION IV TRANSITIONAL AND FINAL

5. This Regulation replaces the Plumbing Code (R.R.Q., 1981, c. I-12.1, r. 1), except for section 1.2.2 as amended by section 7 of this Regulation, sections 1.2.5., 1.3.1. to 1.3.3., Subdivision 1.4. and sections 1.4.1. to 1.4.4., which shall continue to apply after the date of coming into force of this Regulation.

6. Notwithstanding section 5, the Plumbing Code (R.R.Q., 1981, c. I-12.1, r.1), as amended at the time of the coming into force of this Regulation, may apply to a plumbing system or an alteration thereto where the plans and specifications are forwarded to the Board before 4 August 1998 and where the work begins within 12 months of such forwarding.

7. For the purposes of section 5, the Plumbing Code (R.R.Q., 1981, c. I-12.1, r.1), amended by the Regulations made by Orders in Council 1638-83 dated 9 August 1983, 1798-84 dated 8 August 1984, 563-87 dated 8 April 1987, 1516-89 dated 13 September 1989, 56-90 dated 17 January 1990, 931-90 dated 27 June 1990, 1033-91 dated 17 July 1991, 241-92 dated 19 February 1992, 944-95 dated 5 July 1995, 993-95 dated 19 July 1995 and 8-97 dated 7 January 1997, is further amended in section 1.2.2. by deleting the words "ville de Montréal-Nord," in subsection 1.

8. This Regulation comes into force on 4 August 1998.

2209

Gouvernement du Québec

O.C. 568-98, 22 April 1998

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

Building materials

— Levy
— Amendments

Regulation amending the Levy Regulation of the Building Materials Joint Committee

WHEREAS in accordance with subparagraph *i* of the second paragraph of section 22 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), amended by section 20 of Chapter 71 of the Statutes of 1996, a joint committee may, by a regulation approved by the Government and published in the *Gazette officielle du Québec*, levy upon the professional employer alone or

upon both the professional employer and the employee, or upon the employee alone, the sums required for the carrying out of the decree the observance of which he is entrusted to supervise and ensure;

WHEREAS the Levy Regulation of the Building Materials Joint Committee was approved by Order in Council 2626-85 dated 11 December 1985 and suspended by the Regulations approved by Orders in Council 1631-90 dated 21 November 1990 and 1184-92 dated 12 August 1992;

WHEREAS the Building Materials Joint Committee adopted, at its meeting held on 19 August 1996, the Regulation amending the Levy Regulation of the Building Materials Joint Committee, in order to increase the rate of levy currently in force;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 2 July 1997, with a notice that it could be submitted to the Government for approval, upon the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation without amendment;

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

THAT the Regulation amending the Levy Regulation of the Building Materials Joint Committee, attached hereto, be approved.

LIETTE HARVEY,
Deputy Clerk of the Conseil exécutif

Regulation amending the Levy Regulation of the Building Materials Joint Committee

An Act respecting collective agreement decrees (R.S.Q., c. D-2, s. 22, par. *i*; 1996, c. 71, s. 20)

1. The Regulation respecting the Levy Regulation of the Building Materials Joint Committee, approved by Order in Council 2626-85 dated 11 december 1985 and suspended by the Regulations approved by Orders in Council 1631-90 dated 21 November 1990 and 1184-92 dated 12 August 1992, is amended by replacing sections 2 and 3 by the following:

"**2.** Professional employers shall remit to the Building Materials Joint Committee an amount equal to 0.45 % of their payroll for the employees governed by the Decree.

3. Employees other than those referred to in section 4 shall remit to the Joint Committee an amount equal to 0.45 % of their wages.”.

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

2210

Order varying the Québec Fishery Regulations, 1990 SOR/90-214 dated March 29, 1990

Pursuant to subsection 4(1) of the Québec Fishery Regulations, 1990, SOR/90-214 dated March 29, 1990, the Assistant Deputy Minister of the Wildlife and Natural Resources Branch of the Québec Ministry of the Environment and Wildlife may, by order, vary an area's

close time, fishing quota or limit on the size or weight of fish established by the Regulations, so that the variation applies to that area or a portion thereof;

Pursuant to paragraph 4(3)(f) of the Regulations, the Assistant Deputy Minister may notify interested parties by publishing a notice in the *Gazette officielle du Québec*;

Consequently, I hereby make the annexed order varying some close times, some fishing quotas and some limits on the size or weight of fish indicated in the Regulations, which order is effective from April 1, 1998 to March 31, 1999 and I notify interested parties by publishing it in the *Gazette officielle du Québec*.

GEORGE ARSENAULT,
The Assistant Deputy Minister of the Wildlife and Natural Resources Branch of the Québec Ministry of the Environment and Wildlife

Order varying the Québec Fishery Regulations, 1990

1. Paragraph 52(1)(b) of the *Québec Fishery Regulations, 1990* is replaced by the following:

(b) an Atlantic sturgeon measuring more than 86 cm in length.

2. The portion of subitem 1(4) of Schedule XXX to the regulations in column V is replaced by the following:

Column V	
Item	Close Time
1.(4)	(a) April 1 to December 2 (b) April 1 to December 2

3. (1) The portion of paragraph 5(b) of Schedule XXX to the regulations in column V is replaced by the following:

Column V	
Item	Close Time
5.	(b) September 16 to June 14

(2) The portion of paragraph 5(c) of Schedule XXX to the regulations in column III is replaced by the following:

Column III	
Item	Species
5.	(c) Banded killifish

(3) The portion of paragraph 5(d) of Schedule XXX to the regulations in columns IV and V are replaced by the following:

	Column IV	Column V
Item	Fishing Quota	Close Time
5.	(d) 25 000 kg	(d) February 1 to September 30

4. (1) The portion of paragraph 7(1)(a) of Schedule XXX to regulations in columns III to V are replaced by the following:

	Column III	Column IV	Column V	
Item	Species	Fishing Quota	Close Time	
7.(1)	(a) (i)	American eel	(a) (i) n/a	(a) (i) June 15 to the first monday of September
	(ii) A	Brown bullhead	(ii) A n/a	(ii) A June 15 to the first monday of September
	B	Stonecat and Yellow bullhead	B n/a	B April 1 to March 31
	(iii)	Chanel catfish	(iii) n/a	(iii) June 15 to the first monday of September
	(iv)	Carp	(iv) n/a	(iv) June 15 to the first monday of September
	(v) A	Rock bass and Pumpkinseed	(v) A n/a	(v) A June 15 to the first monday of September
	B	Longear sunfish and Bluegill	B n/a	B April 1 to March 31
	(vi) A	Mooneye	(vi) A n/a	(vi) A Du 15 June to the first monday of September
	B	Goldeye	B n/a	B April 1 to March 31

(2) The portion of subparagraph 7(1)(b)(ii) of Schedule XXX to regulations in column IV is replaced by the following:

	Column IV
Item	Fishing Quota
7.(1)(b) (ii)	111 lake sturgeon

(3) The portion of paragraph 7(2)(a) of Schedule XXX to regulations in columns III to V are replaced by the following:

	Column III	Column IV	Column V	
Item	Species	Fishing Quota	Close Time	
7.(2)	(a) (i)	American eel	(a) (i) n/a	(a) (i) June 15 to the first monday of September
	(ii) A	Brown bullhead	(ii) A n/a	(ii) A June 15 to the first monday of September
	B	Stonecat and Yellow bullhead	B n/a	B April 1 to March 31

Item	Column III Species	Column IV Fishing Quota	Column V Close Time
	(iii) Chanel catfish	(iii) n/a	(iii) June 15 to the first monday of September
	(iv) Carp	(iv) n/a	(iv) June 15 to the first monday of September
	(v) A Rock bass and Pumpkinseed	(v) A n/a	(v) A June 15 to the first monday of September
	B Longear sunfish and Bluegill	B n/a	B April 1 to March 31
	(vi) A Mooneye	(vi) A n/a	(vi) A June 15 to the first monday of September
	B Goldeye	B n/a	B April 1 to March 31

(4) The portion of subparagraph 7(2)(b)(ii) of Schedule XXX to regulations in column IV is replaced by the following:

Item	Column IV Fishing Quota
7.(2)(b)	(ii) 45 lake sturgeon

(5) The portion of paragraph 7(3)(a) of Schedule XXX to regulations in columns III to V are replaced by the following:

Item	Column III Species	Column IV Fishing Quota	Column V Close Time
7.(3)	(a) (i) American eel	(a) (i) n/a	(a) (i) June 15 to the first monday of September
	(ii) A Brown bullhead	(ii) A n/a	(ii) A June 15 to the first monday of September
	B Stonecat and Yellow bullhead	B n/a	B April 1 to March 31
	(iii) Chanel catfish	(iii) n/a	(iii) June 15 to the first monday of September
	(iv) Carp	(iv) n/a	(iv) June 15 to the first monday of September
	(v) A Rock bass and Pumpkinseed	(v) A n/a	(v) A June 15 to the first monday of September
	B Longear sunfish and Bluegill	B n/a	B April 1 to March 31
	(vi) A Mooneye	(vi) A n/a	(vi) A June 15 to the first monday of September
	B Goldeye	B n/a	B April 1 to March 31

(6) The portion of subparagraph 7(3)(b)(ii) of Schedule XXX to regulations in column IV is replaced by the following:

Column IV	
Item	Fishing Quota
7.(3)(b)	(ii) 32 lake sturgeon

(7) The portion of paragraph 7(4)(a) of Schedule XXX to regulations in columns III to V are replaced by the following:

Item	Column III Species	Column IV Fishing Quota	Column V Close Time
7.(4)	(a) (i) American eel	(a) (i) n/a	(a) (i) June 15 to the first monday of September
	(ii) A Brown bullhead	(ii) A n/a	(ii) A June 15 to the first monday of September
	B Stonecat and Yellow bullhead	B n/a	B April 1 to March 31
	(iii) Chanel catfish	(iii) n/a	(iii) June 15 to the first monday of September
	(iv) Carp	(iv) n/a	(iv) June 15 to the first monday of September
	(v) A Rock bass and Pumpkinseed	(v) A n/a	(v) A June 15 to the first monday of September
	B Longear sunfish and Bluegill	B n/a	B April 1 to March 31
(vi) A Mooneye	(vi) A n/a	(vi) A June 15 to the first monday of September	
	B Goldeye	B n/a	B April 1 to March 31
(vii) Black crappie	(vii) n/a	(vii) June 15 to the first monday of September	

(8) The portion of subparagraph 7(4)(b)(i) of Schedule XXX to regulations in column V is replaced by the following:

Column V	
Item	Close Time
7.(4)	(b) (i) June 15 to March 31

5. The portion of item 7.1 of Schedule XXX to regulations in column IV is replaced by the following:

Column IV	
Item	Fishing Quota
7.1	245 lake sturgeon

6. The portion of item 7.2 of Schedule XXX to regulations in column IV is replaced by the following:

Column IV	
Item	Fishing Quota
7.2	200 lake sturgeon

7. The portion of item 7.3 of Schedule XXX to regulations in column IV is replaced by the following:

Column IV	
Item	Fishing Quota
7.3	165 lake sturgeon

8. The portion of subitem 7.5(2) of Schedule XXX to regulations in columns I and IV are replaced by the following:

Item	Column I Waters	Column IV Fishing Quota
7.5	(2) the waters of Lake Témiscamingue and the waters from the Ottawa River between Lake témiscamingue and Angliers dam	280 lake sturgeon

9. (1) The portion of subitem 12(1) of Schedule XXX to regulations in columns I and V are replaced by the following:

Item	Column I Waters	Column IV Close Time
12.	(1) the waters fronting lots 65 to 100 of the Saint-Antoine-de-Lavaltrie parish cadastre and the waters fronting the municipality of Saint-Sulpice	(a) (i) June 15 to August 31 and December 1 to March 31 (ii) June 15 to August 31 and December 1 to March 31 (iii) June 15 to August 31 and December 1 to March 31 (iv) June 15 to August 31 and December 1 to March 31 (v) June 15 to August 31 and December 1 to March 31 (vi) June 15 to August 31 and December 1 to March 31 (vii) June 15 to August 31 and December 1 to March 31 (viii) June 15 to August 31 and December 1 to March 31 (ix) June 15 to August 31 and December 1 to March 31 (x) June 15 to August 31 and December 1 to March 31 (xi) June 15 to August 31 and December 1 to March 31 b) April 1 to March 31

(2) Paragraph 12(4)(a) of Schedule XXX to regulations in columns II to V are repealed.

(3) The portion of paragraph 12(4)(g) of Schedule XXX to regulations in column V is replaced by the following:

Column V	
Item	Close Time
12.(4)	(g) April 1 to March 31

(4) Item 12 of Schedule XXX to regulations is amended by adding the following after subitem (4):

Item	Column I Waters	Column II Authorized Fishing Gear	Column III Species	Column IV Fishing Quota	Column V Close Time
12.	(4.1) the part of the waters included between Laviolette bridge and Pierre-Laporte bridge	Gill net Mesh size of 19 to 20.3 cm Maximum of 251 gill nets per 4 295 fathoms for the waters concerned by subitems 12 (4.1) and (4.2)	(a) (i) Chanel catfish	(a) (i) n/a	(a) (i) November 1 to June 14 at 12 h
			(ii) Carp	(ii) n/a	(ii) November 1 to June 14 at 12 h
			(iii) Pickerel	(iii) n/a	(iii) November 1 to June 14 at 12 h
			(iv) Lake sturgeon	(iv) 68 000 kg for the waters concerned by subitems 12 (4.1) and (4.2)	(iv) November 1 to June 14 at 12 h
			(v) Atlantic sturgeon	(v) 0	(v) April 1 to March 31
(4.2) the part of the waters included between Pierre-Laporte bridge and the eastern tip of d'Orléans Island	Gill net Mesh size of 19 to 20.3 cm Maximum of 251 gill nets per 4 295 fathoms for the waters concerned by subitems 12 (4.1) and (4.2)	a) (i) Chanel catfish	a) (i) n/a	a) (i) July 12 to August 8 and October 1 to April 30	
		(ii) Carp	(ii) n/a	(ii) July 12 to August 8 and October 1 to April 30	
		(iii) Pickerel	(iii) n/a	(iii) July 12 to August 8 and October 1 to April 30	

Item	Column I Waters	Column II Authorized Fishing Gear	Column III Species	Column IV Fishing Quota	Column V Close Time
			(iv) Lake sturgeon	(iv) 68 000 kg for the waters concerned by subitems 12 (4.1) and (4.2)	(iv) July 12 to August 8 and October 1 to April 30
			(v) Atlantic sturgeon	(v) 3 647 atlantic sturgeon for the waters concerned by subitems 12 (4.2) and (5)	(v) July 12 to August 8 and October 1 to April 30

(5) The portion of subparagraph 12(5)(a)(iii) of Schedule XXX to regulations in column V is replaced by the following:

Column V	
Item	Close Time
12.(5)(a)	(iii) April 1 to March 31

(6) The portion of subparagraph 12(5)(b)(iii) of Schedule XXX to regulations in column V is replaced by the following:

Column V	
Item	Close Time
12.(5)(b)	(iii) April 1 to March 31

(7) The portion of paragraph 12(5)(e) of Schedule XXX to regulations in columns IV and V are replaced by the following:

Item	Column IV Fishing Quota	Column V Close Time
12.(5)	(e) (i) 3 000 kg (ii) 3 647 atlantic sturgeon for the waters concerned by subitems 12 (4.2) and (5)	(e) (i) July 12 to August 8 and october 1 to April 30 (ii) July 12 to August 8 and october 1 to April 30

(8) The portion of paragraph 12(6)(g) of Schedule XXX to regulations in columns IV and V are replaced by the following:

	Column IV	Column V
Item	Fishing Quota	Close Time
12.(6)	(g) 1 630 Atlantic sturgeon	(g) September 1 to May 31

(9) The portion of subitem 12(7) of Schedule XXX to regulations in columns IV and V are replaced by the following:

	Column IV	Column V
Item	Fishing Quota	Close Time
12.(7)	(a) n/a (b) 20 Atlantic sturgeon	(a) April 1 to March 31 (b) September 1 to May 31

(10) The portion of paragraph 12(9)(b) of Schedule XXX to regulations in column V is replaced by the following:

	Column V
Item	Close Time
12.(9)	(b) November 1 to August 31

(11) The portion of paragraph 12(10)(b) of Schedule XXX to regulations in column V is replaced by the following:

	Column V
Item	Close Time
12.(10)	(b) April 1 to March 31

(12) The portion of paragraph 12(11)(b) of Schedule XXX to regulations in column V is replaced by the following:

	Column V
Item	Close Time
12.(11)	(b) April 1 to March 31

(13) The portion of paragraph 12(12)(b) of Schedule XXX to regulations in column V is replaced by the following:

	Column V
Item	Close Time
12.(12)	(b) April 1 to March 31

(14) The portion of paragraph 12(13)(b) of Schedule XXX to regulations in column V is replaced by the following:

Column V	
Item	Close Time
12.(13)	(b) April 1 to March 31

(15) The portion of paragraph 12(14)(b) of Schedule XXX to regulations in column V is replaced by the following:

Column V	
Item	Close Time
12.(14)	(b) April 1 to March 31

(16) The portion of paragraph 12(15)(b) of Schedule XXX to regulations in column V is replaced by the following:

Column V	
Item	Close Time
12.(15)	(b) April 1 to March 31

(17) The portion of paragraph 12(16)(b) of Schedule XXX to regulations in column V is replaced by the following:

Column V	
Item	Close Time
12.(16)	(b) April 1 to March 31

(18) The portion of paragraph 12(17)(b) of Schedule XXX to regulations in column V is replaced by the following:

Column V	
Item	Close Time
12.(17)	(b) April 1 to March 31

(19) The portion of paragraph 12(18)(b) of Schedule XXX to regulations in column V is replaced by the following:

Column V	
Item	Close Time
12.(18)	(b) April 1 to March 31

(20) The portion of paragraph 12(19)(b) of Schedule XXX to regulations in column V is replaced by the following:

Column V	
Item	Close Time
12.(19)	(b) April 1 to March 31

10. (1) The portion of paragraph 13(2)(a) of Schedule XXX to regulations in column V is replaced by the following:

Column V	
Item	Close Time
13.(2)	(a) June 16 to July 31 and September 16 to May 14

(2) The portion of subitem 13(3) of Schedule XXX to regulations in columns II to V are replaced by the following:

Item	Column II Authorized Fishing Gear	Column III Species	Column IV Fishing Quota	Column V Close Time
13.	Gill net Minimum mesh size of 3.2 cm Maximum length of 242 fathoms	Smelt	n/a	January 1 to August 31

(3) Item 13 of Schedule XXX to regulations is amended by adding the following after subitem (3):

Item	Column I Waters	Column II Authorized fishing gear	Column III Species	Column IV Fishing Quota	Column V Close Time
13.	(4) that part located between Kegaska and the west point of Ouapitagone Strait (50°11'40"N., 60°09'W.) on the north shore	Gill net Mesh size between 5,1 and 7.6 cm Maximum length of 1 120 fathoms	Anadromous brook trout	n/a	June 16 to July 31 and September 16 to May 14

Item	Column I Waters	Column II Authorized fishing gear	Column III Species	Column IV Fishing Quota	Column V Close Time
(5)	that part located between the west point of Ouapitagone Strait (50°11'40"N., 60°09'W.) and a point east of Portage Harbour (50°46'08"N., 59°01'26"W.) on the north shore	Gill net Mesh size between 5,1 and 7.6 cm Maximum length of 1 520 fathoms	Anadromous brook trout	n/a	June 16 to July 31 and September 16 to May 14
(6)	that part located between a point east of Portage Harbour (50°46'08"N., 59°01'26"W.) and the west point of Napetipi Bay (51°16'36"N., 58°10'10"W.) on the north shore	Gill net Mesh size between 5,1 and 7.6 cm Maximum length of 4 192 fathoms	Anadromous brook trout	n/a	June 16 to July 31 and September 16 to May 14
(7)	that part located between the west point of Napetipi Bay (51°16'36"N., 58°10'10"W.) and a point in the Job's Room Harbour (51°25'25"N., 57°07'55"W.) on the north shore	Gill net Mesh size between 5,1 and 7.6 cm Maximum length of 2 571 fathoms	Anadromous brook trout	n/a	June 16 to July 31 and September 16 to May 14

11. (1) The portion of subparagraph 14(1)(b)(i) of Schedule XXX to regulations in column V is replaced by the following:

Item	Column V Close Time
14.(1)	(b) (i) April 1 to March 31

(2) The portion of subparagraphs 14(1)(b)(ix) à (xi) of Schedule XXX to regulations in column V are replaced by the following:

Column V	
Item	Close Time
14.(1)(b)	(ix) April 1 to March 31 (x) April 1 to March 31 (xi) April 1 to March 31

(3) The portion of subparagraph 14(2)(a)(i) of Schedule XXX to regulations in column V is replaced by the following:

Column V	
Item	Close Time
14.(2)	(a) (i) April 1 to March 31

(4) The portion of subparagraphs 14(2)(a)(ix) to (xi) of Schedule XXX to regulations in column V is replaced by the following:

Column V	
Item	Close Time
14.(2)(a)	(ix) April 1 to March 31 (x) April 1 to March 31 (xi) April 1 to March 31

12. (1) The portion of paragraph 15(1)(a) of Schedule XXX to regulations in columns I, IV and V are replaced by the following:

Item	Column I Waters	Column IV Fishing Quota	Column V Close Time
15.	Lake Saint-Pierre (1) the waters of Saint-Lawrence River, Lake Saint-Pierre, Lake Saint-Pierre Archipelago and Saint-François Bay situated between a line starting at the point of junction of road 158 with the north shore of Saint-Lawrence River, from there to the south following the said road to Alençon-Sorel ferry boat wharf and from there a straight line ending at Sorel-Alençon ferry boat wharf on the south shore of Saint-Lawrence River and the downstream side of Laviolette bridge, with the exception of the waters of de Grâce Island Bays and Corbeaux Island	(a) (i) n/a (ii) n/a (iii) 73 000 kg (iv) 0 kg	(a) (i) November 1 to June 30 at 12 h (ii) November 1 to June 30 at 12 h (iii) November 1 to June 30 at 12 h (iv) April 1 to March 31

(2) The portion of paragraph 15(1)(d) of Schedule XXX to regulations in column V is replaced by the following:

Column V	
Item	Close Time
15.(1)	(d) April 1 to March 31

(3) The portion of subitems 15(2) to (6) of Schedule XXX to regulations in column I is replaced by the following:

Column I	
Item	Waters
15.	<p>(2) the waters of Saint-Lawrence River, Lake Saint-Pierre and Saint-François Bay situated between a line starting at the north-east tip of aux Grues Island on the north shore of Lake Saint-Pierre Bay passing through the north-east tips of Girodeau Islands, de la Traverse Island, aux Sables Island and Plate Island, des Îlets Point and ending at the mouth of Yamaska River on the south shore of Lake Saint-Pierre and the downstream side of Laviolette bridge</p> <p>(3) the waters of Saint-Lawrence River and Lake Saint-Pierre archipelago situated between a line starting at the point of junction of road 158 with the north shore of Saint-Lawrence River, from there to the south following the said road to Alençon-Sorel ferry boat wharf and from there a straight line ending at Sorel-Alençon ferry boat wharf on the south shore of Saint-Lawrence River and a line starting at the north-east tip of aux Grues Island on the north shore of Lake Saint-Pierre Bay passing through the north-east tips of Girodeau Islands, de la Traverse Island, aux Sables Island and Plate Island, des Îlets Point and ending at the mouth of Yamaska River on the south shore of Lake Saint-Pierre, with the exception of the waters of de Grâce Island Bays and Corbeaux Island</p> <p>(4) the waters of du Moine Channel situated in Lake lac Saint-Pierre archipelago</p> <p>(5) the waters of Saint-Lawrence river and of Lake Saint-Pierre situated between the mouth of Nicolet River and the downstream side of Laviolette Bridge</p> <p>(6) the waters of Lake Saint-Pierre situated south of the lake between aux Pois Point and Moras Island bounded to the west by a perpendicular line between aux Pois Point and a line joining Moras Island and Longue Point and bounded on the north by the latter line</p>

(4) Item 15 of Schedule XXX to regulations is amended by adding the following in columns III to V after paragraph (6)(a):

	Column III	Column IV	Column V
Item	Species	Fishing Quota	Close Time
15.(6)	(b) Chanel catfish	(b) n/a	(b) July 1 to April 30

13. The portion of subitems 4(17) to (31) of Schedule XXXI to regulations in columns III and IV are replaced by the following:

	Column III	Column IV
Item	Fishing Quota	Close Time
4.(17)	240 salmon	August 24 to June 30
4.(18)	160 salmon	August 24 to June 30
4.(19)	508 salmon	August 24 to June 30
4.(20)	180 salmon	August 24 to June 30
4.(21)	400 salmon	August 24 to June 30
4.(22)	80 salmon	August 24 to June 30
4.(23)	1 740 salmon	August 24 to June 30
4.(24)	1 760 salmon	August 24 to June 30
4.(25)	900 salmon	August 24 to June 30
4.(26)	680 salmon	August 24 to June 30
4.(27)	2 360 salmon	August 24 to June 30
4.(28)	580 salmon	August 24 to June 30
4.(29)	420 salmon	August 24 to June 30
4.(30)	760 salmon	August 24 to June 30
4.(31)	1 300 salmon	August 24 to June 30

Draft Regulations

Draft Regulation

General and Vocational Colleges Act
(R.S.Q., c. C-29; 1997, c. 87)

College education — 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 College Education Regulations, 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 amend the conditions for admission to certain programs of studies leading to an Attestation of College Studies and to amend the respective duties of the Minister of Education and of General and Vocational Colleges with regard to the programs of studies.

To date, study of the draft Regulation has revealed no impact on businesses.

Further information may be obtained by contacting Mr. Jean-Yves Marquis, Director, Direction de l'enseignement collégial privé et coordination interne, ministère de l'Éducation, 1035, rue De La Chevrotière, 19^e étage, Québec, G1R 5A5; tel.: (418) 646-1328.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Education, 1035, rue De La Chevrotière, 16^e étage, Québec, G1R 5A5.

PAULINE MAROIS,
Minister of Education

Regulation to amend the College Education Regulations*

General and Vocational Colleges Act
(R.S.Q., c. C-29, s. 18)

1. Section 2 of the College Education Regulations is amended by substituting the following for subparagraph 1 of the first paragraph:

“(1) the person has a Secondary School Diploma or a Secondary School Vocational Diploma awarded by the Minister of Education;”.

2. Section 4 is amended by adding the following paragraph at the end:

“A person who has a Secondary School Diploma or a Secondary School Vocational Diploma and who meets one of the following requirements may also be admitted to a program leading to an Attestation of College Studies designated by the Minister:

(1) the program enables a person to pursue specific technical studies by extending the vocational training offered at the secondary level;

(2) the program enables a person to pursue technical studies in a field for which there is no program leading to a Diploma of College Studies;

(3) the program is covered by an agreement entered into, regarding training, by the Minister of Education with a department or a body of the Gouvernement du Québec.”.

3. The following is substituted for the second paragraph of section 7:

“The Minister shall determine the objectives and standards for each subject area. He may determine all or part of the learning activities required to attain those objectives and standards.”.

4. Section 9 is amended

* The College Education Regulations, made by Order in Council 1006-93 dated 14 July 1993 (1993, G.O. 2, 3995) was amended once by Order in Council 551-95 dated 26 April 1995 (1995, G.O. 2, 1351).

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

“The college shall determine the objectives and standards for each subject area, subject to those determined by the Minister.”;

(2) by striking out the words “determined by the Minister” in the third paragraph.

5. The following is substituted for the second paragraph of section 10:

“The Minister shall determine the objectives and standards for each subject area. He may determine, for each program he draws up or recognizes, all or part of the learning activities required to attain those objectives and standards.”.

6. The following paragraph is added at the end of section 13:

“The Minister may, past the experimentation and after evaluation, recognize a program referred to in the first paragraph as a program leading to a Diploma of College Studies.”.

7. The following is substituted for section 16:

“**16.** A college may, if it is authorized to implement a program leading to a Diploma of College Studies, draw up and implement an institutional program leading to an Attestation of College Studies in any area of training specific to a program of technical studies leading to a Diploma of College Studies.

In addition, the college may, with the authorization of and on the conditions determined by the Minister, draw up and implement an institutional program leading to an Attestation of College Studies in any other area of technical studies.”.

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

2212

Draft Regulation

Dairy Products and Dairy Products Substitutes Act
(R.S.Q., c. P-30)

Composition, packing and labelling of dairy products — 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 respecting the composition, packing and labelling of dairy products, 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 simplify for the dairy industry the regulatory standards for dairy product containers so as to comply with the Government's intent.

The draft Regulation proposes that the size of most dairy product containers be deregulated, that the standard for the indications of volume or mass on containers be more flexible for small portions and that the approval of labels and containers for dairy products no longer be required.

A study of the economic impact shows that the advantage of the draft Regulation is to allow the Québec dairy industry to improve its market position. In the short-term, the industry will have to bear the additional costs of marketing new containers, which would especially affect regional businesses as they are mostly small and medium-sized businesses. The study shows however that the Conseil de l'industrie laitière du Québec inc., whose membership is largely made up of small and medium-sized businesses, is favourable to the proposed deregulation.

Further information may be obtained by contacting Mr. Michel Lemay at the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, 200, chemin Sainte-Foy, 11^e étage, Québec (Québec) G1R 4X6, tel. (418) 646-7693.

Any interested person having comments to make on the matter 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^e étage, Québec (Québec) G1R 4X6.

GUY JULIEN,
Minister of Agriculture, Fisheries and Food

Regulation to amend the Regulation respecting the composition, packing and labelling of dairy products^(*)

Dairy Products and Dairy Products Substitutes Act
(R.S.Q., c. P-30, s. 42, par. n)

1. The Regulation respecting the composition, packing and labelling of dairy products is amended by substituting the following for section 11:

“**11.** The following containers shall be used for the prepackaged dairy products specified below:

(1) a 125-, 250- or 454-gram container for prepackaged butter or calorie-reduced butter whose mass exceeds 20 grams and which does not contain portions or units of mass of 20 grams or less;

(2) a 500-gram container for prepackaged butter or calorie-reduced butter whose total mass exceeds 20 grams and which contains prepackaged 125- or 250-gram units;

(3) a 1- or 2-litre container for prepackaged cultured cream portions which exceed 500 millilitres;

(4) a 1-, 2-, 10- or 20-litre container for prepackaged portions of cream other than cultured cream which exceed 500 millilitres; and

(5) a 1-, 2-, 4-, 10- or 20-litre container for any other liquid dairy product in portions which exceed 500 millilitres.

However, no liquid dairy product may be presented in a container whose capacity is less than 15 millilitres.”

2. Section 13 is amended by deleting the second paragraph.

3. The following is substituted for the second, third and fourth paragraphs of section 14:

“Notwithstanding the foregoing, where a dairy product is marketed in a container including units or portions not exceeding 60 millilitres or 20 grams and individually packaged, the number of units or portions included must be indicated on the container, as well as the volume or mass of each unit or portion. It is not compulsory

to indicate the volume or mass of the product on each unit or portion included in such a container.”

4. Section 20 is revoked.

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

2211

Draft Regulation

Highway Safety Code
(R.S.Q., c. C-24.2)

Licences

— 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 licences, 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 essentially to amend the Regulation respecting licences as regards classes 1, 2 and 3 for driving heavy vehicles.

The Regulation proposes to extend to three months the minimum period during which the applicant for a driver's licence of one of those classes must hold a learner's licence. The applicants for those classes of driver's licence will have to comply with medical and optometric requirements at the time of application for a learner's licence for such classes, instead of at the time of application for a regular driver's licence, as is currently the case.

The applicants for those classes must not have had their driver's licence suspended following the accumulation of demerit points, or cancelled during the last two years following an offence related to highway safety. Furthermore, only those persons with fewer than 4 demerit points in their driver's file will be eligible.

New definitions will be added to the existing classes to provide for an indication in the driver's file and on the licence respecting the ability to drive a road train or a vehicle equipped with an air braking system or a manual transmission. Drivers will have to pass tests to obtain each of those mentions.

Persons who already hold class 1, 2 or 3 licences may have the indications “air braking system” or “manual

* The Regulation respecting the composition, packing and labelling of dairy products was last amended by the Regulation made by Order in Council 1176-93 dated 25 August 1993 (1993, *G.O.* 2, 5042). For previous amendments, refer to the Tableau des modifications et Index sommaire, Éditeur officiel du Québec, 1997, updated to 1 September 1997.

transmission” entered in their file without taking a test, as may persons who have held a class 1 licence for at least five years, with respect to the “road train” indication.

Further information may be obtained by contacting Mr. Marcel Lesieur, Société de l’assurance automobile du Québec, C-4-1, C.P. 19600, Québec (Québec) G1K 8J6, tel.: (418) 528-4417.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Transport, 700, boulevard René-Lévesque Est, 29^e étage, Québec (Québec) G1R 5H1.

JACQUES BRASSARD,
Minister of Transport

Regulation to amend the Regulation respecting licences^(*)

Highway Safety Code
(R.S.Q., c. C-24.2, s. 619, pars. 1, 2, and 6)

1. The Regulation respecting licences is amended by adding the following after paragraph 8 of section 5:

“(9) the indication “manual transmission”, “air braking system” or “road train” or any combination thereof in the cases provided for in this Regulation.”.

2. Section 12 is amended by adding the following after paragraph 2:

“In addition to the requirements of paragraphs 1 and 2 for obtaining a class 1, 2 or 3 learner’s licence, a person must

(a) have provided a report of his medical examination or evaluation in accordance with section 73 of the Highway Safety Code;

(b) have fewer than 4 demerit points in his file and not have been subject to sanctions under sections 185 or 191.2 of the Highway Safety Code or to a cancellation on any grounds provided for in section 180 of the Code for a minimum of two years.”.

3. Section 21 is revoked.

4. Section 28 is amended

(1) by adding the following after paragraph 1:

“This class authorizes the holder to drive the above-described combination of road vehicles equipped with a manual transmission or an air braking system, or a road train as described in the Special Road Trains Operating Permits Regulation, if indications to that effect are entered in his file.”;

(2) by adding the following after paragraph 2:

“This class authorizes the holder to drive the above-described road vehicle equipped with a manual transmission or an air braking system, if indications to that effect are entered in his file.”; and

(3) by adding the following after paragraph 3:

“This class authorizes the holder to drive the above-described road vehicle equipped with a manual transmission or an air braking system, if indications to that effect are entered in his file.”.

5. Section 43 is amended by adding the words “or its equivalent” after the word “Québec” at the end of subparagraph *b* of paragraph 3.

6. Section 44 is amended

(1) by substituting the following for paragraph 1:

“(1) have held a class 3 learner’s licence for at least three months; and”;

(2) by deleting paragraph 2.

7. Section 45 is amended

(1) by substituting the following for paragraph 1:

“(1) have held a class 2 learner’s licence for at least three months; and”;

(2) by deleting paragraph 2.

8. Section 46 is amended

(1) by substituting the following for paragraph 1:

“(1) have held a class 1 learner’s licence for at least three months; and”;

(2) by deleting paragraph 2.

* The Regulation respecting licences made by Order in Council 1421-91 dated 16 October 1991 (1991, *G.O.* 2, 4146) was last amended by the Regulation made by Order in Council 724-97 dated 28 May 1997 (1997, *G.O.* 2, 2488). For previous amendments, refer to the Tableau des modifications et Index sommaire, Éditeur officiel du Québec, 1997, updated to 1 September 1997.

9. The following is added after section 46:

“46.1 A person who wishes to have the indication “road train” entered in his file must have held a class 1 driver’s licence for at least five years.

46.2 The holder of a class 1, 2 or 3 driver’s licence issued before (*enter here the date of coming into force of this Regulation*) may request that the indications “manual transmission” and “air braking system” be entered in his file. He is thus exempted from the proficiency examinations of the Société.

The holder of a class 1 driver’s licence may request that the indication “road train” be entered in his file without having to take the proficiency examinations of the Société, if the permit was issued at least five years prior to (*enter here the date of coming into force of this Regulation*).”.

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

Index Statutory Instruments

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

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Financial Administration Act — Snow removal services contracts of government departments and public bodies (R.S.Q., c. A-6)	1748	M
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(An Act respecting the Service des achats du gouvernement, R.S.Q., c. S-4)		
Supply contracts of government departments and public bodies	1745	M
(Financial Administration Act, R.S.Q., c. A-6)		

