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Part 2 Laws and Regulations

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Draft Regulations

Draft Regulation

An Act to facilitate the payment of support (R.S.Q., c. P-2.2)

Collection of support

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 the collection of support, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The draft Regulation will improve the effectiveness of the Act to facilitate the payment of support (R.S.Q., c. P-2.2). In order to do so, it proposes to add new types of security to the list of security that a support debtor may provide in certain cases determined by law. It will also increase the maximum amount of the advance that the Minister of Revenue may make to a creditor to stand in lieu of support. Lastly, the draft Regulation will introduce some technical amendments.

Further information may be obtained by contacting Ms. Claire Bourque or Mr. Jacques Boisvert at 3800, rue de Marly, 5^e étage, Sainte-Foy (Québec) G1X 4A5; tel.: (418) 652-5508, fax: (418) 643-0953.

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 Deputy Minister of Revenue, Nicole Malo, 3800, rue de Marly, 6^e étage, Sainte-Foy (Québec) G1X 4A5.

RITA DIONNE-MARSOLAIS,
Minister of Revenue

Regulation to amend the Regulation respecting the collection of support*

An Act to facilitate the payment of support (R.S.Q., c. P-2.2, s. 36, third par. and s. 71)

1. The Regulation respecting the collection of support is amended by substituting the words “employment insurance” for the words “unemployment insurance” in paragraph 1 of section 1.

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

“(5) a written undertaking given by a financial institution having its head office or a place of business in Québec to pay such security to the Minister upon request; or

(6) a written undertaking given by an advocate or a notary who irrevocably holds the security in trust to pay such security to the Minister upon request.”.

3. Section 6 is amended by substituting the words “Minister of Employment and Solidarity” for the words “Minister of Income Security” in paragraph 6.

4. The following is substituted for section 6.1:

“**6.1** The maximum amount of the advance made to the creditor of support pursuant to the second paragraph of section 36 of the Act may not exceed \$1 500.”.

5. Section 7 is amended by substituting the words “Ministère de l’Emploi et de la Solidarité” for the words “Ministère de la Sécurité du revenu” in paragraph 5.

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

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* The Regulation respecting the collection of support made by Order in Council 1531-95 dated 22 November 1995 (1995, *G.O.* 2, 3333) was only amended by the Regulation made by Order in Council 1637-95 dated 13 December 1995 (1995, *G.O.* 2, 3599) and by the Regulation made by Order in Council 38-98 dated 14 January 1998 (1998, *G.O.* 2, 498).

Draft Regulation

An Act to amend the Code of Civil Procedure and other legislative provisions in relation to notarial matters
(1998, c. 51)

Notaries

— Conditions for the certification as regards the institution or review of protective supervision and mandates in anticipation of incapacity

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 28 of the Act to amend the Code of Civil Procedure and other legislative provisions in relation to notarial matters (1998, c. 51), that the Regulation respecting the conditions for the certification of notaries as regards the institution or review of protective supervision and mandates in anticipation of incapacity, the text of which appears below, may be submitted to the Government for approval upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to determine the conditions to be met by a notary to be certified for the institution or review of protective supervision and for mandates given in anticipation of the mandator's incapacity.

Further information may be obtained by contacting Ms. Dominique Duclos, Director of Professional Development, Chambre des notaires du Québec, 800, place Victoria, bureau 700, Tour de la Bourse, C.P. 162, Montréal (Québec) H4Z 1L8; tel. (514) 879-2930, fax: (514) 879-1697.

Any interested person having comments to make on the matter is asked to send them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister of Justice. They may also be forwarded to the professional order that made the Regulation, as well as to interested persons, departments and bodies.

JEAN-K. SAMSON,
*Chairman of the Office
des professions du Québec*

Regulation respecting the conditions for the certification of notaries as regards the institution or review of protective supervision and mandates in anticipation of incapacity

An Act to amend the Code of Civil Procedure and other legislative provisions in relation to notarial matters
(1998, c. 51, s. 28)

1. For the institution or review of protective supervision and mandates given in anticipation of incapacity, the Bureau of the Chambre des notaires du Québec shall certify any notary who has completed a training course that includes at least 5 hours on the legal aspects of the procedure applicable before a notary in those matters and at least 7 hours on all the following aspects of the examination of the person concerned by the application:

- (1) psychological and psychosocial aspects;
- (2) awareness of problems arising from the incapacity of a relative;
- (3) reading of medical and psychosocial assessments; and
- (4) preparation and conduct of the examination.

2. The Bureau shall also certify any notary who demonstrates that his knowledge is, by reason of his experience or otherwise, equivalent to that acquired by a notary who has completed the training.

3. An application for certification, together with processing fees of \$50 and vouchers, shall be submitted to the Chambre des notaires with an affidavit. Additional fees of \$25 shall be charged where the application is made under section 2.

4. A notary who teaches the part of the training course pertaining to the legal aspects or who completed it in the course of a university program in notarial law is, for certification purposes, exempt from that part of the course.

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

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