

## Draft Regulations

### Draft Regulation

An Act respecting market intermediaries  
(R.S.Q., c. I-15.1)

#### Association des intermédiaires en assurance de personnes du Québec — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the By-law amending the By-law of the Association des intermédiaires en assurance de personnes du Québec, the text of which appears below, may be approved by the Government upon the expiry of 45 days following this publication. The Government may approve it with or without amendments.

According to the Association des intermédiaires en assurance de personnes, the purpose of the draft By-law is to provide the public with better protection by amending certain conditions applicable to a refusal of admission, a readmission, a membership renewal and a removal from the Association and by adding other conditions to those already provided for in the By-law.

In a more detailed manner, the Association proposes to eliminate the criteria of relation with the activity, presently required in cases of criminal acts and bankruptcies, which are already conditions for refusal. Thus, regardless of the nature of the criminal act or the cause of the bankruptcy, the person will not be admitted, readmitted or renewed as a member and will also be removed from the Association.

The draft By-law also proposes that the Association may withdraw its refusal or lift a member's removal from the Association, where it is convinced that public protection is not in danger.

According to the terms of the draft By-law, the Supervision Committee will be allowed to impose such conditions related to the practice of the activity that it deems reasonable in the particular circumstances to ensure public protection.

The By-law also proposes to add 2 new cases in which admission must be denied or a member removed from the Association, that is, where the person fails to furnish the required security of where amounts are owed to a compensation fund.

According to the Association des intermédiaires en assurance de personnes du Québec, to date, study of the matter has revealed no impact on businesses, on small and medium-sized businesses and on the public, except that the mechanisms to control the activity of market intermediary in insurance of persons will be tighter and faster.

Further information may be obtained by contacting Anne-Marie Beaudoin, Directrice des services professionnels, Association des intermédiaires en assurance de personnes du Québec, 1, carré Westmount, bureau 500, Westmount (Québec), H3Z 2P9; tel.: (514) 932-4277; fax: (514) 932-6400.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Inspector General of Financial Institutions, 800, place d'Youville, 9<sup>e</sup> étage, Québec (Québec), G1R 4Y5. Those comments will be forwarded to the Minister of Finance by the Inspector General of Financial Institutions.

ALFRED VAILLANCOURT,  
*Acting Inspector General  
of Financial Institutions*

### By-law amending the By-law of the Association des intermédiaires en assurance de personnes du Québec

An Act respecting market intermediaries  
(R.S.Q., c. I-15.1, s. 104, par. (1) and (4))

**1.** Section 10 of the By-law of the Association des intermédiaires en assurance de personnes du Québec approved by order in council 1016-91 dated July 17, 1991, is modified

1° by deleting the words “related to the activity of market intermediary” in paragraph 1°;

2° by deleting the words “except where the bankruptcy results from causes unrelated to the activities of a market intermediary” in paragraph 3°;

3° by adding the following paragraphs after paragraph 6°:

“7° has failed to furnish security or keep professional liability coverage in force as required under the By-law of the Conseil des assurances de personnes respecting market intermediaries in insurance of persons;

8° is in arrears in contributions to the Fonds d'indemnisation en assurance de personnes du Québec or to any other compensation fund.”.

**2.** This by-law is modified by adding the following section after section 10:

“**10.1.** In the cases provided for in paragraphs 1°, 3°, 7° and 8° in section 10 and paragraph 4° in section 14, the Association may, on request to the Supervision Committee, withdraw its refusal or lift a member's removal after it has ascertained that the public's interest will not be prejudiced, and determine the terms under which the right to practise may be reinstated.”.

**3.** Section 14 of this by-law has been amended by adding the following paragraph after paragraph 3°:

“4° in the cases provided for in section 10, paragraphs 1°, 2°, 3°, 7° and 8° of these by-laws.”.

**4.** Section 16 of this by-law has been amended by adding the following phrase to the end of the last sentence:

“except in the case of removals under paragraph 4°, section 14”.

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## Draft Regulation

Civil Code of Québec  
(1991, c. 64)

### Discounting of damages for bodily injury

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 discounting of damages for bodily injury, 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 prescribe the discount rates applicable to the assessment of damages for bodily injury, that is, the percentage based on which the amount to be remitted to the victim of the bodily injury is calculated, for expenses or losses that will materialize in the future only.

To that end, the draft regulation makes a distinction, as authorized by the Civil Code, between losses or expenses of a salary nature and those of a non-salary nature, by fixing a separate rate of assessment for each loss or expense, while taking into account the different parameters used to determine the applicable rate based on whether the losses or expenses are of a salary nature or a non-salary nature. Historically, the latter rate has always been different from the former.

To date, study of the matter has revealed that the setting of discount rates by regulation is the measure most likely to facilitate the assessment of damages resulting from bodily injury, to develop standards applicable to cases in which compensation is paid for bodily injury and to reduce the costs and delays imposed on courts and the administration of justice by the presentation of expert's reports before the courts.

Further information may be obtained by contacting Mr. Albert Bélanger, Direction générale des affaires législatives, Ministère de la Justice, 1200, route de l'Église, 4<sup>e</sup> étage, Sainte-Foy (Québec), G1V 4M1; tel. (418) 643-5379, fax: (418) 643-9749.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Justice, 1200, route de l'Église, 9<sup>e</sup> étage, Sainte-Foy (Québec), G1V 4M1.

PAUL BÉGIN,  
*Minister of Justice*

## Regulation respecting the discounting of damages for bodily injury

Civil Code of Québec  
(1991, c. 64, art. 1614)

**1.** The discount rates applicable to the calculation of the damages owed to the creditor for the bodily injury he sustains are, as to the future aspects of the injury,

(1) for losses resulting from a decrease in earning capacity and progression of income, salary or wages: 2 %; and

(2) for other loss resulting from inflation: 3.25 %.

**2.** 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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