

“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”.

9953

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^e 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^e 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*.

9957