

other securities for purposes other than those for which they were entrusted to him in the practice of his profession.

The maximum indemnity payable from the fund shall be fixed at \$100 000 for all claims against the fund arising from a notary's having used, in connection with one or more contracts for professional services entered into with two or more persons for the same service, sums of money or other securities for purposes other than those for which they were entrusted to him in the practice of his profession. Where the total of the claims allowed in a case referred to in this paragraph exceeds the maximum indemnity, the indemnity shall be allocated on a prorata basis according to the amounts of the claims.

For the purposes of this section, "service" means the performance of professional services by a notary with a view to carrying out the mandate given to him on behalf of two or more persons, in particular but without limiting the scope of the foregoing, the acquisition or sale of a family residence or of an immovable held in undivided co-ownership, the settlement of a succession, the creation of a patrimony by appropriation or of a legal person, and any investment of a movable or immovable nature.

37.23 The balance of a notary's general trust account the funds of which have been blocked or otherwise disposed of in accordance with section 36 shall be distributed, at the expiry of 60 days following the publication of a notice to that effect in a newspaper circulating in the place where the notary has or had his professional domicile, among the claimants against the fund in respect of that notary on a prorata basis according to the amounts of their claims allowed, up to the amount of the claim for each claimant, less the sum paid under section 37.22. The secretary of the committee shall cause the notice to be published after one year has elapsed with no new claim having been filed against the fund in respect of that notary.

37.24 Before receiving the indemnity fixed by the committee or the Administrative Committee, as the case may be, the claimant shall sign an acquittance in favour of the Chamber with subrogation in all his rights in respect of his claim up to the amount of the indemnity against the offending notary, his successors, and any individual, partnership or legal person that is or might be held liable for such payment."

4. The Regulation is amended by inserting the words "TRANSITIONAL AND" before the word "FINAL" in the title of Division IX.

5. The Regulation is amended by inserting the following after section 38:

"**38.1** The Regulation respecting the indemnity fund of the Chambre des notaires du Québec (R.R.Q., 1981, c. N-2, r. 8) is replaced by this Regulation, but it continues to govern claims filed against the fund before 31 October 1996, as well as claims filed against the fund after that date but which relate to facts prior to that date and concerning a notary in respect of whom one or more other claims have already been filed against the fund."

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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Gouvernement du Québec

O.C. 1257-96, 2 October 1996

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

Physiotherapists
— **Equivalence of diplomas and training**

Regulation respecting the standards for equivalence of diplomas and training for the issue of a physiotherapist's permit

WHEREAS under paragraph *c* of section 93 of the Professional Code (R.S.Q., c. C-26; 1994, c. 40), the Bureau of the Ordre des physiothérapeutes du Québec must, by regulation, prescribe standards for equivalence of diplomas issued by educational establishments situated outside Québec, for the purposes of issuing a permit and standards of equivalence of the training of a person who does not hold a diploma required for such purposes;

WHEREAS under that provision, the Bureau made the Regulation respecting the standards for equivalence of diplomas and training for the issue of a physiotherapist's permit;

WHEREAS in accordance with the Regulations Act (R.S.Q., c. R-18.1), a draft of that Regulation was published in Part 2 of the *Gazette officielle du Québec* of 28 February 1996, in French and English;

WHEREAS that Regulation was attached to a notice mentioning that it could be submitted to the Government which could approve it with or without amendment upon

the expiry of 45 days following that publication and asking any person having comments to make to send them before the expiry of that period to the Chairman of the Office des professions du Québec;

WHEREAS following the publication of that Regulation, the Chairman of the Office received no comments;

WHEREAS under section 95 of the Professional Code, the Regulation was sent to the Office for examination and at its meeting held on 31 May 1996, the Office examined that Regulation and recommended that the Government approve it with amendments;

WHEREAS it is expedient to approve that Regulation with amendments;

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

THAT the Regulation respecting the standards for equivalence of diplomas and training for the issue of a physiotherapist's permit, the text of which is attached to this Order in Council, be approved.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation respecting the standards for equivalence of diplomas and training for the issue of a physiotherapist's permit

Professional Code
(R.S.Q., c. C-26, s. 93, par. c; 1994, c. 40, s. 80)

DIVISION I EQUIVALENCE RECOGNITION PROCEDURE

1. The secretary of the Ordre professionnel des physiothérapeutes du Québec shall forward a copy of this Regulation to a candidate wishing to have training or a diploma recognized as equivalent.

In this Regulation,

“diploma equivalence” means the recognition by the Bureau of the Order that a diploma issued by a teaching establishment outside Québec certifies that a person's level of knowledge is equivalent, in terms of the standards provided for in section 6, to the level attained by the holder of a diploma recognized as meeting permit requirements;

“training equivalence” means the recognition by the Bureau of the Order that a person's training demon-

strates that he has attained a level of knowledge equivalent, in terms of the standards provided for in section 8, to the level attained by the holder of a diploma recognized as meeting permit requirements.

2. A person wishing to have a diploma or training equivalence recognized shall

(1) send an application in writing to the secretary of the Order, together with the fees prescribed by the Bureau of the Order for the examination of his application pursuant to paragraph 8 of section 86.0.1 of the Professional Code, enacted by section 73 of Chapter 40 of the Statutes of 1994;

(2) provide the secretary of the Order with

(a) a copy of the diploma that he holds and wishes to have recognized as equivalent;

(b) a true copy of his act of birth or, failing that, of his passport or of a Canadian citizenship certificate or proof that he was legally admitted to Canada to reside there permanently;

(c) where applicable, a document attesting to relevant work experience; and

(3) where applicable, provide the secretary of the Order with an attestation of schooling, completed by the teaching establishment that issued the diploma in respect of which a diploma equivalence is applied for, or by a competent authority, and describing the program of study taken, particularly the courses, practical work and clinical training sessions.

Documents provided in support of an application for equivalence and written in a language other than French or English shall be accompanied by a French or English translation, attested to by an affidavit by the person who did the translation.

3. The secretary shall forward to the Bureau the documents referred to in section 2. At the first meeting following the date of receipt of those documents, the Bureau shall decide whether to grant a diploma or training equivalence in accordance with this Regulation.

4. Within 30 days following the date of its decision, the Bureau shall inform the person thereof in writing and, where the decision is not to grant an equivalence, shall indicate to the person the programs of study, training sessions or examinations that must be successfully completed, within the time specified by the Bureau, for the equivalence to be granted.

5. A candidate who is informed of the Bureau's decision not to grant an equivalence may apply to the Bureau for a hearing, provided that he applies therefor in writing to the secretary within 30 days of the mailing of the decision.

The Bureau shall grant a hearing and, where expedient, shall revise its decision within 60 days following the date of receipt of such application. To that end, the secretary shall convene the person by means of a notice in writing sent by registered mail not less than 10 days before the date of the hearing.

The Bureau's decision is final and shall be sent to the candidate in writing within 30 days following the date of the hearing.

DIVISION II **STANDARDS OF EQUIVALENCE**

6. A person holding a diploma issued by a teaching establishment outside Québec shall be granted a diploma equivalence if the diploma was issued upon completion of university studies comprising the equivalent of at least 100 credits. Each credit shall represent 15 hours of attendance in a theoretical course and 30 hours of practical work or 45 hours of clinical training, broken down as follows:

- (1) between 15 and 21 credits in basic sciences;
- (2) between 4 and 8 credits in behavioural sciences;
- (3) between 45 and 50 credits in physiotherapy sciences;
- (4) between 6 and 10 credits in administration and research;
- (5) between 18 and 24 credits in clinical professional training.

7. Notwithstanding section 6, where the diploma in respect of which an equivalence application has been filed was issued 5 or more years prior to the application, a diploma equivalence shall be denied if the knowledge acquired by the person no longer corresponds, taking into account developments in the profession, to the knowledge being taught, at the time of the application, in a program of studies leading to the issue of a diploma recognized by regulation of the Government as meeting permit requirements.

In such case, a training equivalence may be granted in accordance with section 8 if the training acquired by the person since being awarded the diploma has enabled him to acquire the required level of knowledge.

8. A training equivalence shall be granted if the person demonstrates that his knowledge is equivalent to that acquired by the holder of a diploma recognized by the Government under the first paragraph of section 184 of the Code.

9. Notwithstanding section 8, where the training in respect of which an equivalence application has been filed was completed 5 or more years prior to the application, a training equivalence shall be denied if the knowledge acquired by the person no longer corresponds, taking into account developments in the profession, to the knowledge being taught, at the time of the application, in a program of studies leading to the issue of a diploma recognized by regulation of the Government as meeting permit requirements.

10. To determine whether a person may be granted a training equivalence, the Bureau shall take all the following factors into account:

- (1) the fact that the candidate holds one or more diplomas awarded in Québec or elsewhere;
- (2) courses taken, the number of credits for each course and the results obtained, with each credit representing 15 hours of theoretical courses and 30 hours of practical work or 45 hours of clinical training;
- (3) professional training periods and other refresher training or upgrading activities;
- (4) total years of schooling; and
- (5) relevant work experience.

11. Where assessing a person's training presents such difficulties such that a judgment cannot be made on his level of knowledge, the Bureau may ask that person to take an examination or complete a training period, or both.

12. Notwithstanding section 6, and until 1 January 2000, a diploma equivalence may be granted to a person whose diploma issued by a teaching establishment outside Québec comprises only 96 credits, including only 12 credits in clinical professional training.

13. 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. 1262-96, 2 October 1996

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

Licences

— Amendments

Regulation to amend the Regulation respecting licences

WHEREAS under paragraph 5.2 of section 619 of the Highway Safety Code (R.S.Q., c. C-24.2), the Government may by regulation prescribe the cases and conditions allowing claims for repayment, upon expiration of the periods prescribed by regulation, of the duties, fees and insurance contribution exigible under section 93.1 of the Code and establish the calculation method or fix the exact amount of the sums claimed, as well as the maximum period which may be covered by such a claim;

WHEREAS under section 619.2 of the Code, the Government may fix, by regulation, the duties exigible for obtaining a learner's licence, probationary licence or driver's licence and the duties exigible under section 93.1 of the Code, on the basis of one or more of the following factors:

- (1) the nature of the licence applied for;
- (2) its class;
- (3) its category;

WHEREAS under section 619.3 of the Code, the Government may prescribe, by regulation, calculation methods for the duties exigible for obtaining a learner's licence, probationary licence or driver's licence and fix the monthly duties on the licence, on the basis of one or more of the factors provided for in section 619.2 of the Code;

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the draft of the Regulation to amend the Regulation respecting licences was published in Part 2 of the *Gazette officielle du Québec* of 10 July 1996, with a notice that it could be made by the Government upon the expiry of 45 days following the date of its publication;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting licences, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting licences

Highway Safety Code
(R.S.Q., c. C-24.2, s. 619, par. 5.2, s. 619.2 and s. 619.3)

1. The Regulation respecting licences, made by Order in Council 1421-91 dated 16 October 1991 and amended by the Regulations made by Orders in Council 1122-92 dated 29 July 1992, 1511-93 dated 27 October 1993, 531-95 dated 12 April 1995 and 719-96 dated 12 June 1996, is further amended by substituting the following for section 57:

“**57.** The duties payable to obtain a probationary licence are \$32.

Notwithstanding the foregoing, the duties payable to obtain a probationary licence are calculated by multiplying the monthly duties of \$1.33 by the number of full months, plus one, between the date of issue of the licence and the date of its expiry where the person applying therefor is in one of the following situations:

- (1) he is referred to in section 92.0.1 of the Highway Safety Code; or
- (2) his previous probationary licence was cancelled by the Société or at his own request.”

2. Section 61 is amended:

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

“The biennial duties payable by a holder of a driver's licence not belonging exclusively to classes 6D and 8 are \$32.”;

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