

Draft Regulations

Draft Regulation

Environment Quality Act
(R.S.Q., c. Q-2)

Pits and quarries — 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 draft regulation to amend the Regulation respecting pits and quarries may be made by the gouvernement du Québec upon the expiry of 60 days following this publication.

Under paragraph *m* of section 3 of the Regulation respecting pits and quarries, made in 1977, the operator of a sand pit who applies for a certificate of authorization must furnish a guarantee of \$5 000, in the form of a certified cheque, negotiable bonds of the Government of Canada, the gouvernement du Québec or a Québec municipality, or a guarantee policy issued by an insurer.

Presently, financial institutions also offer guarantees in the form of irrevocable letters of credit, which are not provided for in the Regulation. That kind of guarantee is acceptable under more recent regulations such as the Regulation respecting biomedical waste, the Regulation respecting hazardous waste and the Regulation respecting used tire storage.

The Regulation respecting pits and quarries does not allow the filing of a guarantee in cash or in the form of security.

Since the Regulation respecting pits and quarries does not contain specific provisions for those types of guarantee, a future operator of a sand pit is prevented from using them in spite of their availability on the financial market.

This draft regulation amends section 3 of the Regulation respecting pits and quarries so as to make provisions for other types of guarantee, particularly irrevocable letters of credit issued by banking institutions or savings and credit unions, cash payments and joint and several deeds in the form of security.

That regulatory amendment will have a positive impact on small and medium-sized businesses (PME), since it will make it possible for operators to provide a guarantee that is more adapted to their needs and financial capacities.

Further information on the draft regulation to amend the Regulation respecting pits and quarries may be obtained by contacting Mr. Philippe Gentes, Direction de la coordination réglementaire, ministère de l'Environnement et de la Faune, 3900, rue Marly, 5^e étage, Sainte-Foy (Québec), G1X 4E4, tel. (418) 646-9286.

Any interested person having comments to make on the draft of the Regulation to amend the Regulation respecting pits and quarries is asked to send them in writing, before the expiry of the 60-day period, to the Minister of the Environment and Wildlife, 150, boulevard René-Lévesque Est, 17^e étage, Québec (Québec), G1R 4X6.

JACQUES BRASSARD,
Minister of the Environment and Wildlife

Regulation to amend the Regulation respecting pits and quarries

Environment Quality Act
(R.S.Q., c. Q-2, s. 31, par. *n*)

1. The Regulation respecting pits and quarries (R.R.Q., 1981, c. Q-2, r. 2), amended by the Regulation made by Order in Council 476-91 dated 10 April 1991, is further amended by substituting the following for paragraph *m* of section 3:

“(*m*) in the case of a pit, a guarantee of \$5 000 where the stripping is less than or equal to 1 hectare and \$4 000 per hectare or fraction thereof where the stripping is greater than 1 hectare, that guarantee being in one of the following forms:

i. cash or a certified cheque made out to the Minister of Finance;

ii. bearer bonds, cashable at all times, issued or guaranteed by the Gouvernement du Québec, the Government of Canada or a municipality and whose market value is at least equal to the amount of the guarantee required;

iii. a joint and several deed in the form of security or of an insurance policy, with a waiver of the benefits of discussion and division, issued by a banking institution, a savings and credit union or an insurer holding a permit issued under Chapter I of Title IV of the Act respecting insurance (R.S.Q., c. A-32);

iv. an irrevocable letter of credit issued by a banking institution or a savings and credit union;”.

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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Draft Regulation

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

Notaries

— Trust accounting
— 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 trust accounting by notaries”, adopted by the Bureau of the Chambre des notaires du Québec, the text of which appears below, may be submitted to the government for approval upon the expiry of forty-five days following the present publication. The government may approve it with or without amendment.

The Chambre des notaires du Québec believes that this regulation has a dual-purpose. On the one hand, it aims at integrating the existing Regulation respecting the indemnity fund of the Chambre des notaires du Québec in the Regulation respecting trust accounting by notaries, in conformity with the new provisions of section 89 of the Professional Code. On the other hand, this regulation which replaces the existing Regulation respecting the indemnity fund of the Chambre des notaires du Québec aims at ameliorating the operation of the indemnity fund of the order. Also, this regulation modifies certain existing provisions of the Regulation respecting trust accounting by notaries in order to better regulate the keeping of trust accounts by notaries.

The Chambre des notaires du Québec believes that this regulation will have positive impacts towards citizens by giving them a better indemnity and a quicker settlement of claims in terms of the application of the regulation. As for enterprises, particularly for small and medium size companies, the provisions of the regulation concerning indemnity may have financial impacts depending on the number of claims made annually on the fund. Finally, the provisions of the regulation concerning keeping of trust accounts by notaries will impose on them certain administrative constraints. Nevertheless in return, these provisions will have the effect of increasing the protection of the public.

Additional information may be obtained by contacting M^e Michel Poulin, Secretary of the Chambre des notaires du Québec, 630, boulevard René-Lévesque Ouest, bureau 1700, Montréal, (Québec) H3B 1T6; telephone no.: (514) 879-2908; fax no.: (514) 879-1923.

Any person having comments to make is asked to transmit them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, complexe de la place Jacques-Cartier, 320, rue Saint-Joseph Est, 1^{er} étage, Québec, (Québec) G1K 8G5. These comments will be forwarded by the Office to the Minister responsible for the administration of legislation concerning the professions; they may also be forwarded to the order professional that made the Regulation as well as to the persons, departments and agencies concerned.

ROBERT DIAMANT,
*Chairman of the Office
des professions du Québec*

Regulation to amend the Regulation respecting trust accounting by notaries

Professional Code
(R.S.Q., c. C-26, s. 89)

1. The Regulation respecting trust accounting by notaries (R.R.Q., 1981, c. N-2, r. 5) amended by the regulation approved by O.C. 1754-92 dated December 02, 1992 and replaced by the regulation approved by O.C. 823-95 dated June 14, 1995 is again amended by adding, after section 8, the following section:

“**8.1.** All notaries must obtain the authorization of the secretary of the order prior to opening a general trust account.”.

2. This regulation is also amended by replacing the period in sub-section (4) of section 9 by a semi-colon.

3. This regulation is amended by adding thereto, after sub-section (4) of section 9, the following sub-section:

“(5) an irrevocable authorization entitling the administrative committee or the president of the order, upon recommendation by the syndic, an assistant syndic, or the professional inspection committee of the Chambre, to require that the notary obtain, at his expense, the cosignature of another notary designated by the committee to draw cheques and other orders to pay on the account.”.

4. This regulation is also amended by replacing the period in sub-section (5) of section 14 by a semi-colon.