

Regulations and other acts

Gouvernement du Québec

O.C. 1304-96, 16 October 1996

Maritime Fisheries Credit Act
(R.S.Q., c. C-76)

Loans for the construction, purchase or repair of commercial fishing boats and equipment — Amendments

Regulation to amend the Regulation respecting loans for the construction, purchase or repair of commercial fishing boats and equipment

WHEREAS under subparagraph *a* of the first paragraph of section 6 of the Maritime Fisheries Credit Act (R.S.Q., c. C-76), the Government may make regulations determining the conditions that a fisherman or another person, or a company or organization carrying on an activity or operating an industry related to maritime fisheries must fulfil to obtain an advance, a loan or a loan guarantee granted under section 5 of that Act;

WHEREAS in accordance with 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 loans for the construction, purchase or repair of commercial fishing boats and equipment was published in Part 2 of the *Gazette officielle du Québec* of 14 February 1996, with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Agriculture, Fisheries and Food:

THAT the Regulation to amend the Regulation respecting loans for the construction, purchase or repair of commercial fishing boats and equipment, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting loans for the construction, purchase or repair of commercial fishing boats and equipment

Maritime Fisheries Credit Act
(R.S.Q., c. C-76, s. 6, 1st par., subpar. *a*)

1. The Regulation respecting loans for the construction, purchase or repair of commercial fishing boats and equipment (R.R.Q., 1981, c. C-76, r. 1), amended by the Regulations made by Orders in Council 1586-82 dated 30 June 1982 (Suppl., p. 387), 714-84 dated 28 March 1984, 1124-87 dated 22 July 1987, 1412-87 dated 16 September 1987, 1458-87 dated 23 September 1987, 531-89 dated 12 April 1989 and 1369-90 dated 26 September 1990, is further amended in section 1

(1) by striking out the word “professional” in paragraph 4;

(2) by deleting paragraph 6;

(3) by striking out the word “professional” in paragraph 8;

(4) by deleting paragraph 19;

(5) by substituting the following for paragraphs 26 and 27:

“(26) “fisherman”: a person referred to in section 1.1.”; and

(6) by striking out the word “professional” in paragraph 31.

2. The following is inserted after section 1:

“**1.1** A person who, in his or its capacity as a fisherman, applies to the Minister to benefit from this Regulation must be:

(1) a natural person who practises commercial fishing on a full-time basis, who holds a fishing licence issued in accordance with the Fisheries Act (R.S.C., 1985, c. F-14), who resides permanently in Québec, who is registered with the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation in accordance with the Régime d’enregistrement des pêcheurs commerciaux approved by Order in Council 1545-86 dated 15 October

1986, and for whom fishing represents not less than 50 % of his income if that income is in part derived from work not performed in the primary forest or farm sector; or

(2) a legal person incorporated in accordance with the Companies Act (R.S.Q., c. C-38) or a body corporate incorporated in accordance with the Canada Business Corporations Act (R.S.C., 1985, c. C-44), having its head office and principal place of business in Québec and:

(a) in the case of a single shareholder, all of whose shares with full voting rights are owned by a natural person meeting the conditions of subparagraph 1;

(b) in the case of two or more shareholders, more than 50 % of whose shares with full voting rights are owned by natural persons meeting the conditions of subparagraph 1.

In the case of clause *b* of subparagraph 2 of the first paragraph, more than 50 % of those shares must be owned by the person who, among those persons, is the holder of the fishing licence for the most lucrative species of marine product at the time of the application to the Minister.

For the purposes of this section, the expression “the most lucrative” means:

(1) where the application to the Minister is made after the fishing season, the highest total gross income generated by the sale of one species fished during the season;

(2) where the application to the Minister is made during the fishing season, the highest estimated total gross income for one species according to the offer made to that legal person by the operator of a food plant with which the person is bound by an unloading and supply agreement.”

3. Section 2 is amended

(1) by deleting paragraph *a*;

(2) by striking out the words “professional” and “domiciled in Québec” in paragraph *b*.

4. Section 8 is amended by striking out the word “commercial” before the word “fisherman” and the words “domiciled in Québec” in the first paragraph.

5. Section 10.3 is amended by substituting the words “commercial fishing entity” for the words “commercial fisherman”.

6. Section 11.1 is amended by striking out the word “professional” in paragraphs *a* and *b*.

7. Section 11.3 is amended by striking out the word “professional”.

8. Section 33 is amended by striking out the word “commercial” before the word “fisherman” and the words “domiciled in Québec” in paragraph *c*.

9. Section 37 is amended by striking out the word “commercial” before the word “fisherman” and the words “domiciled in Québec” in the first paragraph.

10. Section 60 is amended by adding the following paragraph at the end:

“When section 58.1 is applied to a borrower, the Minister’s guarantee prescribed by subparagraph 4 of the first paragraph is valid during the period of application.”

11. Schedule A to the Regulation is amended

(1) by substituting the words “If he is a fisherman” for the words “Whether he be a professional fisherman or associate professional fisherman” in the part preceding paragraph *a* of section 1;

(2) by adding the following paragraph at the end of section 1:

“Clause *ii* of subparagraph *d* of the first paragraph does not apply to a fisherman who is the holder of the fishing licence referred to in the Aboriginal Communal Fishing Licences Regulations (SOR/93-332, 16 June 1993, (1993) No. 13 *Canada Gazette* Part II, p. 2899).”; and

(3) by adding the following after section 1:

“**2.** Where the fisherman is a legal person referred to in subparagraph 2 of the first paragraph of section 1.1 of the Regulation, subparagraphs *b* and *d* of the first paragraph of section 1 shall apply to the single shareholder or, where there are two or more shareholders, to the shareholder referred to in the second paragraph of that section 1.1.

The provisions of Schedule B apply to that legal person.”

12. Schedule C is amended by substituting the words “a natural person referred to in subparagraph 1 of the first paragraph of section 1.1 of the Regulation” for the words “a professional fisherman” in subparagraph *iv* of paragraph *c* of section 1.

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. 1322-96, 16 October 1996

Medical Act
(R.S.Q., c. M-9)

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

Physicians — Conciliation and arbitration procedure for the accounts

Regulation respecting the conciliation and arbitration procedure for the accounts of physicians

WHEREAS under section 3 of the Medical Act (R.S.Q., c. M-9), subject to that Act, the Collège des médecins du Québec and its members shall be governed by the Professional Code (R.S.Q., c. C-26);

WHEREAS under section 88 of the Professional Code, as it read in January 1990, the Bureau of the Collège des médecins du Québec was required to establish, by regulation, a conciliation and arbitration procedure for the accounts of the members of that professional order which could be used by persons having recourse to the services of the members;

WHEREAS under that section, the Regulation was required to include, in particular:

“(1) provisions allowing a person to avail himself of the procedure if he has already paid the account in whole or in part, provided the application for conciliation is made within 45 days after the day he receives the account. The Bureau may extend the time limit up to a maximum of one year. Where the member has withdrawn or withheld sums from funds he holds or has received for or on behalf of the person, the time limit runs from the time the person becomes aware that such sums have been withdrawn or withheld;

(2) provisions for the setting up of a council of arbitration with the power to determine the amount of any reimbursement to which a person may be entitled;

(3) provisions for the arbitration of accounts by a council of arbitration composed of one or three arbitra-

tors, according to the amount of the dispute as prescribed in the regulation.”;

WHEREAS, also under the same section, the regulation could “provide that where the fees or the specific terms and conditions allowing to determine the fees are fixed in a written agreement between the member and the person, the procedure may be used only to ensure that the services rendered are in conformity with the said agreement”;

WHEREAS for the purposes of that section, the Bureau of the Collège des médecins du Québec adopted, at its meeting held on 24 January 1990, the Regulation respecting the procedure for the conciliation and arbitration of accounts of physicians in its French and English versions;

WHEREAS a draft of the Regulation, subject to the provisions of the Regulations Act (R.S.Q., c. R-18.1; 1994, cc. 2 and 23), was published in Part 2 of the *Gazette officielle du Québec* of 30 March 1994;

WHEREAS the Regulation was published with a notice that it could be submitted to the Government, which could approve it, with or without amendment, upon the expiry of 45 days following its publication, and inviting any person having comments to make on that subject to forward them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec;

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

WHEREAS under section 95 of the Professional Code, amended by section 83 of Chapter 40 of the Statutes of 1994, subject to sections 95.1 and 95.2 of that Code, every regulation made by the Bureau of a professional order under the Code or the Act constituting the professional order shall be transmitted to the Office for examination; it shall be submitted, with the recommendation of the Office, to the Government, which may approve it with or without amendment;

WHEREAS the Regulation was transmitted to the Office which, at its meeting of 30 May 1995, examined the Regulation and recommended its approval by the Government, with amendments;

WHEREAS it is expedient to approve the Regulation with amendments;

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