

must state his title of agent or broker to any person with whom he is dealing and the fields of insurance in which he is authorized to act as they appear on his certificate.”.

**23.** This By-law is amended by inserting the following after section 46:

“**46.1.** A market intermediary in insurance of persons may not use his title of financial planner or a similar title as long as he does not fulfill the conditions of use of the title of financial planner provided for in sections 45 or 46.”.

**24.** Section 76 of this By-law is amended by adding the following after the second paragraph:

“The registers mentioned in paragraphs 1, 3 and 4 may be grouped into one register provided that all required information be recorded therein and that the registers of clients be separate therefrom.”.

**25.** This By-law is amended by inserting the following after section 110:

“**110.1.** The holder of a certificate provided for in paragraphs 1 and 2 of section 1 may not proceed with the replacement of contracts referred to in section 107 without the specific authorization of the market intermediary in insurance of persons under whose supervision and responsibility he is carrying out his training and in conformity with the procedure provided for in sections 111 and 116.”.

**26.** Section 111 is amended:

(1) by inserting the following after paragraph 2:

“(2.1) in the case of a trainee, seek authorization for the replacement by the intermediary under whose supervision and responsibility the training is being carried out; for such purpose, the form provided for in Schedule I or II, as the case may be, must be signed by that intermediary;”;

(2) by substituting the words “by any means providing evidence of the date of its delivery” for the words “by registered or certified mail” in paragraph 4.

**27.** Section 117 of this By-law is amended by adding the following paragraphs after paragraph 6:

“(7) his years of experience in the field of insurance of persons;

(8) his membership in the Million Dollar Round Table (MDRT), if applicable.”.

**28.** Section 157 of this By-law is amended by deleting paragraphs 1, 3 and 6.

**29.** Schedule I to this By-law is amended by adding the following after the item “SIGNATURES”:

“  
 \_\_\_\_\_  
 Name of market intermediary responsible for trainee  
 (in block letters)  
 \_\_\_\_\_  
 Signature of the market intermediary  
 \_\_\_\_\_  
 Telephone”.

**30.** Schedule II to this By-law is amended by adding the following after the item “SIGNATURES”:

“  
 \_\_\_\_\_  
 Name of market intermediary responsible for trainee  
 (in block letters)  
 \_\_\_\_\_  
 Signature of the market intermediary  
 \_\_\_\_\_  
 Telephone”.

**31.** This By-law comes into force on 1 November 1997.

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### **M.O., 1997**

Order of the Minister of Education dated 14 August 1997 concerning the Regulation to amend the Regulation respecting private educational institutions at the preschool, elementary school and secondary school levels

An Act respecting private education  
 (R.S.Q., c. E-9.1)

The Minister of Education

CONSIDERING that under section 112 of the Act respecting private education (R.S.Q., c. E-9.1), the Minister of Education may, by regulation, establish rules to determine the financial contribution and the additional financial contribution referred to in section 93 of that Act, and define, within the meaning of that section the expression “student from outside Québec”;

CONSIDERING that section 114 of the Act prescribes that draft regulations made under section 112 of the Act are subject to review by the Commission consultative de l'enseignement privé;

CONSIDERING that the Minister's Order 2-93 of 1 September 1993 made the Regulation respecting private educational institutions at the preschool, elementary school and secondary school levels;

CONSIDERING that the Minister of Education submitted to the Commission consultative de l'enseignement privé the Draft Regulation to amend the Regulation respecting private educational institutions at the preschool, elementary school and secondary school levels, and that the Commission issued the notice on 11 July 1997;

CONSIDERING that the Draft Regulation to amend the Regulation respecting private educational institutions at the preschool, elementary school and secondary school levels, attached hereto, was published in Part 2 of the *Gazette officielle du Québec* of 11 June 1997, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) with the notice that it could be made by the Minister of Education upon expiry of 45 days following that publication;

CONSIDERING the comments received;

ORDERS:

THAT the Regulation to amend the Regulation respecting private educational institutions at the preschool, elementary school and secondary school levels, attached hereto, be made.

Signed at Québec City, August 14, 1997

PAULINE MAROIS

## **Regulation to amend the Regulation respecting private educational institutions at the preschool, elementary school and secondary school levels**

An Act respecting private education  
(R.S.Q., c. E-9.1, s. 112)

**1.** The Regulation respecting private educational institutions at the preschool, elementary school and secondary school levels, made by Minister's Order 2-93 of the Minister of Education, dated 1 September 1993, is amended by inserting the following Chapter after section 10:

### **“CHAPTER V.1 RULES FOR DETERMINING THE ADDITIONAL FINANCIAL CONTRIBUTION THAT AN INSTITUTION MAY REQUIRE OF A STUDENT FROM OUTSIDE QUÉBEC**

**10.1** A student from outside Québec within the meaning of section 93 of the Act is a student who is not a Canadian citizen or a permanent resident within the meaning of the Immigration Act (R.S.C., 1985, c. I-2).

A student who is a Canadian citizen or a permanent resident and who is not in any of the following situations is also a student from outside Québec:

(1) he was born in Québec or was adopted by a person having his residence in Québec at the time of the adoption;

(2) one of his parents or his sponsor has his residence in Québec;

(3) his parents or his sponsor are deceased, and one of his parents or his sponsor had his residence in Québec at the time of his death;

(4) he maintains his residence in Québec despite the fact that his parents or his sponsor have ceased to reside here;

(5) Québec is the last place in which he has had his residence for 12 consecutive months without being a full-time student during that time;

(6) he has a selection certificate issued under section 3.1 of the Act respecting immigration to Québec (R.S.Q., c. I-0.2) or has been residing in Québec for not less than three months without having resided in another province for more than three months, and his parents or his sponsor do not have their residence elsewhere in Canada;

(7) his spouse has or had his residence in Québec in accordance with the criteria set forth in subparagraphs 1 to 6.

For the purposes of this section, “parents” means the student's father and mother, and “sponsor” means a Canadian citizen or a permanent resident, other than the father, mother or spouse, who sponsors an application for landing filed by a permanent resident within the meaning of the Immigration Act.

**10.2** The following persons are nonetheless not deemed to be students from outside Québec:

## (1) a dependent child of

(a) a member of a diplomatic mission, a member of consular post, a private servant of the head of a mission or a member of the private staff of the head of a consular post;

(b) a member of a permanent agency certified by an international body recognized by the Gouvernement du Québec, an employee of such body or a private servant of the person in charge of such agency or body;

(c) an employee of an international non-governmental body having entered into an agreement with the Gouvernement du Québec respecting the granting of tax exemptions and benefits;

(d) a person who lawfully entered Québec as a temporary worker and who has an employment authorization issued in accordance with the Immigration Act or who is exempted from the obligation to have such authorization under that Act;

(e) a person holding a Minister's permit issued in accordance with the Immigration Act with a view to granting landing;

(f) a person who lawfully entered Québec as a foreign student, if the dependent child has not reached the age limit for the entitlement to educational services under section 1 of the Education Act;

(2) a person who comes to Québec under a school exchange program for a year or less and who holds a Québec certificate of acceptance issued in accordance with the Act respecting immigration to Québec;

(3) a person who comes from a state having entered into an agreement with the Gouvernement du Québec for the purpose of exempting the nationals of that state from paying the additional financial contribution, and to whom the agreement applies;

(4) a person who has applied for refugee status within the meaning of the Immigration Act, a person who has been denied refugee status following an application therefor but whose presence on Canadian soil is nonetheless permitted, a person to whom refugee status has been granted and who has a selection certificate issued under section 3.1 of the Act respecting immigration to Québec;

(5) a person in respect of whom, in accordance with the Immigration Act, an application for permanent residence has been filed on the basis of humanitarian considerations or the public interest and who has a selection certificate issued under section 3.1 of the Act respecting immigration to Québec.

**10.3** The additional financial contribution that an institution may require of a student from outside Québec may not exceed the following amount per school year:

(1) preschool level	\$2 275 ;
(2) elementary level	\$2 092 ;
(3) secondary level	\$ 2 919 .”.

**2.** For the 1997-1998 school year, a Canadian citizen or a permanent resident within the meaning of the Immigration Act is not deemed to be a student from outside Québec.

**3.** 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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