

## Draft Regulations

### Draft Regulation

Consumer Protection Act  
(R.S.Q., c. P-40.1)

### Application of the Act — Amendments

Notice is hereby given, in accordance with sections 10 and 13 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the application of the Consumer Protection Act, the text of which appears below, may be made by the Government upon the expiry of 25 days following this publication.

Under section 12 of the Regulations Act, the Regulation may be made at the expiry of a period shorter than the 45-day period provided for in section 11 of the Act because of the urgency due to the following circumstances:

— The purpose of the draft Regulation is to make the necessary adjustments to the regulatory provisions with respect to itinerant merchants following the adoption of the Act to amend the Consumer Protection Act with respect to itinerant merchants (1998, c. 6). Since that Act shall come into force on 1 August 1998, the Regulation that completes it shall come into force on the same date in order to avoid a legislative gap period.

— Unless a publication period shorter than that provided for in the Regulations Act may be provided, the delays inherent in the adoption process, the publication and the coming into force of a Regulation would make it impossible for the draft Regulation to come into force on 1 August 1998.

The draft will have an economic impact for businesses having recourse to itinerant merchants in that they will have to amend the contract forms, consequence which already ensued from the new provisions of the Act. Furthermore, the regulatory requirements concerning the content of the contracts will be markedly lightened and presented in a simplified and more accessible way.

Further information may be obtained by contacting Mr. Gérard Denis, Office de la protection du consommateur, 5199, rue Sherbrooke Est, bureau 3721, Montréal (Québec) H1T 3X2, telephone: (514) 873-8601, fax: (514) 864-2400.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 25-day period, to the Minister of Relations with the Citizens and Immigration, 360, rue McGill, 4<sup>e</sup> étage, Montréal (Québec) H2Y 2E9.

MICHEL NOËL DE TILLY,  
*Acting Clerk of the Conseil exécutif*

### Regulation to amend the Regulation respecting the application of the Consumer Protection Act(\*)

Consumer Protection Act  
(R.S.Q., c. P-40.1, s. 350, pars. *a* and *r*; 1998, c. 6)

**1.** Section 8 of the Regulation respecting the application of the Consumer Protection Act is amended by adding the following paragraph at the end:

“(m) a contract under which the total amount of the consumer’s obligation does not exceed \$25.”

**2.** The following is inserted after section 28:

“**28.1** The Statement of consumer cancellation rights provided for in Schedule 1 to the Act must show:

(a) the heading, in bold type of at least 12 points;

(b) the statement of the 10-day cancellation rights contained in the first paragraph of the Statement, in typeface of at least 12 points;

(c) the remainder of the text of the Statement, in typeface of at least 10 points.”

**3.** Section 30 is revoked.

**4.** The following is substituted for section 38:

\* The Regulation respecting the application of the Consumer Protection Act (R.R.Q., 1981, c. P-40.1, r. 1) was last amended by Order in Council 504-98 dated 8 April 1998 (*G.O.* 2, 1613). For previous amendments, refer to the «Tableau des modifications et Index sommaire», Éditeur officiel du Québec, 1998, updated to 1 March 1998.

“**38.** A contract involving credit entered into by an itinerant merchant and subject to sections 58 to 65 of the Act, with the exception of a contract of lease of services involving sequential performance, must contain, in addition to the clauses prescribed in Schedules 5 or 7 of the Act, the following compulsory clause, as the case may be:

“Clause required under the Consumer Protection Act.

(Contract involving credit entered into by an itinerant merchant)

The consumer may reimburse the credit contract before maturity without charge or penalty; he may also require a statement of account under the conditions provided by the Act.

It is in the consumer’s interest to refer to sections 58 to 65, 73, 74, 76, 91, 93 and 116 of the Consumer Protection Act (R.S.Q., c. P-40.1) and, if necessary, contact the Office de la protection du consommateur.””.

**5.** The following is substituted for section 45.3:

“**45.3** A contract of lease with guaranteed residual value entered into by an itinerant merchant and subject to sections 58 to 65 of the Act must contain, in addition to the clauses prescribed in Schedule 7.3 of the Act and the clauses prescribed in sections 45.1 and 45.2, the following compulsory clause:

“Clause required under the Consumer Protection Act.

(Contract of lease with guaranteed residual value entered into by an itinerant merchant)

The merchant must obtain permission of the court before recovering possession of leased goods where the consumer in default has paid at least one-half or more of his maximum obligation.

The consumer may purchase leased goods at all times under the conditions fixed by the Act; to that end, he may require a statement of account.

The consumer’s residual value exigible is limited by the Act.

The merchant may not, in some cases, sell leased goods at a price lower than the residual value without first offering it to the consumer at that price.

It is in the consumer’s interest to refer to sections 58 to 65, 150.21 and 150.27 to 150.32 of the Consumer Protection Act (R.S.Q., c. P-40.1) and, if necessary, contact the Office de la protection du consommateur.””.

**6.** This Regulation comes into force on 1 August 1998.

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