

and reduced by any income paid to the purchaser, during the same period, from another life income fund.

The maximum temporary income for the fiscal year may not be less than zero.”

4. Section 22.2 of the Regulation is amended by adding, at the end, the words “or 0.9.1, as the situation requires”.

5. Schedule 0.5 of the Regulation is amended by replacing the declaration therein by the following declaration:

“I declare:

(1) that the income whose payment I shall receive during the next 12 months, other than the temporary income of which I am applying for payment from the life income fund with respect to which I am making this declaration, is \$ _____;

(2) that I am not a party to any other contract establishing a life income fund;

(3) that a total of \$ _____ has been paid to me during the current year from the life income funds to which I have been party, other than the one with respect to which I am making this declaration, and that the said total included _____ \$ that was paid to me in the form of a temporary income.”

6. Schedule 0.9 of the Regulation is amended by replacing the title by the following title:

“DECLARATION OF THE PURCHASER WHEN TRANSFERRING SUMS TO A LIFE INCOME FUND (purchaser aged 54 years or over at the end of the year preceding the year of the transfer)”.

7. The Regulation is amended by inserting, after schedule 0.9, the following schedule:

“SCHEDULE 0.9.1
(s. 19.2)

DECLARATION OF THE PURCHASER WHEN TRANSFERRING SUMS TO A LIFE INCOME FUND (purchaser aged under 54 years at the end of the year preceding the year of the transfer)

I declare:

(1) that since the beginning of the current year, I have not received any temporary income from a life income fund other than the one concerned by this declaration;

(2) that, of the total of \$ _____ transferred to the life income fund concerned by the present declaration, a sum of \$ _____ does not come directly or indirectly from a life income fund established by a contract to which I have been party during the current year.

_____ Date

_____ Signature

NOTE: Whosoever makes a false declaration with the intention of obtaining an income payable from the life income fund mentioned in the declaration is subject to the penalties provided for in sections 257 and 262 of the Supplemental Pension Plans Act.”.

8. An application made in accordance with section 19.2 of the Regulation respecting supplemental pension plans prior to the coming into force of this regulation may be entertained provided the purchaser presents to the financial institution a declaration in conformity with the one prescribed in schedule 0.5 as amended by section 5.

9. This regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* with the exception of sections 1 to 3 and 5, which have effect from 1 January 1998.

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Gouvernement du Québec

O.C. 593-98, 29 April 1998

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

Notaries

— Other terms and conditions for permits to be issued

Regulation respecting other terms and conditions for permits to be issued by the Chambre des notaires du Québec

WHEREAS under paragraph *i* of section 94 of the Professional Code (R.S.Q., c. C-26), the Bureau of the Chambre des notaires du Québec may, by regulation, determine the other terms and conditions for issuing permits, specialist’s certificates or special authorizations, in particular the obligation to serve the periods of professional training;

WHEREAS under paragraph *h* of section 94 of the Code, the Bureau may, by regulation, determine, among the professional acts that may be engaged in by mem-

bers of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, in particular persons serving a period of professional training determined pursuant to paragraph *i* of the same section, and the terms and conditions on which such persons may engage in such acts;

WHEREAS the Bureau made the Regulation respecting conditions for admission to the notarial profession (R.R.Q., 1981, c. N-2, r. 6) and amended it by the Regulations approved by Orders in Council 817-84 dated 4 April 1984 and 1432-95 dated 1 November 1995;

WHEREAS it is expedient to replace that Regulation;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to this Order in Council was published in the *Gazette officielle du Québec* of 9 April 1997 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS in accordance with section 95 of the Code, the Office des professions du Québec made its recommendations;

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:

THAT the Regulation respecting other terms and conditions for permits to be issued by the Chambre des notaires du Québec, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,
Acting Clerk of the Conseil exécutif

Regulation respecting other terms and conditions for permits to be issued by the Chambre des notaires du Québec

Professional Code
(R.S.Q., c. C-26, s. 94, pars. *h* and *i*)

DIVISION I COMMITTEE ON PERIODS OF PROFESSIONAL TRAINING

1. The Bureau of the Chambre des notaires du Québec shall assign responsibility for periods of professional

training to a committee made up of at least 4 members whose president must be a member of the Bureau.

2. The quorum of the committee shall be the majority of its members. Decisions shall be taken by a majority vote of the members present.

3. In case of a vacancy or if a member is unable to act, the Bureau shall fill the vacancy or replace the member for the remainder of his term.

4. The committee is responsible for the administration of periods of professional training and shall report to the Bureau with respect to that matter.

DIVISION II ELIGIBILITY FOR THE PERIOD OF PROFESSIONAL TRAINING

5. The committee shall admit to the period of professional training a candidate who:

(1) holds a diploma recognized by the Government, under the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26), as giving access to the permit issued by the Chambre, or who holds a diploma equivalence or a training equivalence under a regulation made and approved pursuant to paragraph *c* of section 93 of the Code;

(2) at least 90 days before the beginning of the period of training, filled out and forwarded to the secretary of the committee an application for registration on a form supplied by the Bureau with the required documents attached; and

(3) paid the fees payable under a resolution adopted by the Bureau under paragraph 8 of section 86.0.1 of the Code.

6. Any candidate who is eligible for the period of training shall complete such period within 2 years following obtention of a diploma or of a diploma or training equivalence referred to in paragraph 1 of section 5.

Notwithstanding the foregoing, a candidate who demonstrate to the committee that he was unable to complete such period of training within the prescribed time period because of illness, an accident, pregnancy or superior force shall be granted additional time equivalent to the time during which he was unable to complete his period of training, but without exceeding 3 years. The same applies to a candidate who is pursuing graduate studies.

DIVISION III
OBJECTIVES OF AND CONDITIONS APPLICABLE
TO THE PERIOD OF PROFESSIONAL TRAINING

7. The objectives of the period of professional training are as follows:

- (1) the assimilation of theoretical knowledge;
- (2) the acquisition of the skills required for the practice of the notarial profession;
- (3) the development of professional competency; and
- (4) the integration of the preventive dimension into the practice of the notarial profession.

8. The period of training shall consist of 32 consecutive weeks of full-time employment of a nature compatible with the objectives of the period of training, which are described in section 7. The period of training shall also include, during the same lapse of time, compulsory participation in the activities of the professional program described in section 16.

A period of training may not begin before the date determined by the committee.

During the period of training, a trainee may be absent for a period not exceeding 10 working days, failing which he shall, in accordance with section 17, file with the committee a written request, with reasons, for interruption of his period of training.

9. A candidate may carry out part of his period of training, not to exceed 3 months, outside Québec, provided that the objectives described in section 7 are met.

10. A period of training shall be completed under the supervision of a tutor, who shall meet the following conditions:

- (1) have been entered on the roll of the Chambre for at least 5 years and have practised the profession in a position of a nature compatible with the objectives of the period of training described in section 7, on a full-time basis for the past 5 years;
- (2) not, in the past 5 years, have had a penalty imposed on him by the committee on discipline of the Chambre, other than the penalty provided for in subparagraph *a* of the first paragraph of section 156 of the Professional Code, or by the Professions Tribunal;
- (3) not, in the 5 years preceding the date of the beginning of that period of training, have been required to

complete a refresher training period pursuant to the Regulation respecting refresher training periods for notaries, approved by Order in Council 1363-94 dated 7 September 1994; and

(4) have paid all duties, fees or assessments due to the Chambre.

11. A notary interested in acting as a tutor shall apply to the committee in writing.

Authorization to act as a tutor shall be granted by the committee for 3 years and may be withdrawn at any time by the committee, if it considers that the tutor does not perform his duties in accordance with section 12.

12. The tutor shall contribute to the training of every trainee for whom he is responsible. He shall supervise the trainee daily in the work environment. The tutor shall, in particular:

- (1) facilitate the trainee's integration into the work environment;
- (2) inform the trainee of the functioning of the work environment and of the resources available;
- (3) determine the trainee's duties, specifying the work methods to be used and the deadlines to be met;
- (4) help the trainee to organize his work and introduce him to office management;
- (5) allow the trainee to progressively perform certain professional acts in part and eventually in full;
- (6) carry out periodic evaluations of the work performed by the trainee; and
- (7) contribute to evaluating the trainee's attainment of his training objectives.

Where a candidate carries out part of his period of training outside Québec in accordance with section 9, the tutor must, in particular during that period, require from the trainee at least once a month, a detailed report on the activities carried out outside Québec.

13. Before beginning his period of training, a candidate shall obtain the committee's approval of his training plan. The committee shall issue a notary trainee's card where the requirements of this Regulation are met. Such card attests to the trainee's entitlement to use the title of notary trainee and is valid for the duration of the period of training. The candidate shall not begin his period of training before obtaining his card.

14. The committee shall also appoint a supervisor for each trainee and tutor. Several trainees and tutors may be under the supervision of the same supervisor.

15. The supervisor shall, in particular:

(1) support the trainee in his integration into the work environment;

(2) provide the pedagogical support needed by the trainee and tutor for whom he is responsible;

(3) prepare and conduct certain activities of the professional program;

(4) evaluate trainees in the professional program;

(5) jointly with the tutor, carry out the periodic evaluation of the trainee during the period of training; and

(6) jointly with the tutor, carry out the final evaluation of the trainee in the case of an on-the-job period of training.

16. The professional program of the period of training shall comprise the following activities:

(1) at least 5 integration seminars consisting of group sessions lasting one day or less and completed, according to the trainee's needs, with correspondence activities; they shall be designed to help trainees understand the process involved in the period of training and to assimilate their practical experiences through discussion and collective study on the problematics found in the practice of the profession of notary;

(2) at least 15 analysis and synthesis sessions consisting of group sessions lasting at least one day and completed, according to the trainee's needs, by correspondence activities; they shall be designed to develop the professional behaviour and skills required in the practice of the profession of notary;

(3) individual sessions consisting of readings and exercises on notarial practice; and

(4) training activities carried out jointly by the supervisor and the tutor.

17. Upon request, with reasons, by the trainee or his supervisor, the committee may authorize:

(1) a change of tutor;

(2) an interruption in the period of training;

(3) modifications to the originally approved training plan; and

(4) cancellation of the period of training, where the elapsed portion does not exceed 8 consecutive weeks.

18. The committee shall cancel a trainee's card, where it considers that a period of training does not comply with the requirements of this Division.

Notwithstanding the foregoing, the committee shall give the parties concerned the opportunity to be heard before cancelling a card.

DIVISION IV **PROFESSIONAL ACTS PERFORMED** **BY A TRAINEE**

19. Under the authority and responsibility of the tutor, a trainee is authorized to perform the following acts:

(1) to keep records, accounting books and registers;

(2) to communicate with the clients of the tutor;

(3) to read aloud a notarial deed to the parties in accordance with section 42 of the Notarial Act (R.S.Q., c. N-2);

(4) to represent or assist a person before an organization where so authorized by law; and

(5) to assist the tutor in all aspects of the practice of his profession, but not to perform any professional acts that must be performed by a notary in the practice of his profession.

DIVISION V **EVALUATION OF THE PERIOD OF TRAINING**

20. Periods of training shall be evaluated according to criteria determined by the committee and designed to measure the attainment of the objectives described in section 7. A period of training is successfully completed if the trainee attains the expected level of mastery for each objective:

(1) level 3, applicable to the objectives mentioned in paragraphs 1 and 3 of section 7, requires that the trainee master the required qualifications and skills and that he be able to perform the duties without help or supervision;

(2) level 2, applicable to the objective mentioned in paragraph 2 of section 7, requires that the trainee demonstrate a satisfactory mastery of the required qualifica-

tions and skills, even if he periodically needs help or supervision; and

(3) level 1, applicable to the objective mentioned in paragraph 4 of section 7, requires that the trainee demonstrate a satisfactory mastery of the required qualifications and skills, even if he needs help or supervision to master the skill in its entirety.

A trainee who does not attain the expected level of mastery for any of the objectives described in section 7 fails the period of training.

21. Once the trainee has completed his period of training, the tutor and the supervisor shall each prepare a written evaluation report containing their individual evaluations.

The tutor shall evaluate the attainment of the objectives through the elements the trainee has learned in the work environment. The supervisor shall evaluate the attainment of the objectives for the whole program of training, including the professional program.

22. The tutor and the supervisor shall each provide a copy of their reports to the trainee and to the committee within 30 working days following the end of the period of training.

23. After studying each of the reports, the committee shall evaluate whether the trainee has passed the period of training and shall recommend to the Bureau that it issue a passing attestation or a notice of failure.

24. The committee's recommendation as to the passing or failure of a period of training shall include reasons and shall be sent to the trainee without delay.

25. Before recommending to the Bureau that it issue a notice of failure, the committee shall give the parties concerned the opportunity to be heard. The committee is not bound by any negative conclusions contained in the evaluation reports. The committee shall send the trainee, the tutor and the supervisor a written notice of the date and place of the hearing at least 15 working days in advance.

26. A trainee who fails a period of training shall repeat it in accordance with the conditions determined in this Regulation.

27. This Regulation applies to the periods of training in progress when it comes into force. Notwithstanding the foregoing, a candidate who, under the Regulation respecting conditions for admission to the notarial profession (R.R.Q., 1981, c. N-2, r. 6), has successfully

completed one or several activities of the professional program or the on-the-job period of training shall not have to repeat them and, in case of failure, will have to repeat only either the activity he has failed or the on-the-job period of training.

28. This Regulation replaces the Regulation respecting conditions for admission to the notarial profession.

29. 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. 594-98, 29 April 1998

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

Nursing assistants

— Code of ethic
— Amendments

Regulation to amend the Code of ethics of nursing assistants

WHEREAS under section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, his clients and his profession, particularly the duty to discharge his professional obligations with integrity;

WHEREAS under that section, the code of ethics must contain, *inter alia*:

(1) provisions determining which acts are derogatory to the dignity of the profession;

(2) provisions defining, if applicable, the professions, trades, industries, businesses, offices or duties incompatible with the dignity or practice of the profession;

(3) provisions to preserve the secrecy of confidential information that becomes known to the members of the order in the practice of their profession;

(4) provisions setting out the conditions and procedure applicable to the exercise of the rights of access and correction provided for in sections 60.5 and 60.6 of the Professional Code, and provisions concerning a