

“25. If the sponsorship activities fail to meet the objectives of section 17, the sponsorship evaluator shall require the junior engineer to repeat one or more meetings with the sponsor.

Sections 20 to 24 inclusively shall apply, *mutatis mutandis*, to the meeting or meetings so repeated.”

25. Section 26 of the regulation is deleted.

26. Section 28 of the regulation is amended by the replacement of the words “an engineer-in-training” by the words “a junior engineer”.

27. Section 29 of the regulation is amended by the replacement of the word “engineer-in-training” by the words “junior engineer”.

28. Section 32 of the regulation is deleted.

29. Section 33 of the regulation is amended by:

1° the deletion, in the first paragraph, of the words “, accompanied by a description of the engineering experience acquired”;

2° the replacement, in the second paragraph, of the words “an engineer-in-training” by the words “a junior engineer” and the deletion of the words “or, where applicable, shall indicate to him the measures he must take to meet the condition set out in section 32. Such registration does not imply the recognition of engineering experience for the purposes of Division II”.

30. Section 34 of the regulation is amended by the replacement of the words “an engineer-in-training” by the words “a junior engineer”.

31. Section 35 of the regulation is amended by the replacement of the words “an engineer-in-training” by the words “a junior engineer”.

32. The title to Division V of the regulation is amended by the replacement of the word “engineer-in-training” by the words “junior engineer”.

33. Section 36 of the regulation is amended by the replacement of the words “an engineer-in-training” by the words “a junior engineer” and the deletion, after the word “experience”, of the words “, sponsorship activities”.

34. Section 37 of the regulation is amended by the replacement of the words “an engineer-in-training” by the words “a junior engineer”.

35. Section 38 of the regulation is amended by:

1° the replacement, in the first paragraph, of the word “stagiaire” by the word “junior” and of the word “engineer-in-training” by the words “junior engineer”;

2° the replacement, in the second paragraph, of the abbreviation “stag.” by “jr.” and the initials “EIT” by “Jr. Eng.”.

36. Section 39 of the regulation is amended by the replacement of the word “engineer-in-training” by the words “junior engineer” and the addition, after the word “is”, of the words “revoked or”.

37. This regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.

2485

Draft Regulation

Public Curator Act
(R.S.Q., c. C-81)

Provisional Administration of Property — 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 the application of the Public Curator Act, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

This Regulation proposes to specify the form and content of the statement to be filed by debtors or holders of unclaimed property when such property is transferred to the Public Curator, the documents to be attached, the mode of communication of the statement and the yearly period within which it must be filed. It also specifies when interest is to be paid, if applicable, by debtors or holders who are late in transferring unclaimed property to the Public Curator, the rate of interest applicable to the amounts paid to the Minister of Finance that an assign may recover from the Public Curator.

Moreover, the draft regulation determines the nature and the terms and conditions of the payment, to the Public Curator, of the amounts payable under a pension or retirement contract or plan that is not claimed by an assign. It also prescribes how long the information on unclaimed property shall be kept on the register of property under provisional administration and proposes new rules for establishing the percentage of the maximum

fees charged by the Public Curator for the management of joint portfolios.

Lastly, the draft regulation proposes to harmonize the provisions of the current regulation with those of the Civil Code of Québec, in force since 1 January 1994, and with the new rules introduced by the Act to amend the Public Curator Act and other legislative provisions relating to property under the provisional administration of the Public Curator (Chapter 80 of the Statutes of 1997).

To date, the study of the matter has shown no effect on citizens or businesses, other than that resulting from the amendments made to the Public Curator Act by Chapter 80 of the Statutes of 1997.

Further information on the draft regulation may be obtained by contacting Ms. Marie Despatis, Service Head, Service des biens non réclamés, Curateur public du Québec, 600, boulevard René-Lévesque Ouest, bureau 500, Montréal (Québec) H3B 4W9; tel.: (514) 873-8904; fax: (514) 873-0150.

Any interested person having comments to make on the draft regulation is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Relations with the Citizens and Immigration, 360, rue McGill, 4^e étage, Montréal (Québec) H2Y 2E9.

ANDRÉ BOISCLAIR,
*Minister of Relations with the
Citizens and Immigration*

Regulation to amend the Regulation respecting the application of the Public Curator Act*

Public Curator Act
(R.S.Q., c. C-81, ss. 14, 24, 24.1, 26.1, 40, 41, 41.1, 54, 56 and s. 68, par. 4.1; 1997, c. 80, ss. 8, 9, 11, 23, 24, 25, 29 and 39; 1997, c. 75, s. 44)

1. Section 1 of the Regulation respecting the application of the Public Curator Act is amended by substituting the following for the part preceding paragraph 1:

“**1.** For the application of section 14 of the Public Curator Act, the director general of a health or social

services institution shall forward the following information concerning a person of full age to the Public Curator:”.

2. The following is substituted for section 2:

“**2.** In order to establish the Public Curator’s authority as regards provisional administration of the property described in section 24 of the Act, the Public Curator may require the following information and documents:

(1) for property described in paragraph 1 of section 24 of the Act: a sworn statement by a person who knew the absentee and was aware of his disappearance, indicating the circumstances and reasons for his departure if they are known, the date on which he ceased to appear at his domicile or residence and the fact that he has not been heard from since the date of his departure;

(2) for property described in paragraph 2 of section 24: a statement by the coroner indicating that he has in his custody property found on the body of an unknown person or on an unclaimed body;

(3) for property described in paragraph 3 of section 24: a copy of the notice of dissolution of a legal person as well as a certificate from the competent authority attesting that, to date, the legal person is still dissolved and, in the case of a legal person dissolved pursuant to the rules of the Civil Code, a statement from the designated liquidator or from another interested person attesting that the property has devolved to the State or indicating that liquidation of the legal person has not been completed, accompanied with the liquidator’s rendering of accounts;

(4) for property described in paragraph 4 of section 24: a statement from a successor or other interested person indicating, in addition to the reasons justifying the involvement of the Public Curator, that the known successors have not yet exercised their option as regards the succession or that the heirs or a third person, designated in accordance with the testamentary provisions of the deceased or by the court, are unable to discharge the duty of liquidator of the succession;

(5) for property without an owner or lost or forgotten property described in paragraph 5 of section 24: a statement by an interested person who has personal knowledge of the facts related to such property, indicating the circumstances under which the property came to be without an owner or was lost or forgotten;

(6) for property described in paragraph 5 of section 24: an order, judgment or any other document attesting to the permanent forfeiture of the property;

* The Regulation respecting the application of the Public Curator Act, made by Order in Council 361-90 dated 21 March 1990 (1990, G.O. 2, 633), was amended only once by Order in Council 602-92 dated 15 April 1992 (1992, G.O. 2, 2524).

(7) for property described in paragraph 7 of section 24: a statement from the director of a detention centre or the administrator of an institution, indicating the circumstances of the deposit or abandonment of the property, the departure or death of the depositor and the attempts to locate the depositor or to notify the heirs, accompanied with the certificate of death, if applicable, and a copy of any document concerning the depositor's identity and place of domicile;

(8) for property described in paragraph 8 of section 24: a statement from an interested person attesting that the administrator is incapable of performing that function, the reasons therefor and proof thereof and, if applicable, a copy of the act constituting the administration and the administrator's rendering of accounts;

(9) for property described in paragraph 9 of section 24: a copy of the notice of dissolution of a partnership, an attestation from the Inspector General of Financial Institutions indicating that, to date, the partnership is still dissolved and a declaration from the designated liquidator or from another interested person attesting that the property has devolved to the State or indicating that liquidation of the partnership has not been completed, accompanied with the liquidator's rendering of accounts; and

(10) for property described in paragraph 9 of section 24: a statement from an interested person indicating the termination of the association contract and the reasons therefor, and attesting that the property has devolved to the State, accompanied with, if applicable, the liquidator's rendering of accounts;

(11) for property described in paragraph 10 of section 24: a statement from an interested person who has personal knowledge of the facts related to such property indicating that despite all attempts, it was impossible to identify or to find the owners or other assigns.”.

3. The following is substituted for section 3:

“**3.** In order to establish the Public Curator's authority as regards property that devolves to the State, the Public Curator may require the following information and documents from any interested person who has personal knowledge of the facts:

(1) a statement indicating that the deceased had no spouse or relatives within the degrees of succession, or that all known successors have renounced the succession and that no other successor is known or has laid claim to the succession;

(2) a certified true copy of the renunciations of the succession by known successors;

(3) any document attesting to the refusal by a person appointed liquidator of a succession to discharge his duty, or his later renunciation, if applicable;

(4) a true copy of the death certificate of the deceased and, if applicable, his marriage contract and his will, or, failing that, a declaration pertaining to legal devolution of the succession.”.

4. Section 4 is revoked.

5. The following is substituted for section 6:

“**6.** The account that the Public Curator must file under section 41 of the Act shall include the balance established at the beginning and the end of the period of administration, a statement of receipts and disbursements and all the information required to establish the balance.

In the cases referred to in the second paragraph of section 41, the rendering of account shall be effected by filing the account in the Public Curator's record. From that moment, the account shall be at the disposal of the Minister of Finance. The sums of money remaining upon termination of the administration shall be transferred to the Minister, to the financial institution he designates, within five days of the rendering of account.”.

6. The following headings and sections are inserted after section 6:

**“DIVISION II.1
TRANSFER AND STATEMENT OF UNCLAIMED
PROPERTY**

6.1 Amounts payable under a pension or retirement contract or plan within the meaning of paragraph 9 of section 24.1 of the Act shall correspond to the actualized value of all the periodic payments due or to become due under the contract or the plan.

The debtor or holder of the amounts shall transfer them to the Public Curator in one single payment.

6.2 The yearly period during which a debtor or holder of unclaimed property must transfer the property to the Public Curator, under section 26.1 of the Act, and file the related statement is the first trimester that follows the end of the year in which the property became unclaimed property or, if the debtor or holder carries on a business or is a legal person, in the first trimester fol-

lowing the end of the fiscal year in which it became unclaimed property.

The property shall be transferred and the statement filed by registered mail.

6.3 The statement that debtors or holders of unclaimed property must file with the Public Curator containing the description of the property and the other information necessary to determine the identity of the assigns, their place of domicile, and the nature and the origin of their rights, shall be prepared in the form prescribed in Schedule I.1, to which shall be attached any supporting document therein prescribed.

The above statement shall be certified by an auditor, where the debtor or holder is required by law to have his financial statements certified by an auditor.

6.4 Any interest owed by a debtor or holder of unclaimed property is payable upon transfer of the property to the Public Curator.

DIVISION II.2 **RATE OF INTEREST PAYABLE TO ASSIGNS**

6.5 The rate of interest payable to an assign pursuant to the second paragraph of section 41.1 of the Act shall be the rate applicable to the interim investment units held in regular accounts at Placements Québec, determined by the Minister of Finance in accordance with the Financial Administration Act (R.S.Q., c. A-6, s. 69.0.2).

The interest payable shall be calculated by taking into account any variation in the rate applicable to the units from the date on which the sums are transferred to the Minister of Finance to the date on which payment is made to the assign.”.

7. The following is substituted for section 7:

“**7.** The following information shall be entered on the registers prescribed in section 54 of the Act:

(1) for the register of tutorship to minors:

- (a) the file number of the Public Curator;
- (b) the surname and given names of the tutor or tutors;
- (c) the provision in a will, a statement or a judgment, if applicable, appointing the tutor or tutors;
- (d) the surname and given names of the minor;

(2) for the register of tutorship and curatorships to persons of full age:

(a) the file number of the Public Curator;

(b) the surname and given names of the tutor or tutors or the curator or curators;

(c) the type of protective supervision;

(d) the date and number of the judgment of appointment of the tutor or tutors or the curator or curators;

(e) the surname and given names of the person of full age;

(f) any change in the protective supervision and the date of such change;

(3) for the register of property under provisional administration:

(a) the file number of the Public Curator, and the date on which the administration began;

(b) the type of provisional administration;

(c) the identification of the owner or owners or other known assigns, as regards the property administered, their last address and, if unknown, an indication as to the origin of the property;

(d) a brief description of the property, if the owner or assign is unknown;

(4) for the register of homologated mandates for the eventuality of the incapacity of the mandator:

(a) the file number of the Public Curator;

(b) the surname and given names of the mandator;

(c) the surname and given names of the mandatary;

(d) the date of the mandate;

(e) the type of mandate and its scope;

(f) the date and number of the judgment of homologation;

(g) the date of the end of the mandate, if stipulated;

(h) the date and number of the judgment of revocation of the mandate, where applicable.”.

8. The following section is inserted after section 7:

“**7.1** The information given on the register of property under the provisional administration of the Public Curator relating to property the administration of which ceases as provided for in the second paragraph of section 40 of the Act, shall be kept on that register until the expiry of one of the following periods:

(1) ten years from the date of the transfer, where the total amount transferred to the Minister of Finance is less than \$500;

(2) ten years from the date the succession was opened or from the date the heir’s right arises, if it is known, where the total amount transferred to the Minister of Finance is equal to or more than \$500 and the sums come from a succession or a liquidation of property from a succession;

(3) in all other cases, thirty years from the date of transfer to the Minister of Finance of the sums administered by the Public Curator or originating from the liquidation of the property under his administration.”

9. The following is substituted for section 9:

“**9.** For the calculation of the fees to which the Public Curator is entitled pursuant to section 56 of the Act, the maximum percentage of the average assets of the joint portfolios under the management of the Public Curator shall be as follows:

(1) for the management of portfolios the total assets of which are made up of fixed income investments maturing in less than one year: 1.25 % yearly;

(2) for the management of portfolios the total assets of which are made up of fixed income investments a portion of which will mature in more than one year: 2 % yearly;

(3) for the management of portfolios a portion of which may be invested in common shares: 2.5 % yearly.

The fees are calculated according to the average assets of the reference period of each joint portfolio, in proportion to the yearly percentage.”

10. The following is substituted for section 10:

“**10.** The period of reference for the establishment of the average assets under management shall be within the trimester in which the fees are calculated.”

11. Sections 11 and 12 are revoked.

12. This Regulation comes into force on the date of coming into force of sections 8, 9, 11, 23, 24, 25, 29 and 39 of the Act to amend the Public Curator Act and other legislative provisions relating to property under the provisional administration of the Public Curator (1997, chapter 80).

SCHEDULE I.1
STATEMENT CONCERNING UNCLAIMED PROPERTY
(Public Curator Act, s. 26.1)

(A) DECLARATION OF DEBTOR OR HOLDER OF UNCLAIMED PROPERTY

NAME: _____
ADDRESS: _____
TEL.: _____ FAX: _____

PERIOD COVERED BY THIS DECLARATION:
from _____ to _____

I, the undersigned, _____, acting on my own behalf or, as the case may be, as a duly authorized representative of the institution, business or other organization, identified above, declare that:

(1) as a debtor or holder of unclaimed property, I am hereby filing the statement prescribed under the Public Curator Act with a description of all the property held that has become unclaimed property within the meaning of the Act in the period indicated above;

(2) a written notice as prescribed by section 26 of the Public Curator Act was given to the assigns for each unclaimed property described in this statement, except for the cases where reasons recognized by the Act or the regulations thereunder are relied on and indicated with respect to that property under the title “Other necessary or applicable information” below; and

(3) all the facts in this statement are accurate.

SIGNED at _____, on _____, 19____.

(Signature)

(B) ATTESTATION OF AUDITOR

The above statement represents, in my opinion, a true account of the property that became unclaimed property in accordance with the Public Curator Act within the fiscal period ending on _____, as shown in the debtor or holder’s accounting records and statements which I have audited for that period.

SIGNED at _____, on _____, 19____.

(Signature)

NAME: _____

ADDRESS: _____

STATEMENT CONCERNING UNCLAIMED PROPERTY (cont.)
(Public Curator Act, s. 26.1)

(C) DESCRIPTION OF UNCLAIMED PROPERTY AND RELATED INFORMATION

| Description of unclaimed property | Identity and domicile of assigns | Nature and origin of right | Documents filed | Value of property | Interest payable (s. 26.4 P.C.A.) | Other necessary or applicable information |
|-----------------------------------|----------------------------------|----------------------------|-----------------|-------------------|-----------------------------------|---|
|-----------------------------------|----------------------------------|----------------------------|-----------------|-------------------|-----------------------------------|---|

2486

Draft Regulation

Supplemental Pension Plans Act
(R.S.Q., c. R-15.1)

Plans exempted from the application of certain provisions**— 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 plans exempted from the application of certain provisions of the Supplemental Pension Plans Act, the text of which appears below, may be submitted to the Government for approval upon the expiry of 45 days following this publication.

The following Regulation is intended, on the conditions set therein, to exempt from the application of a portion of the Supplemental Pension Plans Act certain multi-employer pension plans that have the characteristics defined in the Regulation. Generally, the provisions of the Regulation ease the responsibilities of employers with respect to plan funding. Those employers lose, however, all ownership rights to any surplus assets determined in the future at the time of plan termination.

Further information may be obtained from Mr. Ghislain Nadeau, Régie des rentes du Québec, place de la Cité, 2600, boulevard Laurier, Sainte-Foy (Québec) G1V 4T3 (tel.: (418) 644-8096, fax: (418) 643-7421).

Any person having comments to make on this matter is asked to send them in writing, before the expiry of the 45-day period, to Mr. Claude Legault, President and General Manager of the Régie des rentes du Québec, place de la Cité, 2600, boulevard Laurier, 5^e étage, Sainte-Foy (Québec) G1V 4T3. Comments will be forwarded by the Régie to the Minister of Employment and Solidarity, who is responsible for the administration of the Supplemental Pension Plans Act, under which this Regulation may be made.

LOUISE HAREL,
*Minister of State for Employment and Solidarity
Minister for the Status of Women and Independent
Community Action and Minister responsible for the
Centre-du-Québec region*