

Draft Regulation

An Act to amend the Code of Civil Procedure and other legislative provisions in relation to notarial matters
(1998, c. 51)

Notaries

— Conditions for the certification as regards the institution or review of protective supervision and mandates in anticipation of incapacity

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 28 of the Act to amend the Code of Civil Procedure and other legislative provisions in relation to notarial matters (1998, c. 51), that the Regulation respecting the conditions for the certification of notaries as regards the institution or review of protective supervision and mandates in anticipation of incapacity, the text of which appears below, may be submitted to the Government for approval upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to determine the conditions to be met by a notary to be certified for the institution or review of protective supervision and for mandates given in anticipation of the mandator's incapacity.

Further information may be obtained by contacting Ms. Dominique Duclos, Director of Professional Development, Chambre des notaires du Québec, 800, place Victoria, bureau 700, Tour de la Bourse, C.P. 162, Montréal (Québec) H4Z 1L8; tel. (514) 879-2930, fax: (514) 879-1697.

Any interested person having comments to make on the matter is asked to send them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister of Justice. They may also be forwarded to the professional order that made the Regulation, as well as to interested persons, departments and bodies.

JEAN-K. SAMSON,
*Chairman of the Office
des professions du Québec*

Regulation respecting the conditions for the certification of notaries as regards the institution or review of protective supervision and mandates in anticipation of incapacity

An Act to amend the Code of Civil Procedure and other legislative provisions in relation to notarial matters
(1998, c. 51, s. 28)

1. For the institution or review of protective supervision and mandates given in anticipation of incapacity, the Bureau of the Chambre des notaires du Québec shall certify any notary who has completed a training course that includes at least 5 hours on the legal aspects of the procedure applicable before a notary in those matters and at least 7 hours on all the following aspects of the examination of the person concerned by the application:

- (1) psychological and psychosocial aspects;
- (2) awareness of problems arising from the incapacity of a relative;
- (3) reading of medical and psychosocial assessments; and
- (4) preparation and conduct of the examination.

2. The Bureau shall also certify any notary who demonstrates that his knowledge is, by reason of his experience or otherwise, equivalent to that acquired by a notary who has completed the training.

3. An application for certification, together with processing fees of \$50 and vouchers, shall be submitted to the Chambre des notaires with an affidavit. Additional fees of \$25 shall be charged where the application is made under section 2.

4. A notary who teaches the part of the training course pertaining to the legal aspects or who completed it in the course of a university program in notarial law is, for certification purposes, exempt from that part of the course.

5. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.