

Draft Regulations

Draft Regulation

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

Regulation — 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 Consumer Protection Act, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to allow merchants who operate enterprises in a year-round resort and who are members of an association established under a Québec private Act to charge, under certain conditions, a higher price for goods or services than the advertised price if the difference in price represents a percentage of the dues charged by that association.

The draft Regulation also contains advertising requirements to be met by those merchants with respect to the percentage of the association's dues.

Further information may be obtained by contacting Marc Lafrance, Director of Human Rights, Ministère des Relations avec les citoyens et de l'Immigration, 360, rue McGill, r.c. 03, Montréal (Québec) H2Y 2E9; telephone: (514) 864-8352; fax: (514) 864-7726.

Any interested person having comments to make on the matter 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.

SYLVAIN SIMARD,
*Minister of Relations
with the Citizens and Immigration*

Regulation to amend the Regulation respecting the application of the Consumer Protection Act*

Consumer Protection Act
(R.S.Q., c. P-40.1, ss. 223 and 350, pars. *c* and *r*)

1. The Regulation respecting the application of the Consumer Protection Act is amended by adding the following after section 91.5:

“**91.6.** A merchant who is a member of an association established under a Québec private Act that sets out as one of its purposes to promote the development and operation of a year-round resort is not required to include, for goods sold in an establishment located on immovable property subject to that Act, an amount representing a percentage of the dues charged to its members by that association in the price that must be indicated on each item sold in his establishment in accordance with section 223 of the Act, or in the price that must be posted for each item in accordance with sections 91.3 and 91.5, as proposed by sections 3 and 4 of the draft Regulation to amend the Regulation respecting the application of the Consumer Protection Act published in the *Gazette officielle du Québec* of 5 July 2000, page 3427, if the merchant claims an exemption under those sections.

Where a merchant referred to in the first paragraph elects to add the contribution referred to in the first paragraph to the indicated or posted price of the goods sold in his establishment, the merchant shall:

(a) indicate on the invoice or cash receipt given to the consumer, for each transaction, the percentage of the dues charged by the association to which he belongs, and the amount that percentage represents, that has been applied and added to the indicated or posted price of the goods sold; and

(b) post, in full view of customers at the entrance to his establishment and next to each cash register, a notice indicating, in clear and legible dark lettering on a white background, that an amount representing a percentage

* The Regulation respecting the application of the Consumer Protection Act (R.R.Q., 1981, c. P-40.1, r. 1) was last amended by the Regulation made by Order in Council 932-98 dated 8 July 1998 (1998, *G.O.* 2, 2870). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 February 2000.

of the dues charged by the association to which he belongs will be added to the indicated or posted price of each item sold in his establishment and specifying the percentage and the name of the association.

91.7. Paragraph *c* of section 224 of the Act does not apply to a merchant who is a member of an association referred to in section 91.6 with respect to goods or services sold in an establishment referred to in that section where the only difference between the advertised price and the price charged for the goods or services is an amount representing a percentage of the dues charged by the association to which he belongs, provided that the following conditions are met:

(*a*) the notice prescribed in subparagraph *b* of the second paragraph of section 91.6 must be posted in accordance with the requirements of that section for the goods or services sold in his establishment; and

(*b*) any advertising at the merchant's specific request about goods or services sold in his establishment must indicate that an amount representing a percentage of the dues charged by the association to which he belongs will be added to the advertised price and must state the percentage and the name of the association.”.

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