

Draft Regulation

Animal Health Protection Act
(R.S.Q., c. P-42)

Cattle

— Identification

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 respecting the identification of cattle, the text of which appears below, may be made by the Gouvernement du Québec upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to introduce an identification system for cattle in order to insure their traceability. The identification system will also enable the industry and the Government to rapidly control and eliminate a health or food safety crisis.

To that end, it proposes the requirements for an animal owner or custodian to identify cattle with two tags, of which one is a chip tag and the other a bar code tag, and to signal their transits to the Minister of Agriculture, Fisheries and Food or the management agency of the identification system, as the case may be.

There is no significant impact on business to this day.

Further information may be obtained by contacting Dr. Robert Clermont, Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, 200, chemin Sainte-Foy, 11^e étage, Québec (Québec) G1R 4X6, telephone: (418) 380-2100; fax: (418) 380-2169.

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 Agriculture, Fisheries and Food, 200, chemin Sainte-Foy, 12^e étage, Québec (Québec) G1R 4X6.

MAXIME ARSENEAU,
Minister of Agriculture, Fisheries and Food

Regulation respecting the identification of cattle

Animal Health Protection Act
(R.S.Q., c. P-42, s. 22.1; 2000, c. 40, s. 14)

DIVISION I SCOPE

1. An identification system is introduced for all animals of the *Bos taurus* or *Bos indicus* species owned or raised in Québec.

2. The animal identification system that the Minister of Agriculture, Fisheries and Food or the managing agency administers shall comprise the following information:

- (1) the name and address of the farm of origin of the animal;
- (2) the name and address of the owners or, where applicable, of the successive custodians of the animal;
- (3) the registration number of the farm if it is registered under the provisions of Division VII.2 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., c. M-14);
- (4) the species to which the animal belongs;
- (5) the category to which the animal belongs;
- (6) the animal's identification, including the one recognized under another identification system established by a government in Canada or by the appropriate authority of the country of origin of the animal;
- (7) the date of issue of the tags;
- (8) the date of identification of the animal;
- (9) the animal's sex;
- (10) the animal's age;
- (11) where applicable, the identification substitute number in case of a loss of the identification number;
- (12) where applicable, the transits of the animal outside the farm of origin; and
- (13) if the farm comprises more than one production site, the location of each site and the transits of the animal from one site to the other.

In this Regulation,

“farm of origin” means the farm where an animal was born or the first farm that receives an animal born in Québec outside a farm;

“management agency” means the agency responsible for the management of the identification system pursuant to section 22.3 of the Animal Health Protection Act (R.S.Q., c. P-42; 2000, c. 40, s. 14); and

“production site” means the livestock building or the field where the animals of the species referred to in section 1 are kept.

DIVISION II TAGS

3. The chip tag and the bar code tag used to identify the animals must comprise the following characteristics:

(1) have an identification number of at least nine numbers that can be read easily and correctly;

(2) show a sketch of half of the fleur-de-lys and the letters Qc;

(3) made of non toxic materials and fitted with a fastener;

(4) designed as to remain on the animal on which they are affixed at all times;

(5) not easily modified or falsified;

(6) not easily counterfeit; and

(7) be of the single-use type.

4. Chip tags and bar code tags shall be issued by the Minister or by the management agency, as the case may be

(1) at the request of the farm operator for the animals on the farm;

(2) at the request of the importer for the animals he imports.

The operator or importer who makes a request under the first paragraph shall transmit, at that moment, his name and address as well as the information covered by subparagraphs 1, 3 and 4 of the first paragraph of section 2 to the Minister or management agency.

5. The tags issued under section 4 may only be affixed to animals that are found on the farm for which the tags were issued. Where tags are issued to the importer, the tags may also be affixed to the animals he imports.

The tags are valid as long as they remain on the animals on which they were affixed. They are no longer valid when lost or removed from the animals or from their carcass, or when the fastener is modified or altered.

The ones that have not been used must be kept on the farm and presented to an inspector upon request under section 22.2 of the Act.

6. Subject to Division V, no one can remove or have removed the tags that were affixed on animals.

DIVISION III IDENTIFICATION

7. Any animal owner, custodian or importer shall identify or have any animal that is kept in Québec identified by affixing a chip tag to one of the animal's ears and a bar code tag on the animal's other ear. The tags must comply with the provisions of section 3 and bear the same identification number.

Identification is only possible on the farm. In the case of an importer, he may also identify the animal before its importation.

8. Where the animal is identified by approved tags, of which one is a chip tag and the other one a bar code tag, it serves as the tag contemplated in section 7.

Where the animal is identified by a single approved tag, with a bar code or a chip, it serves as the tag contemplated in section 7 if the identification of the animal is completed by affixing a complementary tag to the animal's other ear which bears the same number as the one on the approved tag.

In this Regulation, "approved tag" means a tag which has been approved under section 173 of the Health of Animals Regulations (C.R.C., c. 296; SOR/91-525; SOR/2000-416).

9. Where the animal is identified by the official tags of the country of origin, of which one is a chip tag and the other one is a bar code tag, it serves as the tag contemplated in section 7.

Where the animal is only identified by a chip tag, it serves as the chip tag contemplated in section 7.

In this Regulation, "official tag of the country of origin" is a tag officially recognized by the appropriate authority of the animal's country of origin and which meets the requirements of paragraph 4 of section 189 of the Health of Animals Regulations.

10. Any animal owner, custodian or importer whose animal is identified only by an approved bar code tag or by an official bar code tag from the country of origin, shall identify it or have it identified in accordance with section 7.

Notwithstanding the first paragraph, the identification of the animal identified by an approved bar code tag may be completed by affixing a chip tag on the animal's other ear which bears the same number as the one on the bar code tag.

Where the animal is already identified by an approved chip tag or an official chip tag from the country of origin, the identification shall be completed either by

(1) affixing a plastic tag bearing the same number as the one on the chip tag to the animal's other ear; or

(2) affixing a bar code tag bearing the same number as the one on the chip tag to the animal's other ear.

In the cases contemplated in the second paragraph and in subparagraph 2 of the third paragraph, the identification shall be completed at the farm and the required tags, except plastic tags, shall be ordered within seven days following the arrival of the animal at the farm.

11. The identification shall be made:

(1) for an animal born in Québec, within seven days following its birth or before its transfer from the farm of origin, whichever comes first. Notwithstanding the preceding, if the animal is born and remains in the pasture with its mother, the identification shall be made within five months following its birth or before its transfer from the farm of origin, whichever comes first;

(2) for an animal born outside of Québec:

(a) before it is imported or as soon as it arrives at the farm, if it comes from outside Canada; or

(b) as soon as it gets to the farm, if it is from Canada;

(3) in the cases contemplated in the second or third paragraphs of section 10, within seven days following the receipt of the tags or before its transfer from the farm, whichever comes first, except the plastic tags which shall be affixed within seven days following the arrival of the animal at the farm or before its transfer.

In this Regulation, where the farm comprises more than one production site, the transfer of an animal from such a site equates to its transfer from the farm when the sites are not located on a single or abutting parcel, irrespectively of water courses, roads or public utility networks.

12. Any animal owner or custodian shall see to it that the following information be transmitted to the Minister or the management agency, in the following cases and within the following time limits:

(1) his name and address as well as the information contemplated in subparagraphs 1 and 3 to 13 of the first paragraph of section 2, for an animal born in Québec, within seven days following the birth of the animal or

the day following its transfer from the farm of origin, whichever comes first;

(2) his name and address as well as that of the owner or, where applicable, of the previous custodian and the information contemplated in subparagraph 1 and 3 to 13 of the first paragraph of section 2, if they are known, and those contemplated in the other subparagraphs of that paragraph, for an animal from outside of Canada, within 30 days following the arrival of the animal at the farm; or

(3) his name and address as well as that of the owner or, where applicable, of the previous custodian and the information contemplated in subparagraph 1 and 3 to 13 of the first paragraph of section 2, if they are known, and those contemplated in subparagraphs 3 to 13 of that paragraph, for an animal coming from Canada but from outside Québec which arrives at the farm, within seven days following the arrival of the animal or before its transfer, whichever comes first.

13. Except in the case of the first farm which receives an animal born in Québec outside a farm, no one may remove or have an animal removed from a place or have it transferred if it is not identified in accordance with the provisions of this Regulation.

14. Except in the case of the first farm which receives an animal born in Québec outside a farm, in the case of an animal which is unidentified which comes from outside Canada and in the cases contemplated in sections 15 and 18, no one may receive or have an animal received if it is not identified according to the provisions of this Regulation or by an approved tag or by an official tag of the country of origin.

DIVISION IV LOSS OF TAGS

15. Any animal owner or custodian shall, in accordance with section 7, identify or have an animal which has lost its tags reidentified immediately at the farm.

If the loss arised during the transportation to the farm, the animal may be transferred, received and identified provided that the operator keeps a register and records enough information to establish the origin of the animal such as the following:

(1) if they are known, the number of the lost tags and, where more than one tag has been affixed to the animal since its birth, the number of each one;

(2) the date on which the animal arrived at that farm and was re-identified, as well as the name and address of the animal's owner or custodian on that date;

(3) the identification of the vehicle used for the transportation of the animal to the farm where the new tags were affixed; and

(4) the number of the new tags.

The operator must keep at the farm for three years all supporting documents used to establish the origin of the animal and show it to an inspector who requires it, as referred to in section 22.2 of the Act.

If such a loss occurs during the transportation to the slaughterhouse, the animal may be received provided that the slaughterhouse operator keeps a register and that he records enough information therein to establish the origins of the animal such as the following:

(1) if they are known, the number of the lost tags and, where more than one tag has been affixed to the animal since his birth, the number of each one;

(2) the date on which the animal arrived at the slaughterhouse, as well as the name and address of the animal's owner or custodian on that date; and

(3) the identification of the vehicle used for the transportation of the animal to the slaughterhouse.

16. Any animal owner or custodian shall, in accordance with section 7, identify or have an animal which has lost its tag identified at the farm, within seven days following the observation of the loss or before its transfer from the farm.

Notwithstanding the first paragraph, the identification of an animal may be completed by affixing a chip tag bearing the same number as the one on the bar code tag to the animal's other ear.

If the animal loses the bar code tag or the plastic tag, the identification must be done in one of the following manners:

(1) by affixing a plastic tag bearing the same number as the one on the chip to the animal's other ear, within seven days following the observation of the loss of the tag or before it is transferred from the farm; or

(2) by affixing a bar code tag bearing the same number as the chip tag to the animal's other ear.

In the cases referred to in the second paragraph and in subparagraph 2 of the third paragraph, the identification must be completed at the farm and the required tags,

except plastic tags, shall be ordered within seven days following the observation of the loss. They shall be affixed within seven days following their receipt or before the transfer of the animal from the farm, whichever comes first, except the plastic tags which shall be affixed within seven days following the arrival of the animal at the farm or before it is transferred from that farm.

17. In the cases referred to in the first paragraph of section 15 or in the first and second paragraphs of section 16, the animal owner or custodian shall see to it that his name and address and the information referred to in subparagraphs 3, 6, 8, 11 to 13 of the first paragraph of section 2 be sent to the Minister or the management agency within seven days following the observation of the loss or before the transfer from the farm, whichever comes first or, if the animal comes from outside Canada, within 30 days following the arrival of the animal at the farm.

DIVISION V

DEATH OR SLAUGHTER OF AN ANIMAL

18. The operator of a slaughterhouse may take off the tags of an animal who is slaughtered or dies in a slaughterhouse. He may receive an unidentified animal coming from outside Canada for immediate slaughter.

He must keep a register of all animals coming from outside Canada and record the following information:

(1) the date on which the animal arrived at the slaughterhouse as well as the name and address of the animal's owner or custodian to that date; and

(2) the identification of the vehicle used for transporting the animal to the slaughterhouse.

He must be able to identify the animal's carcass in the slaughterhouse until it is recognized as wholesome and suitable or unsuitable for human consumption.

19. The operator of a rendering plant or the person in charge of an animal pathology laboratory who keeps a carcass elsewhere than at the farm where the animal died may remove its tags.

20. Any animal owner or custodian shall, within seven days following the death at the farm of an animal that has not been recovered, report it to the Minister or the management agency and see to it that his name and address and the information referred to in subparagraphs 3, 6 and 13 of the first paragraph of section 2 be transmitted.

**DIVISION VI
TRANSITS**

21. Except if the information is transmitted pursuant to Division III or IV, any person who receives an animal shall see to it that the following information, in the following cases and time limits, be transmitted to the Minister or the management agency :

(1) his name and address and those of the owner or the previous custodian, the information referred to in subparagraph 1 of the first paragraph of section 2, if they are known, and those referred to in subparagraphs 3, 6, 12 and 13 of that paragraph, for an animal received at the farm, within seven days following its arrival at the farm or before its transfer from the farm, whichever comes first;

(2) his name and address and those of the owner or the previous custodian, the information referred to in subparagraph 1 of the first paragraph of section 2, if they are known, and those referred to in subparagraphs 6 and 12 of that paragraph, for an animal received in any other place than a community pasture, within seven days following the receipt or the recuperation of the animal or the carcass or the end of the exhibition, as the case may be.

22. Any animal owner or custodian who sends an animal to a community pasture shall see to it that his name and address and those of the custodian and the information referred to in subparagraph 1 of the first paragraph of section 2, if it is known, and that referred to in subparagraphs 3, 6 and 12 of that paragraph be transmitted to the Minister or management agency within seven days following the arrival of that animal at the pasture.

23. Any animal owner or custodian who transfers an animal outside of Québec must see to it that his name and address and those of the custodian and the information referred to in subparagraphs 3, 6 and 12 of the first paragraph of section 2 be transmitted to the Minister or management agency within seven days following the transfer of the animal outside Québec.

24. Any person who transports an animal shall see to it that his name and address as well as those of the previous and next custodian and the information referred to in subparagraphs 6, 12 and 13 of the first paragraph of section 2 be transmitted to the Minister or the management agency, as the case may be, within seven days following the transportation.

**DIVISION VII
MISCELLANEOUS AND FINAL**

25. Any animal owner or custodian shall, before 1 January 2002, identify or have all the animals he keeps in Québec on 31 December 2001 identified at the farm by affixing a chip tag on one of the animal's ear and a bar code tag on the other; both tags shall comply with the requirements of section 3 and bear the same identification number. Furthermore, he shall see to it that his name and address and the information referred to in subparagraph 1 of the first paragraph of section 2, if it is known, and that referred to in subparagraphs 3 to 13 of that paragraph be transmitted to the Minister or the management agency before 15 February 2002 or before its transfer from the farm, whichever comes first.

26. Any animal on which a tag is affixed at the farm before 1 April 2002, in accordance with section 17 of the Farm Income Stabilization Insurance Scheme made by Order in Council 1670-97 dated 17 December 1997 or under a farm income stabilization insurance programme established in accordance with the Act respecting La Financière agricole du Québec (2000, c. 53), is deemed to be identified for the purpose of this Regulation as long as the tag remains affixed to it.

The animal owner or custodian must see to it that his name and address and the information provided for in subparagraph 1 of the first paragraph of section 2, if it is known, and that provided for in subparagraphs 3 to 13 of that paragraph be transmitted to the Minister or the management agency :

(1) before the (*enter the date corresponding to the sixtieth day following the date of publication of this Regulation in the Gazette officielle du Québec*) or before the transfer of the animal from the farm, whichever comes first, if the animal was identified before (*enter the date of coming into force of this Regulation*); or

(2) within 45 days following the date of identification of the animal or before its transfer from the farm, whichever comes first, if the animal was identified after (*enter the date preceding that of the coming into force of this Regulation*).

27. Until 1 January 2005 and notwithstanding paragraphs 1 and 3 of section 12, sections 17 and 20, the first paragraph of sections 21 and 22, the persons covered by those provisions and notwithstanding section 23, the person who is owner of a farm has a time limit of 45 days from the date of the event instead of the time limit

of seven days provided for to transmit the information required by those provisions to the Minister or the management agency. Notwithstanding the foregoing, where section 23 applies, if the animal is transferred outside Canada, the farm operator has a time limit of 30 days from the date of the event instead of the seven day time limit provided for.

28. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except sections 7 to 23 which come into force on 1 January 2002 and section 24 which comes into force on 1 July 2003.

4610

Draft regulation

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

Notaries

— Trust Accounting

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 respecting trust accounting by notaries, adopted by the Bureau of the Chambre des notaires du Québec, the text of which appears below, may be submitted to the government, which may approve it with or without amendment upon the expiry of 45 days following this publication.

According to the Chambre des notaires du Québec, this draft is a complete revision of the current regulation. It updates the regulation and adapts its wording to that of existing laws.

The principle amendments are as follows :

Prior to the opening of a special trust account, the funds destined therefor must pass through the general account; they may also be invested through stockbrokers in certain investments presumed sound within the meaning of the Civil Code.

The draft regulation allows the Bureau to adopt standards with respect to electronic trust accounting. It obliges a notary who retires from the profession to furnish an audit of his accounting within three months of ceasing to practise.

It allows the Administrative Committee to consult with the syndic before making a decision in respect of a claim against the Indemnity Fund.

This draft regulation has no impact on the economic burden of citizens and enterprises.

Further information may be obtained by contacting M^e Daniel Gervais, notary, Directeur des Services juridiques, tour de la Bourse, 800, Place-Victoria, bureau 700, Montréal (Québec) H4Z 1L8.

Any interested person having comments to make is requested to send them, before the expiry of the 45-day period, to the President of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. Comments will be forwarded by the Office to the minister responsible for the administration of legislation governing the professions; they may also be forwarded to the professional order that has adopted the regulation, as well as to the persons, departments, and agencies concerned.

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

Regulation respecting trust accounting by notaries

Professional Code
(R.S.Q., c. C-26, s. 89)

DIVISION I GENERAL

1. Every notary shall record and account for all funds, securities, and other property entrusted to him in the practice of his profession, and use them for the purposes for which they were entrusted.
2. No notary shall deposit or leave personal funds in a trust account.
3. A notary may deduct his fees from funds entrusted to him if he is authorized in writing.
4. The funds, securities, and other property entrusted to a notary include cash, negotiable instruments payable to the notary or payable to the notary in trust and endorsed to his order or to his order in trust or to bearer, and all instruments and securities payable to bearer or registered in the name of the notary or in the name of the notary in trust.
5. No notary shall endorse a cheque or other negotiable instrument payable to the order of a client without the client's written authorization and unless the endorsement is solely for deposit in the notary's trust account.