

Draft Regulations

Draft Regulation

An Act respecting collective agreement decrees
(R.S.Q., c. D-2)

Services Automobile – Québec — Levy Regulation of the Comité conjoint — Amendments

Notice is hereby given in accordance with the Act respecting collective agreement decrees (R.S.Q., c. D-2), that the Minister of State for Labour, Employment and Social Solidarity and Minister of Labour has received a petition from the Comité conjoint sur les services automobiles de la région de Québec, following its meeting of 25 April 2000, to recommend to the Government that it make the “Regulation to amend the Levy Regulation of the Comité conjoint sur les services automobiles de la région de Québec”. In accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. r-18.1), this Regulation, a copy of which is attached hereto, may be made by the Government at the expiry of the 45 days following this publication.

The purpose of this Regulation is to amend the current levy rate for employers and employees governed by the Decree respecting the automotive services industry in the Québec region (R.R.Q., 1981, c. D-2, r. 48). To that end, it proposes to increase the levy rate from 0,25% to 0,35% for the employers and employees governed by that decree.

According to the 2000 annual report of the Comité conjoint sur les services automobiles de la région de Québec, that decree governs 876 employers, 184 artisans and 5,575 employees. A study of this matter indicates that this increase will allow the Comité conjoint to receive additional revenues of about \$275,000 for one year in order to meet all of its obligations.

Further information may be obtained by contacting Mr. Michel Roberge, Direction des politiques, de la construction et des décrets, ministère du Travail, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1 Telephone: (418) 528-9701, Fax: (418) 528-0559, E-mail: denis.laberge@travail.gouv.qc.ca.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period to the Deputy Minister of Labour, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1.

ROGER LECOURT,
Deputy Minister

Regulation to amend the Levy Regulation of the Comité conjoint sur les services automobiles de la région de Québec*

An Act respecting collective agreement decrees
(R.S.Q., D-2, s. 22, par. i)

1. Section 1 of the Levy Regulation of the Comité conjoint sur les services automobiles de la région de Québec is amended by substituting the words “the automotive services industry” for the words “garage employees”.
2. Section 2 of the Regulation is amended by substituting “0,35%” for “0,25%”.
3. Section 3 of the Regulation is amended by substituting “0,35%” for “0,25%”.
4. This Regulation comes into force on the fifteenth day following its date of publication in the *Gazette officielle du Québec*.

4648

Draft Regulation

Financial Administration Act
(R.S.Q., c. A-6)

Savings products — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act, that the Regulation to amend the Regulation respecting savings products, the text of which appears below, may be made by the Government upon the expiry of 45 days from this publication.

* The Levy regulation of the Comité conjoint sur les services automobiles de la région de Québec, approved by Order in Council No. 51-96 of 16 January 1996 (1996, G.O. 2, 1170), was not amended since that date.

The purpose of this draft Regulation is to facilitate and improve the application of the Regulation respecting savings products, in particular to allow the use of new technologies as a part of the operations of Placements Québec. The purpose of the draft Regulation is also to allow for a hypothec on securities to be granted to the Government for purposes of tender securities or performance of contracts.

Study of this draft Regulation has shown no impact on citizens and businesses.

Further information may be obtained by contacting Odette Brassard, Placements Québec, 333, Grande Allée Est, Québec (Québec) G1R 5W3, telephone: (418) 521-6421, fax: (418) 521-6432.

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 Finance, 12, rue Saint-Louis, 1^{er} étage, Québec (Québec) G1R 5L3.

PAULINE MAROIS,
Minister of Finance

Regulation to amend the Regulation respecting savings products^{*}

Financial Administration Act
(R.S.Q., c. A-6, s. 69.0.4, par. 1, 2, 3 and 5)

1. Section 2 is amended by deleting “on a computer-based medium”.
2. Section 3 is amended by deleting the second paragraph.
3. Section 10 is amended:
 - (1) by inserting, in the second paragraph and after the word “mandatory”, “, except if that person is duly authorized to exercise the function of financial security advisor or financial planner by a certificate issued by the Bureau des services financiers”; and

(2) by adding the following paragraph after the second paragraph:

“The information provided shall be used by Placements Québec for the administration of the book based system as well as for the sale of savings products”.

4. Section 11 is amended by deleting “, together with a specimen of their signatures.” in the second paragraph.
5. Section 12 is amended by substituting “Any” for the words “Where a single representative is authorized to act in the name of the participant,”.
6. Section 15 is amended by deleting “and a specimen of their signatures.” at the end of the first paragraph.
7. Section 16 is amended by substituting “Any” for the words “Where a single attorney is authorized to act in the name of the participant, that”.
8. Section 17 is amended by deleting “, together with a specimen of their signatures” in the second paragraph.
9. Section 18 is amended by substituting “Any” for the words “Where a single liquidator is authorized to act in the name of the participant, that”.
10. Section 19 is amended by deleting “, together with a specimen of their signatures.” in the second paragraph.
11. Section 20 is amended by substituting “Any” for “Where a single trustee is authorized to act in the name of the participant, that”.
12. Section 21 is amended by adding the following at the end:

“or where more than a year has passed without having any savings product registered to a participant’s securities portfolio”.
13. Section 22 is substituted by the following:

“22. The participant or the person who is authorized to act in his name may submit to Placements Québec an application for an operation, either to modify a participant’s data sheet or to carry out an operation or a transfer modifying the participant’s securities portfolio.”.
14. Section 23 is amended by inserting “, except if that person is duly authorized to exercise the function of financial security advisor or financial planner by a certificate issued by the Bureau des services financiers”.
15. Section 25 is amended by deleting the words “in the system”.

^{*} The Regulation respecting savings products, made by Order in Council 1038-96 dated 21 August 1996 (1996, *G.O.* 2, 3930), was amended by Order in Council 1068-98 dated 21 August 1998 (1998, *G.O.* 2, 3711).

16. Sub-division 2 of Division III is amended by deleting the headings it includes.

17. The following is substituted for section 27:

“27. An application for an operation may be made by any means of transmission that can support it. The application is then processed by Placements Québec after confirmation of the applicant’s identity.

Notwithstanding the foregoing, an application relating to the transfer of ownership of a security shall be made in writing by filling out the form provided for in Schedule 1.

An application for an operation respecting a participant’s bank account information requires the transmission of a void cheque.

Where many persons are authorized to act in the name of the participant, the application for an operation shall be made in writing and shall include all the required signatures.”

18. The following is substituted for section 28:

“28. In all cases where a form or written matter is required under this Regulation, the latter shall be signed, and, where a form is used, it shall be approved by the Minister of Finance. The signature may then be affixed by the means of any process which meets the requirements of article 2827 of the Civil Code.

Where a person is unable to read the form or document, as applicable, shall be countersigned by an impartial witness whose identity may be confirmed.

In the case of an application for transferring a security, the signature of the participant or the person authorized to act in his name shall be certified in accordance with the provisions of sections 42 and 43.”

19. The following is substituted for section 29:

“29. Any application for an operation, whatever the support used for the document in question, shall be kept by Placements Québec for a maximum period of six months.”

20. The following is substituted for section 30:

“30. Any application to modify a participant’s bank account information shall, in order to be effective in respect of a transfer of funds, be received by Placements Québec at least 15 days before the date of the transfer. Failing that, Placements Québec shall grant the application for subsequent transfers only.”

21. The following is substituted for section 31:

“31. Subject to the automatic reinvestment provided for in sections 65.1 to 65.4 and in all cases where Placements Québec is unable to process an application for a security approaching its term, in particular because the application is not accompanied by the required documents, the maturity value shall be automatically reinvested in Flexi-Plus Savings units until Placements Québec is able to process the application.

For the purposes of this Regulation, “maturity value” means the amount payable for a security on its maturity date, less the simple interest payable on the security, if applicable.

22. Sections 32 to 39 are revoked.

23. Section 40 is amended by inserting the following after paragraph 2:

“The participant may also obtain the information appearing on the statements by telephone or on the Internet.”

24. Section 43 is amended by substituting “in a readable manner” for the words “in block letters”.

25. Section 45 is amended by adding “, except if it is the unique shareholder of a legal person participating to Placements Québec”.

26. The following is substituted for section 49:

“49. In case of the death of a participant, the transfer for the benefit of the succession or an heir or a legatee by particular title shall only be made where the proof of death of the participant and the document or act establishing the right of ownership of the security have been transmitted to Placements Québec.”

27. The following is substituted for section 50:

“50. Where the participant is a partnership that is dissolved, the transfer is only made where the document or act attesting to the partition of the property of the partnership and the right of ownership of that security has been transmitted to Placements Québec.”

28. The following is substituted for section 51 :

“51. Where the participant is a legal person that has been dissolved, amalgamated, liquidated or otherwise ceased to exist, the transfer is only made where the document or act attesting to the fact and the right of ownership of that security has been transmitted to Placements Québec.”

29. The following is substituted for section 52 :

“52. Where the participant is a foundation or a trust that has been terminated, the transfer is only made where the document or act attesting to the fact and to the right of ownership of that security has been transmitted to Placements Québec.”

30. Division IV is amended by deleting the headings it includes.

31. Section 53 is amended :

(1) by deleting the words “entered in the book based system” in the first paragraph ; and

(2) by adding “, which may also be made in legal currency, by postal or bank money order, by the means of deduction from the salary, by the deposit of Québec or Canada Savings Bonds, and when Placements Québec will be able to accept those means of payment, by credit and electronic cash cards.” At the end of the second paragraph.

32. Sections 54 to 56 are revoked.

33. The following is substituted for section 57 :

“57. The participant or the person authorized to act in his name may, at any time, terminate the periodic withdrawals by transfer of funds or by deduction from the salary by applying therefor to Placements Québec.”

34. Section 58 is amended :

(1) by deleting the first paragraph ; and

(2) by substituting the following for the second and third paragraphs :

“Where payment of a security cannot be made, or when the amount payable has not been received and

credited to the Government’s account or if payment is not made within the required period, Placements Québec may cancel the purchase of the security.

Where payment of a security must be made by means of periodic withdrawals and where the transfer of funds may no longer be made repetitively, Placements Québec may terminate the periodic withdrawals and, where applicable, may cancel the application for the purchase of the security and reimburse the amounts received or may limit that purchase to the payments actually made.”

35. Sections 59 and 60 are revoked.

36. Section 61 is amended by substituting “of the participant in accordance with his instructions” for the words “in accordance with the instructions given by the participant”.

37. Section 62 is amended by inserting “to the designated account of the participant” after the word “funds”.

38. Section 65.1 is amended :

(1) by substituting “Flexi-Plus Savings units” for the words “Québec interim investment units” in the first paragraph ; and

(2) by substituting “which used to be on paper and that are” for the words “that have been registered” as well as “Flexi-Plus savings units” for the words “Québec interim investment units” in the second paragraph.

39. Section 70 is amended by adding “or to the Gouvernement du Québec for the purpose of tender or performance security in respect to the contracts it awards.” At the end of paragraph 2.

40. Section 73 is amended by substituting “requires the” for the words “be accompanied by”.

41. Section 75 is amended :

(1) by substituting “with the participant’s consent or an” for the words “upon submitting the participant’s written consent or an” in the first paragraph ;

(2) by substituting “with the consent of the participant or an” for the words “upon submitting the participant’s written consent or an” in the second paragraph.

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