

## Regulations and other acts

Gouvernement du Québec

### O.C. 24-2002, 23 January 2002

An Act respecting the conservation and development of wildlife  
(R.S.Q., c. C-61.1)

#### Disposal of seized or confiscated property — Amendment

Regulation to amend the Regulation respecting the disposal of seized or confiscated property

WHEREAS, under paragraph 3 of section 162 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Government may make regulations concerning the various matters mentioned therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting the disposal of seized or confiscated property, attached hereto, was published in Part 2 of the *Gazette officielle du Québec* of 5 September 2001 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS no comments were made respecting that draft Regulation;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for Wildlife and Parks:

THAT the Regulation to amend the Regulation respecting the disposal of seized or confiscated property, attached to this Order in Council, be made.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

### Regulation to amend the Regulation respecting the disposal of seized or confiscated property\*

An Act respecting the conservation and development of wildlife  
(R.S.Q., c. C-61.1, s. 162, par. 3)

**1.** The Regulation respecting the disposal of seized or confiscated property is amended by inserting the following paragraph after paragraph 2 in section 3:

“(2.1) in the case of a firearm, he may dispose of it in accordance with the provisions of the Public Agents Firearms Regulations (SOR/98-203 dated 24 March 1998);”.

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

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Gouvernement du Québec

### O.C. 25-2002, 23 January 2002

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

#### Savings products — Amendments

Regulation to amend the Regulation respecting savings products

WHEREAS, under paragraph 1 of section 69.0.4 of the Financial Administration Act (R.S.Q., c. A-6), the Government may, by regulation, define the book based system and determine its mode of operation and characteristics as well as ownership and evidentiary rules concerning entries made in the system for the management, issue and sale of savings products;

\* The Regulation respecting the disposal of seized or confiscated property was made by Order in Council 1516-97 dated 26 November 1997 (1997, *G.O.* 2, 5806) and has not been amended.

WHEREAS, under paragraph 2 of that section, the Government may, by regulation, determine conditions for participation and classes of qualifying participants and purchasers;

WHEREAS, under paragraph 3 of that section, the Government may, by regulation, determine the terms and conditions of assignment, transfer and payment of the securities;

WHEREAS, under paragraph 5 of that section, the Government may, by regulation, determine prohibitions or restrictions concerning the granting of movable hypothecs on the securities and determine conditions for the granting of such hypothecs as well as conditions for the exercise of related rights or remedies;

WHEREAS, by Order in Council 1038-96 dated 21 August 1996, the Government made the Regulation respecting savings products, amended by the Regulation to amend the Regulation respecting savings products made by Order in Council 1068-98 dated 21 August 1998;

WHEREAS it is expedient to further amend the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Regulation respecting savings products attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 14 November 2001 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Finance:

THAT the Regulation to amend the Regulation respecting savings products, attached to this Order in Council, be made.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

## 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 “mandatary”, “,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”.

\* 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).

**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”.

**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*.

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Gouvernement du Québec

## O.C. 38-2002, 23 January 2002

An Act respecting the Ministère des Transports (R.S.Q., c. M-28)

### Signing by a functionary of certain deeds, documents and writings — Amendments

Regulation to amend the Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports

WHEREAS under section 7 of the Act respecting the Ministère des Transports (R.S.Q., c. M-28), the Government may, by a regulation published in the *Gazette officielle du Québec*, determine to what extent a deed, document or writing may bind the Department and may be attributed to the Minister of Transport if it is signed by a functionary;

WHEREAS the Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports was made by Order in Council 701-94 dated 11 May 1994;

WHEREAS it is expedient to amend the Regulation in order to complete the prescriptions in respect of certain documents of the Department and to take into account

changes made to the administrative organisation and financial management plan of the Department;

IT IS ORDERED, therefore, on the recommendation of the Minister of Transport:

THAT the Regulation to amend the Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports, attached to this Order in Council, be made.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports\*

An Act respecting the Ministère des Transports (R.S.Q., c. M-28, s. 7)

**1.** The Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports is amended in section 2

(1) by adding “, regardless of the amount in question” at the end of subparagraph 1 of the first paragraph; and

(2) by deleting the second paragraph.

**2.** The following is substituted for section 3:

**3.** A director general, the Director of the Direction des contrats et des ressources matérielles, the Director of the Direction des Ressources financières, the Director of Laboratoire des chaussées and, for the purposes of accomplishing the mandate of the administrative unit for which they are responsible, a director and a service head are authorized to enter into contracts in an emergency situation, when the safety of persons or property is in jeopardy, in accordance with subparagraph 8 of the second paragraph of section 16 of the Regulation respecting supply contracts, construction contracts and service contracts of government departments and public bodies, made by Order in Council 961-2000 dated 16 August 2000.

\* The Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports, made by Order in Council 701-94 dated 11 May 1994 (1994, *G.O.* 2, 1939), was last amended by the Regulation made by Order in Council 1524-96 dated 4 December 1996 (1996, *G.O.* 2, 4988).