

Regulations and other acts

Gouvernement du Québec

O.C. 665-2003, 18 June 2003

An Act respecting Financement-Québec
(R.S.Q., c. F-2.01)

Financement-Québec

— Internal by-law No. 1.1 respecting the signature of the documents relating to the financial transactions

Internal by-law No. 1.1 respecting the signature of the documents relating to the financial transactions of Financement-Québec

WHEREAS, under the first paragraph of section 25 of the Act respecting Financement-Québec (R.S.Q., c. F-2.01), a document is binding on Financement-Québec or may be attributed to it only if it is signed by the chief executive officer, the chair or vice-chair of the board, the secretary or by any other person and, in the latter case, only to the extent determined by the internal by-laws of the financing authority;

WHEREAS, under the second paragraph of that section, the by-laws may, however, allow, on the conditions and on the negotiable instruments indicated therein, that the signature be affixed by a person authorized by the financial institution with which the financing authority does business;

WHEREAS, under the third paragraph of the section, the by-laws may also authorize any person to conclude any borrowing transaction under a borrowing plan established pursuant to Chapter VIII of the Financial Administration Act (R.S.Q., c. A-6.001) or determine the amounts and characteristics of, and fix or accept the terms and conditions relating to, the transaction, to conclude or resiliate currency exchange or interest rate exchange agreements, acquire, hold, invest in, conclude, dispose of or terminate financial instruments or contracts governed by that chapter or by a program established under the provisions of that chapter, and to sign documents relating to such borrowings, agreements, instruments or contracts;

WHEREAS, under the first paragraph of section 26 of the Act respecting Financement-Québec, the internal by-laws of the financing authority may allow, subject to the conditions and on the documents determined therein,

that a signature be affixed by means of an automatic device, that a signature be electronic or that a facsimile of a signature be engraved, lithographed or printed; however, the facsimile has the same force as the signature itself only if the document is countersigned by the chief executive officer, the chair or vice-chair of the board or the secretary;

WHEREAS, under the second paragraph of section 26, the by-laws may, however, provide, for the documents determined therein, that the facsimile has the same force as the signature itself even if the document is not countersigned;

WHEREAS, under Order in Council 929-2000 dated 26 July 2000, the Government approved Internal by-law No. 1.1 respecting the delegation of signature of certain documents of Financement-Québec;

WHEREAS, at the meeting of the board of directors on 13 June 2003, the financing authority adopted Internal by-law No. 1.1 respecting the signature of the documents relating to the financial transactions of Financement-Québec to replace the former By-law;

WHEREAS it is expedient to approve the By-law;

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

THAT Internal by-law No. 1.1 respecting the signature of the documents relating to the financial transactions of Financement-Québec, attached hereto, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Internal by-law No. 1.1 respecting the signature of the documents relating to the financial transactions of Financement-Québec

An Act respecting Financement-Québec
(R.S.Q., c. F-2.01, ss. 25 and 26)

1. Documents signed in accordance with the provisions of this Regulation by the persons designated below bind the financing authority “Financement-Québec” as if they were signed by the chief executive officer, the

chair or vice-chair of the board or the secretary of the financing authority, each of those persons being referred to in the first paragraph of section 25 of the Act respecting Financement-Québec (R.S.Q., c. F-2.01).

2. In addition to the persons referred to in section 1, either of the following persons is also authorized to sign a loan of the financing authority and any document relating to the loan:

- (1) a vice-chair of the financing authority;
- (2) the deputy minister of the Ministère des Finances.

3. In addition to a person referred to in section 1, a member of the board of directors of the financing authority, other than a person referred to in paragraphs 1 and 2 of section 2, is also authorized to sign a loan of the financing authority and any document relating to the loan, provided that the loan or document is jointly signed with one of the following persons:

(1) an associate deputy minister or an assistant deputy minister responsible for financing, debt management or financial operations at the Ministère des Finances;

(2) a director general responsible for financing, debt management or financial operations at the Ministère des Finances;

(3) a director under the authority of a person referred to in paragraph 1 or 2.

4. In addition to a person referred to in section 1, one of the following persons is also authorized to sign a loan of the financing authority and any document relating to the loan, provided that the person is so authorized in writing by a person referred to in section 1 or in paragraph 1 or 2 of section 2:

(1) a coordinator or a professional of the financing authority;

(2) a coordinator or a professional of the Ministère des Finances under the authority of a person referred to in paragraph 1, 2 or 3 of section 3;

(3) a delegate general, a delegate or any other person in charge of any other form of representation of Québec abroad in accordance with the Act respecting the Ministère des Relations internationales (R.S.Q., c. M-25.1.1), as well as any head of post responsible for a Québec office in Canada in accordance with the Act respecting the Ministère du Conseil exécutif (R.S.Q., c. M-30);

(4) a secretary general, an adviser, a director or an administration specialist under the authority of a person referred to in paragraph 3.

5. In addition to a person referred to in section 1, one of the persons referred to in sections 2 to 4, in accordance with the terms and conditions set out therein, or one of the following persons is also authorized to sign a debt instrument of the financing authority and any document relating to the debt instrument, including interest coupons, receipts and counterfoils:

(1) an authorized representative of the issuing agent, financial agent or fiscal agent for the loan in question, provided that the issuing agent, financial agent or fiscal agent is so authorized in writing by a person referred to in section 1 or a person referred to in paragraph 1 or 2 of section 2;

(2) an authorized representative of a financial institution provided that the financial institution is so authorized in writing by a person referred to in section 1 or a person referred to in paragraph 1 or 2 of section 2;

(3) an authorized representative of a clearing organization or of a deposit and clearing organization provided that the clearing organization or the deposit and clearing organization is so authorized in writing by a person referred to in section 1 or a person referred to in paragraph 1 or 2 of section 2.

6. In addition to a person referred to in section 1, a person referred to in paragraph 1 or 2 of section 2 or in paragraph 1 or 2 of section 4, in accordance with the terms and conditions set out therein, is also authorized to sign any document required for the conclusion of short and long-term loans and any other document relating to the loans.

7. In addition to a person referred to in section 1, a person referred to in paragraph 1 or 2 of section 2, in paragraph 1 or 2 of section 4 or in paragraph 2 of section 5, in accordance with the terms and conditions set out therein, is also authorized to sign any cheque, draft, payment order, bill of exchange, bank acceptance, money order, electronic transfer or other negotiable instrument of the financing authority relating to the short and long-term loans.

8. In addition to a person referred to in section 1, a person referred to in sections 2 to 4, in accordance with the terms and conditions set out therein, is also authorized to conclude and sign a loan of the financing authority under a borrowing plan referred to in Chapter VIII of the Financial Administration Act (R.S.Q., c. A-6.001)

and any document relating to the loan, to set the amounts and characteristics of the loan and to fix or accept its terms and conditions.

A person referred to in the first paragraph is also authorized to conclude and sign currency or interest rate exchange agreements, to acquire, hold, invest in, conclude, dispose of or terminate the instruments or contracts of a financial nature referred to in Chapter VIII of the Financial Administration Act or in a program instituted under those provisions, and to sign the documents relating to those loans, agreements, instruments or contracts.

9. The signature of a person referred to in sections 1 and 2 in office on the date of the loan in question or on the signature date may be affixed to a debt instrument of the financing authority by means of an automatic device or electronic process. A facsimile of such signature may be engraved, lithographed or printed, and the signature has the same force as the hand signature itself.

The first paragraph also applies to cheques, drafts, payment orders, bills of exchange, bank acceptances, money orders, electronic transfers or other negotiable instruments of the financing authority relating to short and long-term loans, as well as to interest coupons, receipts or counterfoils relating to a debt instrument of the financing authority.

10. This Regulation replaces Internal by-law No. 1.1 respecting the delegation of signature of certain documents of Financement-Québec, approved by Order in Council 929-2000 dated 26 July 2000.

11. This Regulation comes into force on the date of its approval by the Government.

5806

Gouvernement du Québec

O.C. 673-2003, 18 June 2003

Code of Civil Procedure
(R.S.Q., c. C-25)

Code of Penal Procedure
(R.S.Q., c. C-25.1)

An Act respecting the Régie du logement
(R.S.Q., c. R-8.1)

Courts of Justice Act
(R.S.Q., c. T-16)

Criminal Code
(R.S.C. 1985, c. C-46)

Court of Québec — Regulation

Regulation of the Court of Québec

WHEREAS, under the first paragraph of article 47 of the Code of Civil Procedure (R.S.Q., c. C-25), the majority of the judges of each court may make the rules of practice judged necessary for the proper carrying out of that Code;

WHEREAS, under the first paragraph of section 146 of the Courts of Justice Act (R.S.Q., c. T-16), a majority of the judges of a division of the Court of Québec may adopt such rules of practice as are necessary for the exercise of the jurisdiction of the division;

WHEREAS, under the first paragraph of article 368 of the Code of Penal Procedure (R.S.Q., c. C-25.1), the judges of the Court of Appeal, the Superior Court or the Court of Québec may adopt, for the exercise of their respective jurisdictions, the rules of practice judged necessary for the proper carrying out of that Code;

WHEREAS, under subsection 2 of section 482 of the Criminal Code (R.S.C., 1985, c. C-46), every court of criminal jurisdiction for a province may, subject to the approval of the lieutenant governor in council of the province, make rules of court not inconsistent with that Act or any other Act of Parliament;

WHEREAS, under section 107 of the Act respecting the Régie du logement (R.S.Q., c. R-8.1), the Court of Québec may, in the manner prescribed under the Courts of Justice Act (R.S.Q., c. T-16), make the rules of practice necessary for appeals brought against decisions of the Régie du logement;

WHEREAS the Regulation of the Court of Québec establishes the rules of practice of that Court and was adopted by a majority of the judges of the Court in French and in English;

WHEREAS, under paragraph 5 of section 3 of the Regulations Act (R.S.Q., c. R-18.1), that Act does not apply to proposed rules of practice or the rules of practice of the courts of justice and therefore, those rules do not require prior publication;

WHEREAS, under the first paragraph of section 147 of the Courts of Justice Act, the rules of practice must be submitted to the Government for approval;