

Gouvernement du Québec

O.C. 1366-2003, 17 December 2003

An Act respecting the Agence nationale d'encadrement du secteur financier
(R.S.Q., c. A-7.03)

Section 746
— **Regulation 2**

Regulation 2 under section 746 of the Act respecting the Agence nationale d'encadrement du secteur financier

WHEREAS the Act respecting the Agence nationale d'encadrement du secteur financier (2002, c. 45) was assented to on 11 December 2002;

WHEREAS, under the first paragraph of section 746 of that Act, the Government may, by regulation made before 11 December 2004, adopt any other transitional provision or measure that is expedient for the carrying out of the Act;

WHEREAS, under the second paragraph of that section, a regulation made under the first paragraph shall not be subject to the publication requirement provided for in section 8 of the Regulations Act (R.S.Q., c. R-18.1) and shall enter into force on the date of its publication in the *Gazette officielle du Québec* or at any later date indicated therein and the regulation may also, if it provides therefor, apply from any date not prior to 11 December 2002;

WHEREAS it is expedient to make a regulation under section 746 to adopt certain transitional provisions and other measures that are expedient for the carrying out of the Act respecting the Agence nationale d'encadrement du secteur financier;

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

THAT Regulation 2 under section 746 of the Act respecting the Agence nationale d'encadrement du secteur financier, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation 2 under section 746 of the Act respecting the Agence nationale d'encadrement du secteur financier

An Act respecting the Agence nationale d'encadrement du secteur financier
(R.S.Q., c. A-7.03, s. 746)

ACT RESPECTING THE AGENCE NATIONALE
D'ENCADREMENT DU SECTEUR FINANCIER

1. Section 734 of the Act respecting the Agence nationale d'encadrement du secteur financier (R.S.Q., c. A-7.03) is amended by replacing “131.1 to 131.5 and 599” in the first line by “131.2 to 131.6”.

2. Section 735 of the said Act is amended

(1) by replacing “103 to 103.2” in the first line by “103.1 to 103.3”;

(2) by replacing “, 336 and 494.1” in the second line by “and 336”.

3. Section 736 of the said Act is amended

(1) by replacing “153.1 to 153.5” in the first line by “153.2 to 153.6”;

(2) by striking out “314.2,” in the second line.

4. Section 738 of the said Act is amended

(1) by replacing “168.1.1 to 168.1.3” in the first line by “168.1.2 to 168.1.4”;

(2) by striking out “195.2,” in the second line.

5. Notwithstanding sections 41 and 109 of the said Act, the first fiscal year of the Agence nationale d'encadrement du secteur financier and the first fiscal year of the Bureau de décision et de révision en valeurs mobilières end on 31 March 2005.

6. Section 442 of the Act respecting the Agence nationale d'encadrement du secteur financier (2002, c. 45) is amended by replacing “58” in the second line of the third paragraph of section 312 of the Act respecting the distribution of financial products and services (R.S.Q., c. D-9.2) it enacts by “61”.

This section takes effect on the date of coming into force of section 442 of chapter 45 of the Statutes of 2002.

7. Section 631 of the said Act is amended by replacing “Agency” in the first line of section 172 of the Securities Act (R.S.Q., c. V-1.1) it enacts by “Bureau de décision et de révision en valeurs mobilières”.

This section takes effect on the date of coming into force of section 631 of chapter 45 of the Statutes of 2002.

8. Section 682 of the said Act is amended

(1) by replacing the introductory sentence by the following:

“**682.** Section 323.1 of the said Act is replaced by the following:”;

(2) by replacing “85” in the first line of section 323.5 of the Securities Act it enacts by “93”.

This section takes effect on the date of coming into force of section 682 of chapter 45 of the Statutes of 2002.

DEPOSIT INSURANCE ACT

9. Notwithstanding section 19 of the Deposit Insurance Act (R.S.Q., c. A-26), the fiscal year of the Régie de l’assurance-dépôts du Québec, for the current year, ends on the date of coming into force of section 7 of chapter 45 of the Statutes of 2002.

ACT RESPECTING THE DISTRIBUTION OF FINANCIAL PRODUCTS AND SERVICES

10. For the purposes of section 146 of the Act respecting the distribution of financial products and services (R.S.Q., c. D-9.2), sections 116, 120, 123 and 125 of that Act also apply, with the necessary modifications, to an independent representative or, as the case may be, an independent partnership, until the date of coming into force of sections 364, 367, 370 and 372 of chapter 45 of the Statutes of 2002.

11. Notwithstanding sections 247 and 282 of that Act, the fiscal year of the Bureau des services financiers and the fiscal year of the Fonds d’indemnisation des services financiers, for the current year, end on the date of coming into force of section 7 of chapter 45 of the Statutes of 2002.

ACT RESPECTING TRUST COMPANIES AND SAVINGS COMPANIES

12. For the purposes of section 395 of the Act respecting trust companies and savings companies (R.S.Q., c. S-29.01), “Agency” means the Inspector General until the date of coming into force of section 7 of chapter 45 of the Statutes of 2002.

This section has effect from 12 February 2003.

SECURITIES ACT

13. Section 3 of the Securities Act (R.S.Q., c. V-1.1) is amended

(1) by replacing “a bank listed in Schedule I or II to the Bank Act (Statutes of Canada, 1991, chapter 46) and registered with the Canada Deposit Insurance Corporation” in the third, fourth and fifth lines of paragraph 9 by “a bank or an authorized foreign bank listed in Schedule I, II or III to the Bank Act (Statutes of Canada, 1991, chapter 46)”;

(2) by replacing “a bank listed in Schedule I or II to the Bank Act and registered with the Canada Deposit Insurance Corporation” in the first, second, and third lines of paragraph 14 by “a bank or an authorized foreign bank listed in Schedule I, II or III to the Bank Act”.

This section has effect from 11 December 2002.

14. Section 148 of the said Act, amended by section 696 of chapter 45 of the Statutes of 2002, is again amended by replacing “with the Commission” in the last line of the second paragraph by “under this Act”.

This section takes effect on the date of coming into force of section 696 of chapter 45 of the Statutes of 2002.

15. Section 273.1 of the said Act is amended

(1) by replacing “Agency” in the first line of the first paragraph by “Bureau de décision et de révision en valeurs mobilières” and by replacing “the Agency” in the fifth line by “the board”;

(2) by replacing “and receive payment thereof” at the end of the first paragraph by “and have it collected by the Agency”.

16. For the purposes of section 273.1 of the said Act, as amended by this Regulation, “Bureau de décision et de révision en valeurs mobilières” means the Commission des valeurs mobilières du Québec until the date of coming into force of section 7 of chapter 45 of the Statutes of 2002.

MISCELLANEOUS AND FINAL PROVISIONS

17. Notwithstanding section 23 of the Regulation respecting annual fees and other fees payable adopted by the Bureau des services financiers and approved by Order in Council 836-99 dated 7 July 1999, the fees payable on 1 January 2004 are those appearing in the *Tableau des droits et frais exigibles* in force on 1 January 2003 and published in the *Gazette officielle du Québec* (2002, G.O. 1, 1362).

18. A new time limit provided for in sections 235 and 236 of the Securities Act, as amended by sections 637 and 638 of the Act respecting the Agence nationale d’encadrement du secteur financier, applies to current situations, having regard to the time elapsed.

19. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

O.C. 1375-2003, 17 December 2003

Hydro-Québec Act
(R.S.Q., c. H-5)

Hydro-Québec — Pension Plan

Approval of By-law No. 707 Hydro-Québec Pension Plan

WHEREAS, under section 49 of the Hydro-Québec Act (R.S.Q., c. H-5), the Company is authorized to establish by by-law a retirement plan for its members appointed after 30 June 1973 and its employees, including benefits in case of disability or death, and to adopt all provisions deemed necessary for such purpose;

WHEREAS, under section 55 of the Hydro-Québec Act, every by-law passed under Division IX respecting the pension plan shall be subject to the Supplemental Pension Plans Act (R.S.Q., c. R-15.1) and shall not come into force until approved by the Government;

WHEREAS By-law No. 699 Hydro-Québec Pension Plan was approved by the Government under Order in Council 932-2002 dated 21 August 2002;

WHEREAS agreements were entered into between Hydro-Québec and the union authorities in the spring of 2003, except the Syndicat professionnel des scientifiques de l’IREQ and the Fraternité des constables spéciaux d’Hydro-Québec, in order to make amendments to the Hydro-Québec Pension Plan, which take effect on 1 January 2004;

WHEREAS the amendments comply with the Supplemental Pension Plans Act and the Taxation Act (R.S.Q., c. I-3), amended by chapters 2, 8 and 9 of the Statutes of 2003;

WHEREAS, to integrate those amendments, Hydro-Québec passed By-law No. 707 Hydro-Québec Pension Plan on 7 November 2003 as a replacement for By-law No. 699 Hydro-Québec Pension Plan;

WHEREAS, under paragraph 1 of section 3 of the Regulations Act (R.S.Q., c. R-18.1), the Act does not apply to By-law No. 707 Hydro-Québec Pension Plan;

WHEREAS it is expedient to approve By-law No. 707 Hydro-Québec Pension Plan;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources, Wildlife and Parks:

THAT By-law No. 707 Hydro-Québec Pension Plan, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif
