

Draft Regulations

Draft Regulation

Fire Safety Act
(R.S.Q., c. S-3.4)

Municipal fire safety service — Conditions governing the exercise of functions

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 conditions governing the exercise of functions within a municipal fire safety service, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The Regulation prescribes new standards relating to the training of firefighters in municipal fire safety services so as to set minimum training standards. The requirements vary according to the duties to be performed and the population strata.

The Regulation sets a timeframe within which firefighters may complete the required training before the date on which the training becomes mandatory.

To date, study of the matter has shown no impact on businesses, including small and medium-sized businesses.

Further information may be obtained by contacting Carmen Larivière, Direction du développement et du soutien en sécurité civile et en sécurité incendie, ministère de la Sécurité publique, 2525, boulevard Laurier, 6^e étage, Sainte-Foy (Québec) G1V 2L2; telephone: (418) 646-5672; fax: (418) 643-2623.

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 Jacques Chagnon, Minister of Public Security, 2525, boulevard Laurier, 5^e étage, Sainte-Foy (Québec) G1V 2L2.

JACQUES CHAGNON,
Minister of Public Security

Regulation respecting the conditions governing the exercise of functions within a municipal fire safety service

Fire Safety Act
(R.S.Q., c. S-3.4, s. 38)

CHAPTER I MANAGEMENT

1. A firefighter who manages a fire safety service must hold

(1) an Officier non urbain certificate awarded by the École nationale des pompiers du Québec if the fire safety service of which the firefighter is a member serves a population of fewer than 5 000 persons;

(2) an Officier I certificate awarded by the school if the fire safety service of which the firefighter is a member serves a population of 5 000 persons or more and of fewer than 25 000 persons; or

(3) an Officier II certificate awarded by the school if the fire safety service of which the firefighter is a member serves a population of 25 000 persons or more.

Despite the first paragraph, a firefighter may hold that function while obtaining the required officer certification provided that the training period does not exceed 24 consecutive months following the date on which the firefighter begins to hold the function requiring Officier non urbain or Officier I certification, or 12 months in the case of Officier II certification.

CHAPTER II FIRE PREVENTION

2. A firefighter who acts as a fire prevention inspector, namely a firefighter hired to perform duties in a fire safety service and whose main duties relate to detecting fire hazards and inspecting plans and specifications to ensure they comply with fire safety regulation, must hold an attestation of college studies (Prévention en sécurité incendie), an undergraduate studies certificate (Technologie en prévention des incendies) or a vocational studies diploma (Prévention des incendies) awarded by the Ministère de l'Éducation or its equivalent recognized by the Minister of Education.

CHAPTER III EMERGENCY RESPONSE

DIVISION I BASIC FIREFIGHTER TRAINING

3. A firefighter in charge of rescue response or fire suppression must hold

(1) a vocational studies diploma (Intervention en sécurité incendie) or an attestation of vocational specialization (Intervention en cas d'incendie) awarded by the Ministère de l'Éducation or its equivalent recognized by the Minister of Education;

(2) a Pompier I certificate awarded by the school if the fire safety service of which the firefighter is a member serves a population of fewer than 25 000 persons; or

(3) a Pompier II certificate awarded by the school if the fire safety service of which the firefighter is a member serves a population of 25 000 to 200 000 persons.

Despite the first paragraph, a person may act as an apprentice firefighter under the supervision of a qualified firefighter while obtaining the required certification provided that the training period does not exceed 18 consecutive months following the date of hiring for Pompier I certification or 24 months in the case of Pompier II certification, except if the fire safety service of which the person is a member serves a population of more than 200 000 persons.

DIVISION II SPECIALIZED TRAINING

4. A firefighter who operates a pumper must hold an Opérateur d'autopompe certificate awarded by the school, except if the firefighter has successfully completed the training referred to in subparagraph 1 of the first paragraph of section 3.

5. A firefighter who operates an elevating device must hold an Opérateur de véhicule d'élévation certificate awarded by the school, except if the firefighter has successfully completed the training referred to in subparagraph 1 of the first paragraph of section 3.

6. A firefighter who performs extrications must hold a Désincarcération certificate awarded by the school, except if the firefighter has successfully completed the training referred to in subparagraph 1 of the first paragraph of section 3.

7. A firefighter who determines the causes and circumstances of fires must hold a Recherche des causes et des circonstances d'un incendie certificate awarded by the school.

CHAPTER IV EMERGENCY MANAGEMENT

DIVISION I BASIC OFFICER TRAINING

8. A firefighter who acts as an officer in charge of response management, namely a firefighter who supervises and directs the work of firefighters at a fire scene, must hold

(1) an Officier I certificate awarded by the school; or

(2) an Officier non urbain certificate awarded by the school if the fire safety service of which the firefighter is a member serves a population of fewer than 5 000 persons.

Despite the first paragraph, a firefighter may hold that function while obtaining the required officer certification provided that the training period does not exceed 24 consecutive months following the date on which the firefighter begins to hold the function *requiring Officier non urbain* or Officier I certification, except if the fire safety service of which the firefighter is a member serves a population of more than 200 000 persons.

DIVISION II ADVANCED TRAINING FOR CHIEF OFFICERS

9. A firefighter whose main duty is to supervise and direct the work of other officers must hold an Officier II certificate awarded by the school if the fire safety service of which the firefighter is a member serves a population of 25 000 persons or more.

Despite the first paragraph, a firefighter may hold that function while obtaining Officier II certification provided that the training period does not exceed 12 consecutive months following the date on which the firefighter begins to hold the function.

CHAPTER V TRANSITIONAL, INTERPRETATIVE AND FINAL

10. Persons who, on 1 September 2005, have successfully completed

(1) the first nine modules of the vocational studies diploma (Intervention en sécurité incendie) are deemed to be holders of a Pompier I certificate and an Opérateur d'autopompe certificate awarded by the school;

(2) the courses in the Gérer l'intervention profile forming part of the Gestionnaire en sécurité incendie attestation of college studies awarded by the Ministère de l'Éducation are deemed to be holders of an Officier I certificate awarded by the school;

(3) the Gestionnaire en sécurité incendie attestation of college studies awarded by the Ministère de l'Éducation are deemed to be holders of an Officier II certificate awarded by the school;

(4) module Number 6 entitled Matériel d'intervention relatif à l'eau forming part of the Intervention en sécurité incendie vocational studies diploma are deemed to be holders of an Opérateur d'autopompe certificate awarded by the school;

(5) module Number 15 entitled Véhicules d'élévation forming part of the Intervention en sécurité incendie vocational studies diploma are deemed to be holders of an Opérateur de véhicule d'élévation certificate awarded by the school;

(6) module Number 24 entitled Incendies et accidents de véhicules forming part of the Intervention en sécurité incendie vocational studies diploma are deemed to be holders of a Désincarcération certificate awarded by the school;

(7) the course entitled Recherche de causes et de circonstances d'un incendie in the Gérer l'intervention profile forming part of the Gestionnaire en sécurité incendie attestation of college studies are deemed to be holders of a Recherche des causes et des circonstances d'un incendie certificate awarded by the school.

11. As long as they do not change employment, the following persons may continue to exercise the same functions within a fire safety service without having to meet the new conditions prescribed by this Regulation:

(1) firefighters who, on 16 September 1998, held the function of director and managed a fire safety service;

(2) firefighters who, on that date, held the function of fire prevention inspector, namely firefighters hired to perform duties in a fire safety service and whose main duties related to detecting fire hazards and inspecting plans and specifications to ensure they complied with fire safety regulation;

(3) persons who, on that date, held the function of firefighter, namely persons in charge of rescue response or fire suppression;

(4) persons who, on that date, were on the eligibility list of a local municipality for the hiring of full-time firefighters and who were hired for such a position by the municipality that drew up the list;

(5) firefighters who, on that date, performed the duties referred to in Division II of Chapter III of this Regulation;

(6) firefighters who, on that date, held the function of officer in charge of response management, namely firefighters supervising and directing the work of firefighters at a fire scene; and

(7) firefighters who, on that date, held the function of chief officer, namely firefighters whose main duty was to supervise and direct the work of other officers.

Firefighters who were members of a fire safety service that was the subject of an amalgamation, regrouping or integration after 16 September 1998 are deemed not to have changed employment for the purposes of this section.

12. A firefighter who acts as director and manages a fire safety service and who began to hold that function between 17 September 1998 and 31 August 2005 has 24 months from 1 September 2005 to obtain an Officier I or Officier non urbain certificate or 36 months to obtain an Officier II certificate in accordance with the requirements of section 1 of this Regulation.

A firefighter in charge of rescue response or fire suppression in a fire safety service who began to hold that function between 17 September 1998 and 31 August 2004 has 18 months from 1 September 2004 to obtain a Pompier I certificate and 24 months to obtain a Pompier II certificate or an Intervention en sécurité incendie vocational studies diploma in accordance with the requirements of section 3 of this Regulation.

A firefighter who acts as an officer in charge of response management, namely a firefighter who supervises and directs the work of firefighters at a fire scene and who began to hold that function between 17 September 1998 and 31 August 2005 has 24 months from 1 September 2005 to obtain an Officier I or Officier non urbain certificate in accordance with the requirements of section 8 of this Regulation.

A firefighter who acts as chief officer whose main duty is to supervise and direct the work of other officers and who began to hold that function between 17 September 1998 and 31 August 2005 has 36 months from 1 September 2005 to obtain an Officier II certificate in accordance with the requirements of section 9 of this Regulation.

13. A firefighter who is a member of a fire safety service serving a population that has increased so that its service is subject to additional training requirements has 24 months to comply with the new requirements from the date of the Order in Council determining the population, made in accordance with section 29 of the Act respecting municipal territorial organization (R.S.Q., c. O-9).

14. Sections 1, 2, 4, 4.1 and 5 of the Regulation respecting the training of members of fire departments, made by Order in Council 1083-98 dated 21 August 1998, are revoked as of 1 September 2004 and section 3 of the Regulation is revoked as of 1 September 2005.

15. This Regulation comes into force on 1 September 2004, except sections 1, 8 and 9 which come into force on 1 September 2005 and sections 4 to 7 which come into force on 1 September 2007.

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Draft Regulation

Civil Code
(1991, c. 64)

Register of personal and real rights — Amendments

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 to amend the Regulation respecting the register of personal and real rights, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to allow advocates authorized by the Personal and Movable Real Rights Registrar to verify the identity of persons wishing to send an application for registration to the registry office electronically. Currently only notaries may carry out such a verification.

To that end, the Regulation proposes to restate the provisions concerning the verification of identity.

Study of the matter has shown there will be no impact on citizens and businesses. To the contrary, the electronic transmission of applications for registration should be facilitated because of broader access by persons authorized to verify identity, a step that precedes the obtaining of a digital signature.

Additional information may be obtained by contacting:

Lise Cadoret, Direction des registres et de la certification, Ministère de la Justice, 1, rue Notre-Dame Est, 7^e étage, bureau 7.35, Montréal (Québec) H2Y 1B6, telephone: (514) 864-4931; fax: (514) 864-9774; e-mail: lcadoret@drc.gouv.qc.ca

Any 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 undersigned at 1200, route de l'Église, 9^e étage, Sainte-Foy (Québec) G1V 4M1.

MARC BELLEMARE,
Minister of Justice

Regulation to amend the Regulation respecting the register of personal and real rights*

Civil Code
(1991, c. 64, aa. 3012 and 3024)

1. Section 15.9 of the Regulation respecting the register of personal and real rights is replaced by the following:

“**15.9.** A person wishing to send an application for registration to the registry office electronically shall first obtain the appropriate key pairs and certificates. They will be issued after verification of the person’s identity by a notary or advocate who must be authorized by the registrar to carry out the verification. The person requiring the verification shall bear its cost.”.

2. Section 15.11 is replaced by the following:

“**15.11.** The person verifying an identity shall record the information required by the registrar, including the verification code selected by the person wishing to send the application for registration and that only that person can use to identify himself to the registrar.

* The Regulation respecting the register of personal and real rights, made by Order in Council 1594-93 dated 17 November 1993 (1993, G.O. 2, 6215), was last amended by the regulation made by Order in Council 972-99 dated 25 August 1999 (1999, G.O. 2, 2835). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 September 2003.