

## Regulations and other acts

Gouvernement du Québec

### O.C. 725-2004, 28 July 2004

An Act respecting the Pension Plan of Management Personnel  
(R.S.Q., c. R-12.1)

#### Classes of employees designated under section 23 — Amendments to the Order respecting special provisions

Amendments to the Order respecting the special provisions in respect of classes of employees designated under section 23 of the Act respecting the Pension Plan of Management Personnel

WHEREAS, under the first paragraph of section 23 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1), the Government may, notwithstanding any inconsistent provision of the Act, except the provisions of Chapter VIII, establish special provisions with respect to classes of employees it designates;

WHEREAS the Government made Order in Council 960-2003 dated 17 September 2003 respecting the special provisions in respect of classes of employees designated under section 23 of the Act respecting the Pension Plan of Management Personnel;

WHEREAS it is expedient to amend that Order;

WHEREAS, under the second paragraph of section 23 of the Act, an order under the first paragraph may have effect 12 months or less before it is made;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Government Administration and Chair of the Conseil du trésor:

THAT the Amendments to the Order respecting the special provisions in respect of classes of employees designated under section 23 of the Act respecting the Pension Plan of Management Personnel, attached to this Order in Council, be made;

THAT this Order in Council have effect from 1 August 2003.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

#### Amendments to the Order respecting the special provisions in respect of classes of employees designated under section 23 of the Act respecting the Pension Plan of Management Personnel\*

An Act respecting the Pension Plan of Management Personnel  
(R.S.Q., c. R-12.1, s. 23)

1. Section 16 of the Order respecting the special provisions in respect of classes of employees designated under section 23 of the Act respecting the Pension Plan of Management Personnel is amended

(1) by replacing the third paragraph by the following:

“The amount established in accordance with the first paragraph on the date on which the employee ceases to be a member of the plan may not exceed the limit established under the Income Tax Act (R.S.C., 1985, chapter 1, 5th Supplement) as if the transfer was carried out at that date. In addition, the amount transferable pursuant to that paragraph may not exceed the limit established for that purpose under that Act. Where applicable, the amount that may not be transferred into a locked-in retirement account or into a registered retirement savings plan is reimbursed to the employee. In case of death, the amount transferable and, where applicable, the amount that would have been reimbursed to the employee are paid to the spouse or failing such, to the successors.”;

(2) by replacing: “Payment of the actuarial value provided for in the first paragraph gives entitlement” by “The transfer and, where applicable, the reimbursement provided for in this section give entitlement” in the fourth paragraph.

\* The special provisions in respect of classes of employees designated under section 23 of the Act respecting the Pension Plan of Management Personnel, made by Order in Council 960-2003 dated 17 September 2003 (2003, G.O. 2, 2963) have not been amended since they were made.

## 2. Section 17 is amended

(1) by inserting “and, where applicable, reimbursed” in the second paragraph after “transferred”;

(2) by replacing “until the date on which the amount is paid” by “and, where applicable, the reimbursement until the date of payment”.

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Gouvernement du Québec

### O.C. 726-2004, 28 July 2004

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

Approval of the delegation of functions and powers of the Agence nationale d'encadrement du secteur financier to the Investment Dealers Association of Canada

WHEREAS section 68 of the Act respecting the Agence nationale d'encadrement du secteur financier (R.S.Q., c. A-7.03) authorizes the Agence nationale d'encadrement du secteur financier (the Agency) to grant recognition to a legal person, partnership or entity where it considers that the legal person, partnership or entity has the administrative structure and the financial and other resources necessary to exercise its functions and powers in an objective, fair and efficient manner;

WHEREAS, by decision 2004-PDG-0083 dated 13 July 2004, the Agency recognized the Investment Dealers Association of Canada (IDAC) as a self-regulatory organization;

WHEREAS, under section 61 of the Act, the Agency may delegate to a recognized organization the exercise of all or part of the functions and powers conferred on it by law;

WHEREAS, under the second paragraph of section 61, the delegation of functions and powers of the Agency shall be subject to the approval of the Government;

WHEREAS, under its decision 2004-PDG-0089 dated 27 July 2004, the Agency delegated certain functions and powers conferred on it by law to the Investment Dealers Association of Canada;

WHEREAS it is expedient to approve the delegation of functions and powers of the Agency;

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

THAT the delegation of functions and powers of the Agence nationale d'encadrement du secteur financier to the Investment Dealers Association of Canada under decision 2004-PDG-0089 dated 27 July 2004, the text of which is attached to this Order in Council, be approved.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

### Decision N° 2004-PDG-0089

#### Delegation of functions and powers to the Investment Dealers Association of Canada (the “IDA”)

WHEREAS on July 13, 2004, l'Agence nationale d'encadrement du secteur financier also known under the name Autorité des marchés financiers (the “AGENCY”) rendered decision n° 2004 – PDG - 0083 recognizing the Investment Dealers Association of Canada (the “IDA”) as a self-regulatory organization, in conformity with sections 59 and 60 of An Act respecting the Agence nationale d'encadrement du secteur financier (R.S.Q., chapitre A-7.03) (the “ARANESF”);

WHEREAS the first paragraph of section 61 of the ARANESF allows the AGENCY to delegate to a recognized organization the exercise of all or part of the functions and powers conferred on it by law;

WHEREAS, in conformity with the first paragraph of section 61 of the ARANESF, the Government must give its approval to the delegation of functions and powers;

WHEREAS section 62 of the ARANESF permits the recognized organization, in this case the IDA, with the prior authorization from the AGENCY, to delegate its functions and powers to a committee formed by it or to a member of its staff;

WHEREAS section 9 of the ARANESF allows the AGENCY to delegate all or part of its inspection functions and powers to a self-regulatory organization;

WHEREAS the AGENCY considers it appropriate that functions and powers be delegated to the IDA;

WHEREAS pursuant to section 81 of the ARANESF, the recognized organization must, before rendering a decision unfavourably affecting the rights of a person, partnership or entity, give the person, partnership or entity an opportunity to present its observations;

WHEREAS pursuant to section 85 of the ARANESF, a person, partnership or other entity directly affected by a decision rendered by a recognized organization may within 30 days apply for a review of the decision by the AGENCY;