

## Draft Regulations

### Draft Regulation

Professional Code  
(R.S.Q., c. C-26)

#### Court bailiffs — Equivalence standards for the issue of permits

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 equivalence standards for the issue of permits by the Chambre des huissiers de justice du Québec, made by the Bureau of the Chambre des huissiers de justice du Québec, may be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

According to the Chambre des huissiers de justice du Québec, the purpose of the draft Regulation is to prescribe, under paragraph *c* of section 93 of the Professional Code, equivalence standards applicable to diplomas issued by educational institutions outside Québec for the issue of a permit by the Chambre des huissiers de justice du Québec, as well as equivalence standards applicable to the training of a person who does not hold a diploma required for the issue of a permit.

The draft Regulation will have no impact on the public or on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Ronald Dubé, Director General and Secretary of the Chambre des huissiers de justice du Québec, 390, boulevard Henri-Bourassa Ouest, Montréal (Québec) H3L 3T5; telephone: 514 721-1100; fax: 514 721-7878; e-mail: rdube@huissiersquebec.qc.ca

Any person having comments to make is asked to send them, before the expiry of the 45-day period, to the Chair of the Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3. The comments will be forwarded to the Minister responsible for the administration of legislation respecting the professions; they may also be sent to the professional order that has made the Regulation, as well as to interested persons, departments and bodies.

GAÉTAN LEMOYNE,  
*Chair of the Office des  
professions du Québec*

### Regulation respecting equivalence standards for the issue of permits by the Chambre des huissiers de justice du Québec

Professional Code  
(R.S.Q., c. C-26, s. 93, par. *c*)

#### DIVISION I GENERAL

**1.** The secretary of the Chambre des huissiers de justice du Québec must forward a copy of this Regulation to a candidate who, for the purpose of obtaining a court bailiff's permit from the Chamber, applies to have a diploma issued by an educational institution outside Québec or training recognized as equivalent.

In this Regulation,

“diploma equivalence” means recognition by the Bureau of the Chamber that a diploma issued by an educational institution outside Québec certifies that a candidate's level of knowledge and skills is equivalent to the level attained by the holder of a diploma recognized by a regulation of the Government, made pursuant to the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26), as giving access to a court bailiff's permit issued by the Chamber; and

“training equivalence” means recognition by the Bureau of the Chamber that a candidate's training has enabled him or her to attain a level of knowledge and skills equivalent to the level attained by the holder of a diploma recognized by a regulation of the Government, made pursuant to the first paragraph of section 184 of the Professional Code, as giving access to a court bailiff's permit issued by the Chamber.

#### DIVISION II DIPLOMA EQUIVALENCE STANDARDS

**2.** A candidate who holds a diploma issued by an educational institution outside Québec is granted a diploma equivalence if the diploma was obtained upon completion of a program of college-level studies comprising a minimum of 2,370 hours.

A minimum of 1,710 hours must pertain to the following subjects and be apportioned as follows:

- (1) a minimum of 150 hours in subjects dealing with legal research;
- (2) a minimum of 285 hours in subjects dealing with civil law;
- (3) a minimum of 105 hours in subjects dealing with labour and administrative law;
- (4) a minimum of 120 hours in subjects dealing with civil procedure;
- (5) a minimum of 90 hours in subjects dealing with the Québec law of security on property and publication of rights;
- (6) a minimum of 45 hours in subjects dealing with legal drafting;
- (7) a minimum of 60 hours in subjects dealing with corporate law;
- (8) a minimum of 45 hours in subjects dealing with Canadian criminal and penal law;
- (9) a minimum of 45 hours in subjects dealing with the history of law;
- (10) a minimum of 195 hours in subjects dealing with communication, accounting and contentious and notarial practice; and
- (11) a minimum of 570 hours or credits of supervised training periods.

**3.** Despite section 2, where the diploma for which an equivalence application is made was obtained more than five years before the application and, considering the developments in the profession of court bailiff, the knowledge certified by the diploma no longer corresponds to the knowledge currently being taught, the candidate is granted a training equivalence pursuant to section 5 if the candidate has attained the required level of knowledge and skills since obtaining his or her diploma.

**4.** A candidate with an undergraduate law degree from an educational institution in Québec or a Licence in Civil Law from the University of Ottawa is granted a diploma equivalence.

### **DIVISION III** TRAINING EQUIVALENCE STANDARDS

**5.** A candidate is granted a training equivalence if the candidate demonstrates having a level of knowledge and skills equivalent to the level attained by the holder of a diploma recognized by a regulation of the Government, made pursuant to the first paragraph of section 184 of the Professional Code, as giving access to a court bailiff's permit issued by the Chamber.

In assessing the training equivalence of a candidate, the Bureau is to take into particular account the following factors:

- (1) the nature and duration of the candidate's work experience;
- (2) the fact that the candidate holds one or more diplomas awarded in Québec or elsewhere;
- (3) the nature and content of courses taken; and
- (4) the nature and content of training periods and other training activities.

### **DIVISION IV** TRAINING EQUIVALENCE RECOGNITION PROCEDURE

**6.** A candidate who wishes to have a diploma or training equivalence recognized must provide the secretary with the following documents, which are required to support the candidate's application, together with the fees required under paragraph 8 of section 86.0.1 of the Professional Code:

- (1) the candidate's academic record, including a description of courses taken, the number of hours or credits of each course, and the results obtained;
- (2) a copy of the diplomas held by the candidate, certified by the educational institution;
- (3) an attestation of the candidate's successful completion of any training periods;
- (4) an attestation and description of the candidate's relevant work experience; and
- (5) where applicable, an attestation of the candidate's participation in continuing training or upgrading activities since the diploma was obtained.

**7.** Documents in a language other than French or English that are submitted in support of an application must be accompanied by a French or English translation certified by the translator.

**8.** The secretary must send the documents referred to in section 6 to a committee formed by the Bureau to study applications for diploma or training equivalence and make an appropriate recommendation.

In order to make an appropriate recommendation, the committee may require the applicant to come to an interview, to pass an examination or to complete a training period.

**9.** At the first meeting following the date of receipt of that recommendation, the Bureau must decide, in accordance with this Regulation, whether it will grant a diploma or training equivalence and inform the candidate in writing within 30 days of its decision.

**10.** Within 30 days of its decision not to grant a diploma or training equivalence, the Bureau must so inform the candidate in writing and indicate the programs of study, training sessions or examinations that the candidate could successfully complete within the allotted time, taking into account the candidate's current level of knowledge, to enable the candidate to be granted the equivalence.

**11.** A candidate who is informed of the Bureau's decision not to grant the equivalence applied for may apply to the Bureau for a review, provided that the candidate applies to the secretary in writing within 30 days of receiving the decision.

The Bureau must examine the application for review at the first regular meeting following its receipt and, before disposing of the application, allow the candidate to make submissions at the meeting.

A candidate who wishes to be present at the meeting to make submissions must notify the secretary at least five days before the date scheduled for the meeting. The candidate may, however, send written submissions to the secretary at any time before the date scheduled for the meeting.

The decision of the Bureau is final and must be sent to the candidate in writing by registered mail within 30 days following the date of the hearing.

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

## Draft Regulation

Professional Code  
(R.S.Q., c. C-26)

### Court bailiffs

#### — Terms and conditions for the issue of a permit — 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 terms and conditions for the issue of a permit by the Chambre des huissiers de justice du Québec, made by the Bureau of the Chambre des huissiers de justice du Québec, may be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

According to the Chambre des huissiers de justice du Québec, the purpose of the draft Regulation is to amend the Regulation respecting the terms and conditions for the issue of a permit by the Chambre des huissiers de justice du Québec to provide for standards of equivalence applicable to the conditions and to strike out the provision indicating the date until which that Regulation remains in force.

The draft Regulation will have no impact on the public or on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Ronald Dubé, Director General and Secretary of the Chambre des huissiers de justice du Québec, 390, boulevard Henri-Bourassa Ouest, Montréal (Québec) H3L 3T5; telephone: 514 721-1100; fax: 514 721-7878; e-mail: rdube@huissiersquebec.qc.ca

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GAÉTAN LEMOYNE,  
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