

Draft Regulations

Draft Regulation

Deposit Insurance Act
(R.S.Q., c. A-26)

Regulation — 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 application of the Deposit Insurance Act, the text of which appears below, was made by the Autorité des marchés financiers on 12 January 2006 and may be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to allow an insurance company and a mutual insurance association to be a qualified institution under the Regulation respecting the application of the Deposit Insurance Act and to register with the Authority. The draft Regulation also specifies that sums payable under an insurance contract entered into by an insurance company or mutual insurance association, annuity contracts offered by an insurance company and the funds used to acquire shares issued by a financial services cooperative, an insurance company or a mutual insurance association, are not deposits.

The draft Regulation also reduces the rate of the premium paid to the deposit insurance fund by registered institutions from $\frac{1}{15}$ of 1% to $\frac{1}{25}$ of 1%, and provides that premiums are collected on 15 July and 15 December of the accounting period for which the premium was established. For the 2006-2007 premium accounting period, it provides that premiums already paid will be adjusted on payment of the final balance. The draft Regulation also increases the 60-day period to 75 days so that registered institutions may take certain actions relating to premiums to be paid or information to be provided to the Authority, and provides that agreements may be entered into between the Authority and compensation bodies in other sectors.

Lastly, the draft Regulation contains various consequential amendments.

To date, study of the matter has revealed no impact on enterprises, including small and medium-sized businesses except insurance companies and mutual insurance associations that may receive deposits on certain terms and conditions in compliance with the legislation in force.

Further information may be obtained on the draft Regulation within the 45-day period by contacting Maurice Lalancette, Director General, Encadrement et développement du secteur financier, Ministère des Finances, 800, place D'Youville, bureau 17.01, Québec (Québec) G1R 3P4; telephone: 418 646-7572; fax: 418 646-5744; e-mail: maurice.lalancette@finances.gouv.qc.ca

Interested persons having comments to make on the draft Regulation are asked to send them in writing before the expiry of the 45-day period to the Minister of Finance, 12, rue Saint-Louis, 1^{er} étage, Québec (Québec) G1R 5L3.

MICHEL AUDET,
Minister of Finance

Regulation to amend the Regulation respecting the application of the Deposit Insurance Act*

Deposit Insurance Act
(R.S.Q., c. A-26, s. 43, pars. *b, e.1, i, i.1, j, r, t* and *u*)

1. Section 1 of the Regulation respecting the application of the Deposit Insurance Act is amended

(1) by replacing subparagraph 2 of the second paragraph by the following:

“(2) funds used to acquire shares issued by a financial services cooperative, an insurance company or a mutual insurance association;”;

(2) by replacing subparagraph 4 of the second paragraph by the following:

* The Regulation respecting the application of the Deposit Insurance Act, approved by Order in Council 819-93 dated 9 June 1993 (1993, *G.O.* 2, 3333), has not been amended since its approval.

“(4) sums payable under an insurance contract of an insurance company or a mutual insurance association and annuity contracts entered into by an insurance company holding a licence issued under the Act respecting insurance (R.S.Q., c. A-32);”.

2. Section 4 is amended by replacing “the Board” in the second paragraph by “the Autorité des marchés financiers”.

3. Section 5 is amended by replacing “siège social” in the French text of paragraph 5 by “siège”.

4. Section 6 is replaced by the following:

“6. In addition to the institutions referred to in section 28 of the Act, the following are qualified institutions that may register with the Authority:

(1) a federation established under the Act respecting financial services cooperatives (R.S.Q., c. C-67.3);

(2) the Caisse centrale Desjardins du Québec; and

(3) an insurance company and a mutual insurance association holding a licence issued under the Act respecting insurance.”.

5. Section 11 is amended

(1) by replacing “the Board” wherever those words appear by “the Authority”, with the necessary modifications;

(2) by replacing “President and Chief Executive Officer” by “president and director general”.

6. Section 19 is amended in paragraph 1 by replacing “ $\frac{1}{15}$ ” by “ $\frac{1}{25}$ ” and “the Board” by “the Authority”.

7. Section 20 is amended by replacing “the Board” by “the Authority” and “60” by “75”.

8. Section 21 is amended by replacing “the Board” by “the Authority”, “30 June” by “15 July” and “31 December” by “15 December”.

9. Section 22 is amended in subparagraph 1 of the first paragraph by replacing “ $\frac{1}{15}$ ” by “ $\frac{1}{25}$ ” and “the Board” by “the Authority”.

10. Section 24 is amended

(1) in paragraph 1 by replacing “the Board” by “the Authority” and “60” by “75”;

(2) in paragraph 2

(a) by replacing “the Board” by “the Authority” and “60” by “75” in subparagraph *a*;

(b) by replacing “the Board” by “the Authority” and “31 December” by “15 December” in subparagraph *b*.

11. Sections 26 to 28 are replaced by the following:

26. An application by a security fund under section 40.3.1 of the Act to have the premium established for any registered institution which is a credit union that is a member of the security fund reduced by one-half must be filed not later than 31 March preceding the accounting period for premiums in respect of which the application is filed.

The application must be in writing and contain the following:

(1) a resolution of the board of directors of the security fund authorizing the application;

(2) a list of the credit unions that are members of the security fund; and

(3) the security fund’s financial statements for the calendar year ending on 31 December preceding the accounting period for premiums.

27. The report on the activities of the security fund required by section 40.3.2 of the Act must cover the period from 1 January to 31 December of the year preceding the accounting period for premiums.

The report must include the following:

(1) the method for calculating every contribution ordered or required by the security fund;

(2) the amount of every contribution established for each credit union that is a member of the security fund or the total amount of the contributions, and the terms of payment of the contributions established;

(3) the sums paid in respect of every contribution by each credit union or the total amount of those sums, and a list of the credit unions, if any, that have not paid sums;

(4) the amounts of loans made and grants awarded to each credit union, and the loan repayment terms;

(5) the repayment guarantees for an advance or loan made to a credit union that is a member of the security fund;

(6) the agreements entered into with each credit union pursuant to which its affairs are managed by the security fund for a specified period, and the conditions of the agreements;

(7) the acquisition of all or part of the assets of a credit union that is a member of the security fund, and the conditions of the acquisition;

(8) the measures that each credit union is required to take to correct certain of its financial and administrative practices and that were determined by the security fund at the time it made a loan or awarded a grant to the credit unions;

(9) the names of the credit unions for which the security fund has acted as a liquidator or receiver;

(10) the names of the credit unions for which the security fund has acted as a provisional administrator for the purposes of the Act respecting financial services cooperatives;

(11) a list of the credit unions inspected, the number and dates of the inspections and a list of the credit unions not inspected;

(12) a list of the investments made by the security fund; and

(13) a description of the security fund's activities and a statement of its operations.

28. If, during an accounting period for premiums, a registered credit union becomes or ceases to be a member of a security fund whose member credit unions benefit from a reduction in premiums, the credit union benefits or ceases to benefit, as the case may be, from the reduction in premiums for the unelapsed portion of that period.”

12. Sections 35 and 36 are amended by replacing “¹/₁₅” by “¹/₂₅”.

13. Section 38 is amended by replacing “the Board” by “the Authority”, “30 June” by “15 July” and “31 December” by “15 December”.

14. Section 40 is amended

(1) by replacing “the Board” wherever those words appear by “the Authority”;

(2) by replacing subparagraph 1 of the third paragraph by the following:

“(1) an agreement has been entered into between the Authority and the syndic or liquidator of the institution or bank, or between the Authority and the Canada Deposit Insurance Corporation, or between the Authority and another body that administers a similar plan or another compensation body;”.

15. Section 43 is replaced by the following:

“**43.** The official logo attesting to registration with the Authority is as follows:



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16. Section 44 is replaced by the following:

“**44.** A registered institution wishing to inform the public that deposits made with it are guaranteed by the Authority may use only the phrase “Registered under the Deposit Insurance Act with the Autorité des marchés financiers” in its advertising.”.

17. Section 47 is amended

(1) by replacing “the Board” in the first and second paragraphs by “the Authority”;

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

“The sending of the annual statement and annual report to the Authority under the Act respecting insurance, the Act respecting trust companies and savings companies (R.S.Q., c. S-29.01) or the Act respecting financial services cooperatives fulfils the requirement of the first paragraph.”.

18. Section 48 is amended by replacing the second paragraph by the following:

“The sending of a report of the institution's auditor to the Authority under the Act respecting insurance, the Act respecting trust companies and savings companies or the Act respecting financial services cooperatives fulfils the requirement of the first paragraph.”.

19. Section 50 is amended

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

“Notwithstanding the foregoing, where an institution’s affairs are examined by the Authority in accordance with section 42 of the Act and, in whole or in part, under another Act that applies to the institution, only that portion of the costs attributable solely to the examination under section 42 of the Act is to be borne by the institution so examined.”;

(2) by replacing “the Board” wherever those words appear in the third paragraph by “the Authority”.

20. Section 51 is amended

(1) by replacing “siège social” in the French text by “siège”;

(2) by replacing “the Board” by “the Authority”.

21. Schedule I is amended

(1) by replacing “Régie de l’assurance-dépôts du Québec” wherever those words appear by “Autorité des marchés financiers”;

(2) by replacing “siège social” wherever those words appear in the French text by “siège”;

(3) by replacing “has been affiliated with” in item 7 by “is a member of”.

22. Schedules II and IV are amended

(1) by replacing “Régie de l’assurance-dépôts du Québec” wherever those words appear by “Autorité des marchés financiers”;

(2) by replacing “siège social” wherever those words appear in the French text by “siège”.

23. Schedules V and VI are amended

(1) by replacing “Régie de l’assurance-dépôts du Québec” by “Autorité des marchés financiers”;

(2) by replacing “ $\frac{1}{15}$ ” in item 4 by “ $\frac{1}{25}$ ”.

24. Schedules VII and VIII are amended

(1) by replacing “Régie de l’assurance-dépôts du Québec” wherever those words appear by “Autorité des marchés financiers”;

(2) by replacing “siège social” wherever those words appear in the French text by “siège”.

25. Sections 10, 12, 14, 16 to 18, 23, 25, 30, 33, 34, 39, 42 and 46 and Schedules III and IX are amended by replacing “Régie de l’assurance-dépôts du Québec” by “Autorité des marchés financiers” and “the Board” by “the Authority”, wherever those words appear and, if applicable, with the necessary modifications.

26. For the 2006-2007 premium accounting period beginning on 1 May 2006, the premium payable by a registered institution is reduced from $\frac{1}{15}$ to $\frac{1}{25}$ of 1% in accordance with this Regulation. In the event that the first instalment of the premium payable to the Autorité des marchés financiers has been made, the premium will be adjusted on payment of the balance, which is payable at the latest on 15 December 2006.

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

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Draft Regulation

Medical Act
(R.S.Q., c. M-9)

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

Physicians**— Professional activities that may be engaged in within the framework of pre-hospital emergency services and care**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Bureau of the Collège des médecins du Québec, at its meeting held on March 31, 2006, adopted the “Regulation respecting the professional activities that may be engaged in within the framework of pre-hospital emergency services and care”.

The Regulation has been transmitted to the Office des professions du Québec, which will examine it pursuant to section 95 of the Professional Code. It will then be submitted, with the recommendation of the Office, to the Government which may, under the same section, approve it with or without amendment, after the expiry of 45 days following this publication.