

Gouvernement du Québec

O.C. 59-2007, 30 January 2007

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

Advocates

- Code of ethics
- Amendments

Regulation to amend the Code of ethics of advocates

WHEREAS, under section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, the professional's clients and the profession;

WHEREAS, in accordance with that section, the General Council of the Barreau du Québec made the Regulation to amend the Code of ethics of advocates;

WHEREAS, in accordance with section 95.3 of the Professional Code, the secretary of the Bar sent a draft of the Regulation to every member of the Bar at least 30 days before it was made by the General Council;

WHEREAS, under section 95 of the Professional Code and subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Regulation was published as a draft in Part 2 of the *Gazette officielle du Québec* of 14 June 2006, with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec has examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Code of ethics of advocates, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Code of ethics of advocates*

Professional Code
(R.S.Q., c. C-26, s. 87)

1. Section 4.01.01 of the Code of ethics of advocates is amended by deleting, in paragraph *b*, the words “or of police officer”.

2. This Code is amended by inserting, after section 4.01.01.01, the following:

“**4.01.01.02.** An advocate who is also a police officer may act as an advocate only for the police force to which he is attached.

He may not act as a prosecutor in penal or criminal matters.”.

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

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* The last amendments to the Code of ethics of advocates (R.R.Q., 1981, c. B-1, r.1) were made by the regulation approved by Order in Council 351-2004 dated 7 April 2004 (2004, *G.O.* 2, 1272). For previous amendments, see the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2006, updated to 1 September 2006.