

47. The heading of Chapter V is amended by replacing “CHAPTER” by “DIVISION”.

48. Section 53 is replaced by the following:

“**53.** A veterinary surgeon shall provide the necessary care to the animal or population of animals in his care and custody and shall at all times demonstrate the highest concern for their safety.”.

49. Section 54 is amended by inserting “or a population of animals” after “the animal”.

50. Section 55 is replaced by the following:

“**55.** A veterinary surgeon may not lend or use an animal in his care and custody for purposes other than those for which the animal was entrusted to him. Except in exceptional circumstances, the veterinary surgeon shall obtain the client’s consent before relinquishing an animal entrusted to him by the client.”.

51. Section 56 is amended by inserting “or a population of animals” after “an animal”.

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

8178

Draft Regulation

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

Veterinary surgeons

— Practice of the profession of veterinary surgeon within a partnership or a joint-stock company

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 practice of the profession of veterinary surgeon within a partnership or a joint-stock company, adopted by the Bureau of the Ordre des médecins vétérinaires du Québec, may be submitted to the Government for approval, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation contains provisions to govern the terms and conditions under which veterinary surgeons are authorized to practise within a partnership or joint-stock company, in particular as regards the management of the partnership or joint-stock company and the holding of units or shares.

Pursuant to Chapter VI.3 of the Professional Code, those conditions also entail a requirement to have insurance to cover the liability the partnership or joint-stock company may incur for fault or negligence on the part of the members practising within the partnership or joint-stock company. The members will also be required to provide the Order with information on the partnership or joint-stock company and to maintain that information current.

The Ordre des médecins vétérinaires du Québec advises that the Regulation will have no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Christiane Gagnon, Acting President and Secretary General of the Ordre des médecins vétérinaires du Québec, 800, avenue Sainte-Anne, bureau 200, Saint-Hyacinthe (Québec) J2S 5G7; telephone: 450 774-1427; fax: 450 774-7635.

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^e étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be communicated to the professional order that adopted the Regulation, as well as to interested persons, departments and bodies.

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

Regulation respecting the practice of the profession of veterinary surgeon within a partnership or a joint-stock company

Professional Code
(R.S.Q., c. C-26, s. 93, pars. *g* and *h* and s. 94, par. *p*)

DIVISION I

TERMS AND CONDITIONS OF PRACTICE

1. Veterinary surgeons may carry on their professional activities within a limited liability partnership or a joint-stock company within the meaning of Chapter VI.3 of the Professional Code (R.S.Q., c. C 26) if

(1) 100% of the voting rights attached to the shares or units of the partnership or joint-stock company are held

(a) by veterinary surgeons;

(b) by legal persons, trusts or any other enterprise whose voting rights attached to the shares or units of the partnership or joint-stock company or other securities are held entirely by at least one veterinary surgeon; or

(c) by a combination of persons referred to in subparagraphs *a* and *b*;

(2) no manufacturer or wholesaler of medications for animals and no person holding the majority of the shares of such a manufacturer or wholesaler holds shares or units of the partnership or joint-stock company;

(3) the majority of the directors of the board of directors of the joint-stock company or the directors of the limited liability partnership are veterinary surgeons. To constitute a quorum of the board of directors of the partnership or joint-stock company, the majority of the members present must be veterinary surgeons if they are to commit the partnership or joint-stock company;

(4) the chair of the board of directors of the joint-stock company or the person who performs similar duties within a limited liability partnership is a veterinary surgeon and, as the case may be, a shareholder with voting rights or a partner;

(5) only a veterinary surgeon is granted, by voting agreement or proxy, the voting rights attached to a share or unit held by a veterinary surgeon or by a legal person, a trust or an enterprise referred to in subparagraph *b* of subparagraph 1 of the first paragraph.

Veterinary surgeons must ensure that the conditions set out in the first paragraph appear in the articles of incorporation of the joint-stock company or in the contract constituting the limited liability partnership and that the documents stipulate that the partnership or joint-stock company is constituted for the purpose of carrying on professional activities.

2. To be able to carry on professional activities within a partnership or joint-stock company referred to in section 1, a veterinary surgeon must, before beginning to practise, provide the secretary of the Order with

(1) a written document from a competent authority certifying that the partnership or joint-stock company is covered by security in compliance with Division III;

(2) a written document from a competent authority certifying the existence of the joint-stock company where the veterinary surgeon carries on professional activities within a joint-stock company;

(3) where applicable, a certified true copy of the declaration from the competent authority attesting to the continuance of the general partnership as a limited liability partnership;

(4) a written document certifying that the partnership or joint-stock company is duly registered in Québec;

(5) a written document certifying that the partnership or joint-stock company has an establishment in Québec;

(6) an irrevocable written authorization from the partnership or joint-stock company within which the veterinary surgeon practises allowing a person, committee, disciplinary body or tribunal referred to in section 192 of the Professional Code to obtain from a person any document listed in section 12 or a copy of such a document; and

(7) the sworn declaration referred to in section 3, along with the fee of \$150.

3. A veterinary surgeon must send to the Order a sworn declaration, duly made on the form provided by the Order, containing

(1) the partnership or joint-stock company name and any other names used in Québec by every partnership or joint-stock company within which the veterinary surgeon practises and the business number assigned to them by the competent authority;

(2) the legal form of the partnership or joint-stock company;

(3) where the veterinary surgeon practises within a joint-stock company, the address of the head office of the joint-stock company and of its establishments in Québec, and the names and home addresses of the directors and officers of the joint-stock company;

(4) where the veterinary surgeon practises within a limited liability partnership, the address of the establishments of the partnership or joint-stock company in Québec, specifying the address of the principal establishment, the names and home addresses of all the partners and, where applicable, the names and addresses of the directors appointed by the partners to manage the affairs of the limited liability partnership;

(5) the veterinary surgeon's name, home address and professional domicile and status within the partnership or joint-stock company; and

(6) a written document by the veterinary surgeon certifying that the shares or units held and the rules of administration of the partnership or joint-stock company comply with the conditions set out in this Regulation.

4. A veterinary surgeon must

(1) update and provide the Order, before March 31 of each year, with the sworn declaration sent pursuant to section 3, along with a fee of \$100; and

(2) promptly notify the Order of any change in the security required by Division III or in the information given in the declaration sent pursuant to section 3 that may affect compliance with the conditions set out in this Regulation.

5. A veterinary surgeon immediately ceases to be authorized to practise within a partnership or joint-stock company if the veterinary surgeon no longer satisfies the conditions set out in this Regulation or in Chapter VI.3 of the Professional Code.

DIVISION II REPRESENTATIVE

6. Where two or more veterinary surgeons carry on their professional activities within the same partnership or joint-stock company, a representative must be designated to act on behalf of all the veterinary surgeons carrying on their professional activities within the partnership or joint-stock company to satisfy the terms and conditions prescribed in sections 2 to 4.

The representative must ensure the accuracy of the information given in the declaration, except for the information referred to in paragraph 5 of section 3.

The representative is also mandated by veterinary surgeons carrying on their professional activities within a partnership or joint-stock company to reply to requests made, pursuant to this Regulation, by the syndic, an inspector, an investigator or any other representative of the Order and provide, where applicable, documents the veterinary surgeons are required to submit.

7. The representative must be a veterinary surgeon who is either a partner or a company director and a shareholder with voting rights.

8. A veterinary surgeon is exempt from satisfying the terms and conditions set out in sections 2 to 4 if the representative of the partnership or joint-stock company within which the veterinary surgeon practises has already satisfied the conditions.

DIVISION III PROFESSIONAL LIABILITY COVERAGE

9. To be authorized to practise in accordance with this Regulation, a veterinary surgeon must furnish and maintain security on behalf of the partnership or joint-stock company by means of an insurance or suretyship contract or by joining a group plan contract entered into by the Order, or by contributing to a professional liability insurance fund established in accordance with section 86.1 of the Professional Code, against liabilities of the partnership or joint-stock company arising from fault or negligence on the part of the members practising within the partnership or joint-stock company.

10. The following minimum conditions for the security must be set out in a specific rider or contract:

(1) an undertaking by the insurer or surety to pay in lieu of the partnership or joint-stock company, over and above the amount of the security to be furnished by the veterinary surgeon pursuant to the Regulation respecting professional liability insurance for veterinary surgeons, approved by Order in Council 287-92 dated 26 February 1992, or any other coverage taken out by the member if it is greater, up to the amount of the security, any sum that the partnership or joint-stock company may be legally bound to pay to a third person on a claim filed during the coverage period and arising from fault or negligence on the part of the veterinary surgeon in the practice of the profession;

(2) an undertaking by the insurer or surety to take up the cause of the partnership or joint-stock company and defend it in any action against it and to pay, in addition to the amounts covered by the security, all legal costs of actions against the partnership or joint-stock company, including the costs of the inquiry and defence and interest on the amount of the security;

(3) an undertaking by the insurer or surety that the security extends to all claims submitted in the five years following the coverage period during which a member of the partnership or joint-stock company dies, withdraws from the partnership or joint-stock company or ceases to be a veterinary surgeon, in order to maintain coverage for the partnership or joint-stock company for fault or negligence on the part of that member while practising the profession within the partnership or joint-stock company;

(4) a stipulation of an amount of at least \$1,000,000 per claim for all claims filed against the partnership or joint-stock company during a 12-month coverage period; and

(5) an undertaking by the insurer or surety to provide the secretary of the Order with a 30-day notice of intent to cancel the insurance or suretyship contract, to amend a condition set out in this section or not to renew the contract.

DIVISION IV ADDITIONAL INFORMATION

11. On a general partnership being continued as a limited liability partnership or a joint-stock company or limited liability partnership being constituted, a veterinary surgeon must, within 15 days of the occurrence, ensure that the partnership so notifies its clients.

The notice must specify, in general terms, the effects of the continuation or constitution, in particular as regards the veterinary surgeon's professional liability.

12. The documents that may be required pursuant to paragraph 6 of section 2 are the following:

(1) if the veterinary surgeon carries on professional activities within a joint-stock company,

(a) the up-to-date register of the articles and by-laws of the joint-stock company;

(b) the up-to-date register of the shares of the joint-stock company;

(c) the up-to-date register of the directors of the joint-stock company;

(d) any shareholders' agreement and voting agreement and amendments;

(e) the declaration of registration of the joint-stock company and any update; and

(f) the complete and up-to-date list of the names and home addresses of the company's principal officers;

(2) if the veterinary surgeon carries on professional activities within a limited liability partnership,

(a) the declaration of registration of the partnership and any update;

(b) the partnership agreement and amendments;

(c) the up-to-date register of the partners;

(d) where applicable, the up-to-date register of the directors; and

(e) the complete and up-to-date list of the names and home addresses of the partnership's principal officers.

DIVISION V FINAL

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

8177

Draft Regulation

Education Act
(R.S.Q., c. I-13.3)

Student transportation — 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 student transportation, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The purposes of the draft Regulation are to allow carriers who decide to be members of a group that meets certain conditions to avoid having to provide a bond, to enable intermunicipal boards of transit to engage in student transportation, to improve on a uniform method of calculating the age of vehicles used for student transportation, and to make certain clarifications or updates.

The draft Regulation has no impact on the public but will allow the small and medium-sized businesses concerned to avoid paying the cost of the mandatory bond and to benefit from a more uniform method of calculating the age of the vehicles they use for student transportation.

Further information may be obtained by contacting Rodrigue Thibault, Direction des politiques et des opérations budgétaires, 1035, rue De La Chevrotière, 14^e étage, Québec (Québec) G1R 5A5; telephone: 418 528-7483.

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 the Minister of Education, Recreation and Sports, 1035, rue De La Chevrotière, 16^e étage, Québec (Québec) G1R 5A5.

MICHELLE COURCHESNE,
Minister of Education, Recreation and Sports