
Arts education
200 hours – 8 credits

One of the four following subjects:

Drama;
Visual arts;
Dance;
Music.

Physical education and health
100 hours – 4 credits

Ethics and religious culture
100 hours – 4 credits

”.

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

8429

Draft Regulation

Building Act
(R.S.Q., c. B-1.1)

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 Building Act, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation is complementary to the draft Regulation respecting the professional qualification of contractors and owner-builders. The proposed amendments introduced further relax requirements for owner-builders and include a licence exemption for low-risk work. As for higher-risk work, a licence exemption is provided for if the owner-builder has the work carried out by a specialized contractor holding all the licence subclasses required for the work. An amendment is made, however, to the licence exemption for work estimated at less than \$20,000 so that it applies only to maintenance and repair work carried out on a building for an owner-builder.

The draft Regulation also exempts owner-builders from the requirement to prove their knowledge in administration and in project management. Natural persons apply-

ing for a licence for themselves or for legal persons or partnerships must prove their knowledge or experience in higher-risk work.

The draft Regulation proposes to exempt trustees in bankruptcy from the requirement to hold a licence for the carrying out of work entrusted to a holder of a general contractor's licence or a specialized contractor's licence.

Lastly, under the draft Regulation, general or undeclared partnerships that are constituted for only one construction project are exempted on certain conditions from the requirement to hold a licence.

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

Further information may be obtained by contacting Jocelyne Raymond, Régie du bâtiment du Québec, 545, boulevard Crémazie Est, 7^e étage, Montréal (Québec) H2M 2V2; telephone: 514 873-0303; fax: 514 873-1939.

Any person wishing to comment on the draft Regulation is requested to submit written comments to Daniel Gilbert, President and Chief Executive Officer, Régie du bâtiment du Québec, 545, boulevard Crémazie Est, 3^e étage, Montréal (Québec) H2M 2V2, within the 45-day period.

DAVID WHISSELL,
Minister of Labour

Regulation to amend the Regulation respecting the application of the Building Act*

Building Act
(R.S.Q., c. B-1.1, ss. 4.1 and 182, 1st par., subpars. 1 and 7 and 2nd par.; 2005, c. 10, ss. 27 and 61)

1. The Regulation respecting the application of the Building Act is amended by replacing “entrepreneur en construction” wherever it appears in the French text by “entrepreneur de construction”.

* The Regulation respecting the application of the Building Act, made by Order in Council 375-95 dated 22 March 1995 (1995, *G.O.* 2, 1100), was last amended by the regulation made by Order in Council 222-2007 dated 27 February 2007 (2007, *G.O.* 2, 1190). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2007, updated to 1 September 2007.

2. Section 1 is amended

(1) by striking out “renovation,” in subparagraph 1 of the first paragraph;

(2) by inserting “de construction” after “ lorsque les travaux” in the French text of subparagraph 2 of the first paragraph;

(3) by replacing subparagraph 3 of the first paragraph by the following:

“(3) where the planned construction work is carried out by a contractor who holds a specialized contractor’s licence including the licence subclasses required for that work and listed in Schedule II to the Regulation respecting the professional qualification of contractors and owner-builders, approved by Order in Council (*insert the number and date of the Order in Council approving the Regulation*);”.

3. Section 2 is replaced by the following:

“2. An owner-builder is exempt from the application of the following provisions of Chapter IV of the Act:

(1) except for the examination of knowledge in safety management on construction sites prescribed by section 22 of the Regulation respecting the professional qualification of contractors and owner-builders, subparagraph 1 of the first paragraph of section 58 as regards proof of knowledge or relevant experience in managing a building undertaking and section 52 to the extent that that provision renders that condition applicable;

(2) section 52 to the extent that that provision renders applicable the conditions prescribed by subparagraphs 5 and 8 of the first paragraph of section 58;

(3) section 53;

(4) subparagraphs 2, 5 and 8 of the first paragraph of section 58;

(5) the first paragraph of section 59;

(6) subparagraphs 1, 6 and 6.1 of the first paragraph of section 60;

(7) subparagraphs 1 and 2 of the first paragraph of section 61;

(8) section 67 to the extent that that provision requires the Régie du bâtiment du Québec to be notified of any change in the board of directors or officers of a partnership or legal person;

(9) subparagraphs 5 and 6 of the first paragraph of section 70; and

(10) paragraphs 1, 3 and 4 of section 71.”.

4. Section 3 is amended by replacing “urban” by “metropolitan”.

5. Section 3.1 is amended by replacing “Regulation respecting the professional qualification of building contractors and owner-builders, approved by Order in Council 876-92 dated 10 June 1992 and amended by the Regulation approved by Orders in Council 376-95 dated 22 March 1995 and 98-96 dated 24 January 1996” by “Regulation respecting the professional qualification of contractors and owner-builders, approved by Order in Council (*insert the number and date of the Order in Council approving the Regulation*), and by replacing “Régie du bâtiment du Québec” by “Board”.

6. Section 3.1.1 is amended in the first paragraph

(1) by replacing “sections 42 and 43 of the Regulation respecting the professional qualification of building contractors and owner-builders, the Régie” by “the first and second paragraphs of section 56 of the Regulation respecting the professional qualification of contractors and owner-builders, the Board”;

(2) by replacing “41” by “53”.

7. Section 3.2 is amended by replacing “Regulation respecting the professional qualification of building contractors and owner-builders, approved by Order in Council 876-92 dated 10 June 1992 and amended by the Regulations approved by Orders in Council 376-95 dated 22 March 1995, 98-96 dated 24 January 1996 and 7-97 dated 7 January 1997” by “Regulation respecting the professional qualification of contractors and owner-builders” and by replacing “Régie du bâtiment du Québec” by “Board”.

8. The Regulation is amended by inserting the following after section 3.2.1:

“**3.2.2.** A contractor who, on request by an administrator authorized by the Board to administer an approved guaranty plan, carries out completion or correction work respecting work which that contractor carried out or had carried out, is exempt from the requirement to hold licence subclass 1.1.1 or 1.1.2 if the contractor holds the licence subclass required to carry out such work respecting a building not covered by a guaranty plan.

3.2.3. A trustee in bankruptcy or a liquidator is exempt from the requirement to hold a licence if the trustee or liquidator has the construction work of a bankrupt contractor completed by a contractor who holds the appropriate licence.

3.2.4. A natural person applying for a building contractor licence for himself or herself or on behalf of a partnership or legal person is exempt, for the licence subclasses in Schedule III to the Regulation respecting the professional qualification of contractors and owner-builders, from the application of subparagraph 1 of the first paragraph of section 58 of the Act as regards proof of knowledge or relevant experience in the carrying out of construction work and that of section 52 of the Act to the extent that that provision renders that condition applicable.

3.2.5. A general or undeclared partnership that is constituted for the purpose of carrying out construction work on only one construction project is exempt from the application of Chapter IV of the Building Act (R.S.Q., c. B-1.1), if the following conditions are met:

(1) the proposed work is work authorized in subclasses 1.3 to 1.10 in Schedule I to the Regulation respecting the professional qualification of contractors and owner-builders;

(2) each of the members of the partnership is the holder of a general contractor's licence authorizing the member to carry out the project work or have it carried out; and

(3) the tender documents for the construction project require the successful bidder to provide within the allotted time a contract performance guarantee and a labour, material and services payment bond.”

9. This Regulation comes into force on (*insert the date that occurs 180 days after the date of its publication in the Gazette officielle du Québec*).

8442

Draft Regulation

An Act respecting contracting by public bodies
(2006, c. 29)

Construction contracts of public bodies — Promise and awarding of grants

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 construction contracts of public bodies and amending other regulatory provisions, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation determines the conditions governing construction contracts entered into by public bodies subject to the Act respecting contracting by public bodies (2006, c. 29). In compliance with all applicable inter-governmental agreements, it aims to promote the objectives set out in section 2 of the Act respecting contracting by public bodies that include transparency in contracting processes, honest and fair treatment of tenderers, and accountability reporting by the chief executive officers of public bodies to verify the proper use of public funds.

The draft Regulation also proposes to revoke the provisions of the following regulations and by-laws currently applicable to construction contracts: the Regulation respecting supply contracts, construction contracts and service contracts of government departments and public bodies, made by Order in Council 961-2000 dated 16 August 2000, the By-law respecting special rules governing supply contracts, construction contracts, and services contracts of the Société immobilière du Québec, approved by Order in Council 76-96 dated 24 January 1996, the By-law concerning special rules respecting certain contracts entered into by the Société québécoise d'assainissement des eaux, approved by Order in Council 1229-94 dated 17 August 1994, the Regulation respecting the application of the Act respecting health services and social services (R.R.Q., 1981, c. S-5, r.1), the Regulation respecting contracts of the Corporation d'hébergement du Québec, approved by Order in Council 972-2001 dated 23 August 2001, the Regulation respecting building construction by establishments, regional councils and the Corporation d'hébergement du Québec, approved by Conseil du trésor Decision 148183 dated 10 January 1984, the Regulation respecting construction contracts