

Gouvernement du Québec

O.C. 437-2008, 7 May 2008

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

Notaires

**— Terms and conditions for the issuance of permits
by the Chambre**

— Amendments

Regulation to amend the Regulation respecting terms and conditions for the issuance of permits by the Chambre des notaires du Québec

WHEREAS, under paragraph *c* of section 93 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must, by regulation, prescribe standards for equivalence of diplomas issued by educational establishments situated outside Québec, for the purposes of issuing a permit or specialist's certificate, and standards of equivalence of the training of a person who does not hold a diploma required for such purposes;

WHEREAS, under paragraph *c.1* of section 93 of the Professional Code, the Bureau must, by regulation, determine a procedure for recognizing an equivalence, standards for which are to be established in a regulation under paragraph *c* of that section, providing that a decision must be reviewed by persons other than those who made it and, for that purpose, provide that the Bureau's power to decide an application or review a decision may be delegated to a committee established under paragraph 2 of section 86.0.1 of the Code;

WHEREAS, under paragraph *h* of section 94 of the Professional Code, the Bureau of a professional order may, by regulation, determine, among the professional activities that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, in particular persons serving a period of professional training determined pursuant to paragraph *i*, and the terms and conditions on which such persons may engage in such activities;

WHEREAS, under paragraph *i* of section 94 of the Professional Code, the Bureau of a professional order may, by regulation, determine the other terms and conditions for issuing permits, in particular the obligation to serve the periods of professional training and to pass the professional examinations it determines; the regulation may also fix standards of equivalence applicable to the terms and conditions determined therein;

WHEREAS section 95 of the Professional Code provides that, subject to sections 95.1 and 95.2, every regulation made by the Bureau 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 the Bureau of the Chambre des notaires du Québec made the Regulation to amend the Regulation respecting terms and conditions for the issuance of permits by the Chambre des notaires du Québec;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 3 October 2007 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 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 Regulation respecting terms and conditions for the issuance of permits by the Chambre des notaires du Québec, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

**Regulation to amend the Regulation
respecting terms and conditions for the
issuance of permits by the Chambre des
notaires du Québec***

Professional Code
(R.S.Q., c. C-26, s. 93, pars. *c* and *c.1*, and s. 94,
pars. *h* and *i*)

1. The Regulation respecting terms and conditions for the issuance of permits by the Chambre des notaires du Québec is amended in section 1

* The Regulation respecting terms and conditions for the issuance of permits by the Chambre des notaires du Québec was approved by Order in Council 775-2004 dated 10 August 2004 (2004, *G.O.* 2, 2539) and has not been amended since.

(1) by replacing paragraph 2 by the following:

“(2) hold a diploma determined by the Government, pursuant to the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26), as giving access to the permit issued by the Order or be granted diploma or training equivalence pursuant to Division II;”;

(2) by striking out “recognized by the Administrative Committee” in paragraph 3.

2. Section 8 is replaced by the following:

“**8.** The secretary of the Order shall send the documents listed in section 2 to the Admissions Committee formed by the Bureau pursuant to paragraph 2 of section 86.0.1 of the Professional Code and composed of persons other than members of the Administrative Committee.”.

3. Section 9 is amended by replacing the first paragraph by the following:

“**9.** The Admissions Committee shall consider the application for equivalence and dispose of it as provided in section 10.”.

4. Section 10 is replaced by the following:

“**10.** The Admissions Committee, after giving the candidate the opportunity to make submissions, shall decide

(1) to recognize diploma or training equivalence;

(2) to recognize partial training equivalence and determine the programs of study, training periods or examinations that the candidate will have to successfully complete within the allotted time; or

(3) to refuse to recognize diploma or training equivalence.

A candidate who is informed of the decision in subparagraph 2 or 3 of the first paragraph may apply for a review of the decision by the Administrative Committee. The candidate must apply for review to the secretary of the Order in writing within 30 days of receiving the decision and pay the required fees.

The Administrative Committee has 60 days from the date of receipt of the application for review to render its decision. The secretary shall inform the candidate of the date of the meeting at which the application will be examined at least 15 days before that date. A candidate who wishes to make submissions in person 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.”.

5. Section 11 of the French text is amended by replacing “le candidat par écrit” by “, par écrit, le candidat”.

6. Section 12 is amended

(1) by replacing “courses required under a decision rendered under paragraph 2 of the first paragraph of section 10” by “programs of study, training periods or examinations determined in a decision under subparagraph 2 of the first paragraph of section 10 within the allotted time”;

(2) by replacing “Administrative” by “Admissions”.

7. Section 38 is amended by replacing “recommend to the Administrative Committee one of the decisions the latter may render pursuant to” by “dispose of it as provided in”.

8. Section 40 is replaced by the following:

“**40.** The Admissions Committee, after giving the candidate the opportunity to make submissions, shall decide

(1) to recognize training period equivalence;

(2) to recognize partial training period equivalence and determine the training period activities that must be successfully completed within the allotted time; or

(3) to refuse to recognize training period equivalence.

A candidate who is informed of the Admissions Committee’s decision in subparagraph 2 or 3 of the first paragraph may apply for a review of the decision by the Administrative Committee.

The Administrative Committee has 60 days from the date of receipt of the application for review to render its decision. The secretary shall inform the candidate of the date of the meeting at which the application will be examined at least 15 days before that date. A candidate who wishes to make submissions in person 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.”.

9. Section 41 of the French text is amended by replacing “le candidat par écrit” by “, par écrit, le candidat”.

10. Section 42 is amended by replacing “Administrative” by “Admissions” wherever it appears and “paragraph 2” by “subparagraph 2”.

11. 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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Gouvernement du Québec

O.C. 438-2008, 7 May 2008

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

Professional orders — Diplomas issued by designated educational institutions which give access to permits or specialist’s certificates — Amendment

Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist’s certificates of professional orders

WHEREAS, under the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26), after obtaining the advice of the Office des professions du Québec in accordance with subparagraph 7 of the third paragraph of section 12 of the Code, and of the order concerned being the Ordre des opticiens d’ordonnances du Québec, the Government may, by regulation, determine the diplomas issued by the educational institutions it indicates which give access to a permit or specialist’s certificate;

WHEREAS, under subparagraph 7 of the third paragraph of section 12 of the Code, the Office must, before advising the Government, consult the educational institutions and the order concerned, the Conference of Rectors and Principals of Quebec Universities in the case of a university-level diploma, the Fédération des cégeps in the case of a college-level diploma and the Minister of Education, Recreation and Sports;

WHEREAS, pursuant to that provision, the Office carried out the required consultations;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist’s certificates of professional orders was published in Part 2 of the *Gazette*

officielle du Québec of 22 August 2007 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, on 29 September 2006, the Ordre des opticiens d’ordonnances du Québec gave a favourable opinion in respect of the submitted text;

WHEREAS, on 13 December 2007, the Office gave an opinion favourable to the Regulation attached to this Order in Council being made by the Government;

WHEREAS it is expedient to make the Regulation;

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 Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist’s certificates of professional orders, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist’s certificates of professional orders*

Professional Code
(R.S.Q., c. C-26, s. 184, 1st par.)

1. Section 2.03 of the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist’s certificates of professional orders is replaced by the following:

“**2.03.** The diploma of college studies awarded by the Minister of Education, Recreation and Sports following studies completed in visual orthosis techniques at the Édouard-Montpetit and François-Xavier-Garneau general and vocational colleges gives access to the permit issued by the Ordre des opticiens d’ordonnances du Québec.”

* The Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist’s certificates of professional orders, made by Order in Council 1139-83 dated 1 June 1983 (1983, *G.O.* 2, 2369), was last amended by the regulation made by Order in Council 670-2007 dated 14 August 2007 (2007, *G.O.* 2, 2452). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008 updated to 1 March 2008.