

## Regulation respecting certain funds of university establishments

Financial Administration Act  
(R.S.Q., c. A-6.001, s. 77.2, 3rd par., s. 79, 2nd and 3rd pars. and s. 80, 2nd and 3rd pars.; 2007, c. 41, ss. 2, 3 and 4)

**1.** In this Regulation, “fund” means an endowment fund or a subscription fund in which contributions received as donations and their yield and return are accumulated exclusively.

**2.** The authorization of the Minister of Finance and that of the Minister responsible for the administration of the Act governing the body, provided for in the first paragraph of section 77.2 of the Financial Administration Act (R.S.Q., c. A-6.001), are not required by a university establishment that, in the context of the management of a fund, makes investments, if

(1) an investment policy applicable to the fund is adopted by the university establishment and the fund is managed pursuant to the policy;

(2) the management of the endowment fund is entrusted to

(a) an employee of the university establishment;

(b) an adviser within the meaning of the Securities Act (R.S.Q., c. V-1.1);

(c) a natural person residing outside Québec and whose management activities are authorized by the supervisory and regulatory authorities pursuant to the laws applicable to the natural person; or

(d) a legal person or a joint-stock company or partnership constituted outside Québec whose management activities are authorized by the supervisory and regulatory authorities pursuant to the laws applicable to the legal person or the company or partnership.

(3) no debit balance is created; management fees incurred and capital losses do not exceed the capital entrusted to management; and

(4) no borrowing is made for management purposes.

**3.** The authorization of the Minister of Finance provided for in the first paragraphs of sections 79 and 80 of the Financial Administration Act is not required in respect of currency exchange or interest rate exchange agreements, and the financial instruments or contracts

when the transaction is concluded by a university establishment in the context of the management of a fund for the sole purpose of reducing financial risks and the conditions set out in section 2 are met.

**4.** A university establishment is to file with the Minister of Finance its investment policy and any amendment made to it. It must also file annually a certificate of compliance with this Regulation and a report stating the amount outstanding at the end of the fiscal year and the rate of return obtained for that period.

**5.** This Regulation comes into force on 15 December 2008.

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Gouvernement du Québec

**O.C. 958-2008, 8 October 2008**

Financial Administration Act  
(R.S.Q., c. A-6.001)

### Financial instruments or contracts transacted by a body

Regulation respecting financial instruments or contracts transacted by a body

WHEREAS the second and third paragraphs of section 80 of the Financial Administration Act (R.S.Q., c. A-6.001), amended by section 4 of the Act to amend the Financial Administration Act and the Act respecting the Ministère des Finances (2007, c. 41), empower the Government to determine by regulation the cases in which and the conditions and terms subject to which the authorization of the Minister of Finance is not required for the conclusion by a body of financial instruments or contracts determined by the Government;

WHEREAS section 6 of the Act to amend the Financial Administration Act and the Act respecting the Ministère des Finances provides that the first regulation made under the provisions of section 80 of the Financial Administration Act, enacted by section 4 of the Act to amend the Financial Administration Act and the Act respecting the Ministère des Finances, is not subject to the publication requirement set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1);

WHEREAS it is expedient to make the Regulation respecting financial instruments or contracts transacted by a body;

IT IS ORDERED, therefore, on the recommendation of the Minister of Finance:

THAT the Regulation respecting financial instruments or contracts transacted by a body, attached to this Order in Council, be made.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

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### **Regulation respecting financial instruments or contracts transacted by a body**

Financial Administration Act  
(R.S.Q., c. A-6.001, s. 80, 2nd and 3rd pars.; 2007, c. 41, s. 4)

**1.** The authorization of the Minister of Finance provided for in the first paragraph of section 80 of the Financial Administration Act (R.S.Q., c. A-6.001) is not required to acquire, hold or conclude a financial contract or instrument, or dispose of, invest in or terminate it, according to the terms of the contract or instrument where, under a mandate that a body entrusts to the Minister of Finance, the transaction is negotiated by the Minister of Finance or the transaction is effected between them.

**2.** This Regulation comes into force on 15 December 2008.

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Gouvernement du Québec

### **O.C. 959-2008, 8 October 2008**

Financial Administration Act  
(R.S.Q., c. A-6.001)

#### **Financial commitments made by a body**

Regulation respecting financial commitments made by a body

WHEREAS the first and third paragraphs of section 77.3 of the Financial Administration Act (R.S.Q., c. A-6.001), introduced by section 2 of the Act to amend the Financial Administration Act and the Act respecting the Ministère des Finances (2007, c. 41), empower the Government to determine by regulation the financial commitments for which a body must obtain the authorization of the Minister responsible for the administration of the Act governing the body and the authorization of the Minister of Finance

as for the nature, terms and conditions of the financial commitments, and in which cases and subject to which terms and conditions the authorization of the Minister of Finance is not required when a body makes financial commitments;

WHEREAS section 6 of the Act to amend the Financial Administration Act and the Act respecting the Ministère des Finances provides that the first regulation made under section 77.3 of the Financial Administration Act is not subject to the publication requirement set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1);

WHEREAS it is expedient to make the Regulation respecting financial commitments made by a body;

IT IS ORDERED, therefore, on the recommendation of the Minister of Finance:

THAT the Regulation respecting financial commitments made by a body, attached to this Order in Council, be made.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

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### **Regulation respecting financial commitments made by a body**

Financial Administration Act  
(R.S.Q., c. A-6.001, s. 77.3, 1st and 3rd pars.; 2007, c. 41, s. 2)

**1.** No body may, in one of the contracts listed below or incidental to the contracts, make a financial commitment whose term is greater than 365 days and whose total amount exceeds the lesser of \$5,000,000 or 5% of the operating expenditures of the most recently completed fiscal year of the body, unless the financial commitment is authorized by the Minister responsible for the administration of the Act governing the body and its nature, terms and conditions are authorized by the Minister of Finance:

- (1) an act constituting emphyteusis;
- (2) a borrowing guarantee or a guarantee of any other financial commitment;
- (3) suretyship;
- (4) leasing;
- (5) a sale including a resolatory clause;
- (6) an instalment sale;