

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*

## **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*

## **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;

(7) a sale with a right of redemption;

(8) giving in payment;

(9) alienation for rent;

(10) an annuity;

(11) a lease whose term is more than 15 years, except leases entered into with the Société immobilière du Québec and the Corporation d'hébergement du Québec.

No body may split or segment its procurement requirements or change a financial commitment resulting from a contract referred to in the first paragraph to be exempted from the obligation to obtain the authorizations provided for in that paragraph.

**2.** The authorizations provided for in section 1 are not required in the following cases:

(1) the financial commitment is made by the body in connection with a public-private partnership agreement entered into between the body and the Agence des partenariats public-privé du Québec and approved by the Government;

(2) the financial commitment is made as part of an economic development project or to provide financial assistance, in accordance with the powers provided in the Act constituting the body concerned;

(3) the financial commitment is made under the second paragraph of section 30 of the Act respecting Héma-Québec and the haemovigilance committee (R.S.Q., c. H-1.1), and Héma-Québec has notified the Minister responsible for the administration of the Act and the Minister of Finance in writing.

**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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Gouvernement du Québec

**O.C. 960-2008, 8 October 2008**

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

**Currency exchange or interest rate  
exchange agreements**

Regulation respecting currency exchange or interest rate exchange agreements concluded by a body

WHEREAS the second and third paragraphs of section 79 of the Financial Administration Act (R.S.Q., c. A-6.001), amended by section 3 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 in a regulation the cases in which and the terms and conditions subject to which the authorization of the Minister of Finance is not required by a body to conclude currency exchange or interest rate exchange agreements;

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 79 of the Financial Administration Act, enacted by section 3 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 currency exchange or interest rate exchange agreements concluded by a body;

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

THAT the Regulation respecting currency exchange or interest rate exchange agreements concluded by a body, attached to this Order in Council, be made.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*