

Draft Regulations

Draft Regulation

Consumer Protection Act
(R.S.Q., c. P-40.1)

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 Consumer Protection Act, the text of which appears below, may be made by the Government on the expiry of 25 days following this publication.

The urgency of the situation requires a shorter period than the period provided for in section 11 of the Regulations Act, as permitted by section 12 of that Act, since it is important for the draft Regulation, which contains several measures needed for the application of the new legislative provisions contained in the Act to amend the Consumer Protection Act and other legislative provisions (2009, c. 51), to come into force on the same date as that Act, namely not later than 30 June 2010. The reference to the period specified in section 11 of the Regulations Act is made because pursuant to the first paragraph of section 26 of that Act, the said section takes precedence over section 351 of the Consumer Protection Act.

The main object of the draft Regulation is to complement the recently-passed legislative provisions concerning contracts involving sequential performance for a service provided at a distance, contracts for the sale of prepaid cards, the disclosure, prior to sale, of the existence of additional warranties and penal clauses in contracts for the sale or lease of an automobile.

The draft Regulation specifies how information must be presented in a contract involving sequential performance for a service provided at a distance, the economic inducement to be used in calculating the cancellation indemnity for such a contract, the mechanics of the decrease in the indemnity, and the interest rate applicable to deposits made by a consumer. It also specifies some of the obligations of merchants when they enter

into a contract for the sale of a prepaid card, such as a refund of the balance of the card. The draft Regulation specifies the information on the legal warranty that must be disclosed to the consumer before an additional warranty is proposed, the form in which the information must be given, and the maximum amount that a consumer may be required to pay under a penal clause in a contract for the sale or lease of an automobile.

The draft Regulation specifies that some types of contract are not subject to some of the new legislative provisions, either because specific rules apply, or because the application of the new provisions would impose unreasonable obligations on some merchants.

The draft Regulation also contains measures to prohibit the inclusion of certain stipulations in a contract. Other measures are designed to simplify the procedure for applying for permits and exemptions issued by the Office de la protection du consommateur.

Other technical and concordance adjustments are made as a result of recent amendments to the Act.

Some of the proposed measures concerning contracts involving sequential performance for a service provided at a distance and contracts for the sale of a prepaid card impose an extra burden on enterprises. However, several exemptions from the provisions of the Act will lighten the burden on certain enterprises.

Further information may be obtained by contacting Geneviève Duchesne, Office de la protection du consommateur, Village olympique – 5199, rue Sherbrooke Est, bureau 3721, Montréal (Québec) H1T 3X2; telephone: 514 253-6556, extension 3427; fax: 514 864-2400; e-mail: genevieve.duchesne.gouv.qc.ca

Any interested person having comments to make on the matter is requested to submit written comments before the expiry of the 25-day period, to the Minister of Justice, 1200, route de l'Église, Québec (Québec) G1V 4M1.

KATHLEEN WEIL,
Minister of Justice

Regulation to amend the Regulation respecting the application of the Consumer Protection Act*

Consumer Protection Act
(R.S.Q., c. P-40.1, ss. 13, 187.3, 187.5, 214.11, 228.1, 350, pars. a, b, l, n, r, z.4, z.5)

1. Section 6.4 of the Regulation respecting the application of the Consumer Protection Act is amended

(a) by replacing “of the Act and” by “of the Act,”;

(b) by inserting “and contracts involving sequential performance for a service provided at a distance” after “motorcycle”.

2. The following is inserted after section 6.4:

“6.5. Merchants who enter into distance contracts orally are exempt from the application of section 54.4 of the Act, provided the contract sent to the consumer in accordance with section 54.7 of the Act contains the following compulsory clause at the beginning, in a typeface at least twice as large as the typeface used for any other stipulations:

You may cancel this contract without charge or penalty, for any reason, within 7 days of receiving it. In such a case, all reasonable costs of restitution shall be assumed by the merchant.”

3. Section 8 is amended by replacing “remote-parties contract” in paragraph c by “distance contract”, and by striking out paragraph g.

4. Section 12.1 is struck out.

5. Sections 15.1, 38, 39, 46, 46.1, 48, 48.1, 49 and 50 are amended by replacing the words “contract of lease of services involving sequential performance” or “contract for the lease of services involving sequential performance”, wherever they occur, by the words “service contracts involving sequential performance for instruction, training or assistance”.

6. Section 15.2 is amended by replacing “contract of lease of services involving sequential performance” by “service contract involving sequential performance”.

7. Section 16.1 is replaced by the following:

“16.1. Section 11.2 of the Act does not apply to a stipulation providing for the unilateral amendment of the price of tourist services in a contract entered into with a travel agent provided the travel agent comply with the regulations made under the Travel Agents Act (R.S.Q., c. A-10) in connection with the unilateral amendment of the price of tourist services.”

8. Section 25 is struck out.

9. Sections 25.1, 25.2, 94.3 and 95 are amended by replacing the word “corporation”, wherever it occurs, by the words “partnership or legal person”.

10. Section 25.2 is amended by replacing “Inspector General of Financial Institutions” by “Autorité des marchés financiers”.

11. The following is inserted after section 25.3:

“CHAPTER II.1 STIPULATIONS PROHIBITED IN A CONTRACT

25.4. A stipulation intended to exclude or restrict the warranty provided for in section 37 or 38 of the Act is prohibited.

25.5. A stipulation intended to exclude or limit the obligation of a merchant or manufacturer to be bound by a written or verbal statement made by a representative concerning goods or services is prohibited.

25.6. A stipulation intended to exclude or limit the rights conferred on a consumer by section 53 or 54 of the Act is prohibited.

25.7. A stipulation allowing a merchant, in the event of the unilateral cancellation by a consumer of a contract involving sequential performance for a service provided at a distance, to charge an indemnity higher than the indemnity provided for in section 214.7 or 214.8 of the Act is prohibited.

25.8. A stipulation having the effect of obliging a consumer to submit a dispute to a court other than a court in Québec is prohibited.

25.9. A stipulation making an external clause binding on a consumer despite the fact that such a clause cannot be set up against the consumer by reason of article 1435 of the Civil Code is prohibited.”

12. Section 26 is amended by replacing “or 208” in the first paragraph by “, 208 or 214.2”.

* The Regulation respecting the application of the Consumer Protection Act (R.R.Q., 1981, c. P-40.1, r.1) was last amended by the regulation made by Order in Council 1042-2007 dated 28 November 2007 (2007, G.O. 2, 3158B). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 November 2009.

13. The heading of Division IV of Chapter IV is replaced by the following:

“SERVICE CONTRACTS INVOLVING SEQUENTIAL PERFORMANCE FOR INSTRUCTION, TRAINING OR ASSISTANCE”.

14. The following is inserted after section 71.1:

“**71.2.** A contract for the sale or long-term lease of an automobile may include a clause requiring a consumer, upon non-performance of the consumer’s obligation, to pay penalties or damages, provided the penalties or damages do not exceed the greater of \$300 or an amount representing at most 1% of the sale price or, in the case of a long-term lease contract, the retail value of the car.”.

15. The following is inserted after section 79:

“CHAPTER VI.1
CONTRACTS FOR THE SALE
OF PREPAID CARDS

79.1. A contract for the sale of a prepaid card for mobile telephone services is exempt from the application of sections 187.3 and 187.5 of the Act.

79.2. A merchant who enters into a contract for the sale of a prepaid card for determined goods or services may, after the date indicated on the card, charge an extra amount for the performance of the contract equivalent to the difference between the price paid for the goods or services at the time of sale and the current price at the time of performance of the contract, provided this information and the price of the goods or services at the time of sale is indicated on the card.

79.3. If a prepaid card must be replaced by a merchant at a determined date, the contract of sale for the card may provide for the date on which the card will be replaced provided that

(a) the replacement of the card does not deprive the consumer of the balance remaining on the card;

(b) the date of replacement of the card and, immediately following, the information given in paragraph a, appear on the card; and

(c) the merchant provides a new card to the consumer free of charge.

79.4. Notwithstanding section 187.4 of the Act, the contract of sale for a prepaid card used to procure goods or services from several independent merchants who do not use the same name may provide for

(a) a fee not exceeding \$3.50 for the activation of the card, provided the fee is mentioned on the back of the card; or

(b) a fee not exceeding \$2.50 per month for non-use of the card, on the following conditions:

i. no fee may be charged before the 15th month following the conclusion of the contract;

ii. no fee may be charged between the 15th and the 18th month following the conclusion of the contract if, before the end of the 14th month, the consumer so requests by contacting the merchant identified for that purpose on the card;

iii. the amount of the fee for non-use of the card, along with the conditions provided for in subparagraphs i and ii, appear on the back of the card; and

iv. a statement is made on the front of the card in letters of at least 10-point typeface that the information on fees appears on the back of the card.

79.5. For the purposes of section 187.5 of the Act, the amount that must be refunded by a merchant to a consumer who so requests is equal to the balance remaining on the prepaid card when the balance is \$5 or less.

When a merchant is identified for that purpose on a prepaid card, only that merchant is required to refund the consumer.

79.6. A contract for the sale of a prepaid card issued by a financial institution for the procurement of goods or services from all merchants using the international payment network identified on the card is exempt from the application of sections 187.4 and 187.5 of the Act.

CHAPTER VI.2
CONTRACTS INVOLVING SEQUENTIAL
PERFORMANCE FOR A SERVICE PROVIDED
AT A DISTANCE

79.7. Contracts for financial services, contracts for lottery subscription services entered into with a legally authorized person, and contracts entered into with a travel agent within the meaning of the Travel Agents Act (R.S.Q., c. A-10) and the regulations made under it, are exempt from the application of Division VII of Chapter III of Title I of the Act.

79.8. The information required under section 214.2 of the Act must be disclosed at the start of a contract involving sequential performance for a service provided at a distance, to the exclusion of all other information. The information must be presented clearly and legibly.

79.9. The second paragraph of section 214.6 of the Act does not apply to a contract for the leasing of goods entered into in connection with a remote monitoring service contract provided the service contract, in addition to the information required under section 214.2 of the Act, indicates the monthly rent payable by the consumer under the rental contract in the manner prescribed in section 79.8.

79.10. For the purpose of section 214.7 of the Act, the indemnity that may be required if a consumer unilaterally cancels a fixed-term contract may not exceed the value of the economic inducement less the amount obtained by multiplying the economic inducement by a fraction representing the number of contract months elapsed as compared to the total number of contract months.

The economic inducement used to calculate the cancellation indemnity is the amount of the rebate granted to the consumer on the price charged for goods purchased on the making of the contract that are needed to use the service for which the contract was made.

79.11. For the purposes of section 214.8 of the Act, the indemnity that may be required if a consumer unilaterally cancels an indeterminate-term contract may not exceed the unpaid balance of the sales price of the goods at the time the contract was made less the amount obtained by multiplying 1/36 of that balance by the number of contract months elapsed.

79.12. For the purposes of section 214.11 of the Act, the rate of interest on the amount provided as a security deposit is the Bank Rate of the Bank of Canada.

The interest must be calculated from the date on which the consumer provided the security deposit until the date on which the merchant returns it to the consumer.”

16. The following is inserted after section 91.7:

“**91.8.** The second paragraph of section 224 of the Act does not apply to fees payable under a federal or provincial statute that must be charged directly to the consumer by virtue of that statute.

DIVISION IV **INFORMATION ON THE LEGAL WARRANTY**

91.9. Before proposing the conclusion of a contract for valuable consideration including an additional warranty on goods, the merchant must give the consumer a document in paper form containing only the following compulsory notice:

IMPORTANT NOTICE CONCERNING THE LEGAL WARRANTY

The Consumer Protection Act gives you a warranty, free of charge, on all goods that you purchase or lease from a merchant.

The warranty entitles you to require that the goods

— are fit for the purposes for which goods of that kind are ordinarily used (section 37 of the Act) and

— must be durable in normal use for a reasonable length time, having regard to their price, the terms of the contract and the conditions of their use (section 38 of the Act).”

The notice must also include the following message:

“MESSAGE FROM THE OFFICE DE LA PROTECTION DU CONSOMMATEUR

All goods purchased or leased from a merchant are covered by the warranty given in the Consumer Protection Act.

The merchant must respect the terms of the legal warranty, even if the merchant states that the goods are sold or leased without a warranty.

You can require that the merchant, the manufacturer, or both, comply with the terms of the warranty. No fees may be charged.

The legal warranty applies whether or not the goods are covered by another warranty, such as a manufacturer’s warranty or an additional warranty.

In addition, if a warranty is provided free of charge by the manufacturer, the merchant must inform you verbally of its existence and duration. On request, the merchant must also tell you how to find out more about the other elements of the warranty.

For more information, go to the website of the Office de la protection du consommateur (<http://www.opc.gouv.qc.ca>) or contact the Office at 1 888 OPC-ALLO (1 888 672-2556).”

91.10. The notice provided for in section 91.9 must contain, on the front,

(a) the heading, in bold capital type of at least 14 points;

(b) the first paragraph, in type of at least 14 points;

(c) the second paragraph, in type of at least 12 points;

(d) the first two paragraphs, set off in a rectangle;

(e) below the rectangle, the following text in italic type of at least 12 points: “(The merchant is required to read you the above text)” and below, in capital letters of at least 14 points, the following words set off in a rectangle: “SEE OVERLEAF”.

The notice must contain, on the back,

(a) the heading of the message, in bold capital letters of at least 12 points;

(b) the remainder of the message, in letters of at least 12 points.

91.11. For the purposes of section 228.1 of the Act, before proposing the making of a contract referred to in that section, the merchant must read to the consumer the first two paragraphs set off in the notice prescribed in section 91.9.

91.12. When the proposal to make a contract referred to in section 228.1 of the Act is made in writing at a distance:

(a) the notice prescribed in section 91.9 may be different from the notice described in section 91.10 and be given to the consumer otherwise than in paper form, on the following conditions:

i. the notice is brought expressly to the attention of the consumer;

ii. the notice is presented legibly;

iii. the notice is presented in a way that allows the consumer to store it easily and print it out on paper;

(b) the merchant is exempt from the obligation provided for in the first paragraph of section 228.1 of the Act to inform the consumer orally of the existence and nature of the warranty provided for in sections 37 and 38 of the Act;

(c) the merchant is exempt from the obligation under the second paragraph of section 228.1 of the Act of informing the consumer orally of the other elements of the manufacturer’s warranty, provided that

i. the information is brought expressly to the attention of the consumer; and

ii. the information is presented legibly.

91.13. When a proposal to make a contract referred to in section 228.1 of the Act is made orally from a distance, the merchant is exempt from the obligation under section 228.1 of the Act of informing the consumer in writing of the existence and nature of the warranty provided for in sections 37 and 38 of the Act, provided the merchant gives the consumer the notice prescribed by section 91.9 within 15 days of the making of the contract.

When the notice is given in electronic form, it may be otherwise than as prescribed in section 91.10 and be given to the consumer otherwise than in paper form, on the following conditions:

(a) the notice is presented legibly;

(b) the notice is presented in a way that allows the consumer to store it easily and print it out on paper.”.

17. Section 92 is amended:

(a) by replacing “corporation” in paragraphs *b* and *c* by “legal person”;

(b) by striking out paragraph *e*.

18. Section 94 is replaced by the following:

“**94.** Every merchant applying for the issue or renewal of a permit must forward to the president, using the form provided by the president, the following information on documents:

(a) the type of permit requested;

(b) the merchant’s name and any other names that must appear on the permit;

(c) the merchant’s address, telephone number and, where applicable, electronic address and fax number, and those of the establishment for which the permit is requested;

(d) the name, address, telephone number and, where applicable, electronic address and fax number of the natural person who signed the application for a permit and, if the application is for that person, the person’s date of birth;

(e) in the case of a partnership or legal person, the name, date of birth, home address and telephone number of the partners or directors, along with their position in the partnership or legal person;

(f) in the case of a partnership or legal person, a copy of the resolution of the board of directors authorizing the natural person to apply for the issue or renewal of a permit;

(g) when the merchant is required to be registered, the Québec business number (NEQ) assigned by the enterprise registrar;

(h) in the case of a partnership or legal person, a copy of its constituting act, letters patent or similar document and, where applicable, of its articles of amendment, articles of amalgamation, supplementary letters patent or similar document, except if the documents have been filed with the enterprise registrar;

(i) a statement that at the time of the application, the partnership or legal person, if constituted under the laws of Québec, was in compliance with the provisions governing legal publicity;

(j) in the case of a partnership or legal person constituted under the laws of a jurisdiction other than Québec, a document similar to an attestation issued by the enterprise registrar stating that, at the time of the application, it is in compliance with the obligations governing legal publicity; the document must be issued by the competent authority in that jurisdiction and state that the partnership or legal person is in compliance with the laws of that jurisdiction;

(k) the answers to the following questions concerning the merchant, concerning the person, in the case of a sole proprietorship, or concerning each partner or director:

- i. whether they are an undischarged bankrupt;
- ii. whether they have been found guilty, in the 3 preceding years, of an offence against an Act or regulation under the administration of the Office de la protection du consommateur or of an indictable criminal offence, unless a pardon has been obtained;
- iii. if the answer to one of the questions in subparagraphs *i* and *ii* is affirmative, the name of the person concerned, the nature of the offence, the date of the judgment and the court file number;

(l) at the request of the president, a copy of the contract that the merchant intends to enter into with consumers.

Every application for a permit must be submitted with the duties payable and the security required under Division II of Chapter VIII, along with a statement that the information provided pursuant to sections 94 to 94.02 is true, and be signed by the natural person making the application.

94.01. In addition to the information and documents referred to in section 94, a person applying for the issue or renewal of an itinerant merchant's permit must forward the following information to the president:

(a) the nature of the goods and services offered to consumers;

(b) a statement that the consideration for the applicant's contracts will be below or above \$100 in most cases for the term of the permit requested;

(c) the planned number of representatives for the term of the permit requested, even if they are not all as yet known;

(d) the name, date of birth, home address, telephone number and, where applicable, electronic address and fax number of all the applicant's known representatives;

(e) the name, address, telephone number and, where applicable, electronic address and fax number of the applicant's known merchant-representatives;

(f) the name, date of birth, home address, telephone number and, where applicable, electronic address and fax number of the employee-representatives of the applicant's known merchant-representatives.

94.02. In addition to the information and documents referred to in sections 94 and 94.1 to 94.4, a person applying for the issue or renewal of a merchant's permit who offers or makes a contract of additional warranty must forward the following information to the president:

(a) the names and addresses of the dealers, independent garage owners and other intermediaries who will sell the contracts of additional warranty;

(b) the addresses of the direct consumer sales outlets;

(c) the nature of the goods to which the contracts relate (new or used automobiles, new or used motorcycles adapted for use on public roads);

(d) the minimum and maximum price of the additional warranty in light of the nature of the goods;

(e) the term of the contracts.”.

19. Section 94.3 is amended by replacing “Inspector General of Financial Institutions” in paragraph *a* by “Autorité des marchés financiers”.

20. Sections 96 to 99 are struck out.

21. Section 110 is amended:

(a) by replacing “individual guarantee bond” in paragraph *a* by “individual surety bond”;

(b) by replacing “group guarantee bond” in paragraph *b* by “group surety bond”;

(c) by striking out the word “certified” wherever it occurs in paragraph *c*.

22. Section 113 is replaced by the following:

“**113.** The security must be drawn up using the form provided by the president, and include

(a) the date on which the security is furnished;

(b) the total amount of the obligation which the surety is required to meet for the duration of the permit as determined in section 104, 108 or 108.1;

(c) a solidary undertaking by the surety with the merchant towards the president, in the case of an individual surety, or with any member of the group towards the president, in the case of a group surety, up to the amount of the surety, to pay any amount payable pursuant to section 120 or 120.1;

(d) when the surety is furnished by the merchant on his own behalf, an undertaking by the merchant, up to the amount of the surety, to pay any amount payable pursuant to section 120 or 120.1;

(e) a statement that the undertaking is binding on the administrators of the surety or the merchant in the case of a surety furnished by the merchant;

(f) a waiver of the benefits of discussion and division, and the fact that the surety is subrogated in the rights of a consumer to whom an indemnity is paid up to the amount disbursed by the surety;

(g) a statement that the surety or merchant may only terminate the security by sending at least 90 days’ written notice to the president along with proof that a copy of the notice has been served on the merchant, if applicable;

(h) a statement that, despite the expiry of the security, the obligations of the surety continue to apply and the responsibility of the merchant continues to extend to the merchant’s clients, when

i. the cause of action concerns a contract made while the security was in effect, or occurred while the security was in effect;

ii. no more than 3 years have elapsed between the date of the cause of action and the institution of civil proceedings or conclusion of an agreement or transaction.

The form must be signed by the surety or by the merchant if furnished by the latter and, at the request of the surety, by the principal debtor.”

23. Sections 114 to 116 and 157 to 160 are struck out.

24. Section 118 is replaced by the following:

“**118.** Each of the permit holders covered by a group surety bond must be identified by a member’s certificate containing the following information:

(a) the name of the surety;

(b) the name of the group for which the surety furnishes security;

(c) the member’s certificate number of the group;

(d) the amount of security payable pursuant to section 104, 108 or 108.1;

(e) the number of the group surety bond and its date of issue;

(f) a statement that the permit holder is a member of the group and is covered by the group surety bond;

(g) the signature of a duly authorized representative of the surety or of the association authorized by the surety, and the date of issue.”

25. Section 119 is amended

(a) by replacing “A security by individual guarantee bond, a security by group guarantee bond, commitments referred to in sections 115 and 116 as well as” in the first paragraph by “Security referred to in section 112 and”;

(b) by striking out the word “certified” wherever it occurs in the second paragraph.

26. Section 121.2 is amended:

(a) by replacing “individual or group guarantee bond” in subparagraph *a* of the first paragraph by “individual or group surety bond”;

(b) by striking out the word “certified” wherever it occurs in subparagraph *b* of the first paragraph.

27. Section 146 is amended by replacing “243” by “486”.

28. Section 163 is amended by replacing “1 year” by “2 years”.

29. Section 178 is amended by striking out “certified”.

30. Forms N-22 to N-46 are struck out.

31. Contracts in effect when this Regulation comes into force are exempt from the application of sections 214.6 to 214.8 of the Act and sections 25.4 to 25.8 of this Regulation.

32. This Regulation comes into force on *(insert the date of coming into force of the Act to amend the Consumer Protection Act and other legislative provisions (2009, c. 51))*.

9791

Draft Regulation

Crop Health Protection Act
(R.S.Q., c. P-42.1)

Cultivation of potatoes

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 cultivation of potatoes, appearing below, may be made by the Minister of Agriculture, Fisheries and Food on the expiry of 45 days following this publication.

The draft Regulation identifies the harmful organisms covered by the Crop Health Protection Act and the phytosanitary measures that apply with respect to potato crops.

To date, study of the matter reveals that the draft Regulation will have insignificant economic impact on Québec’s small and medium-sized businesses.

Further information may be obtained by contacting Alain Garneau, Direction de l’innovation scientifique et technologique, Ministère de l’Agriculture, des Pêcheries et de l’Alimentation, 200, chemin Sainte-Foy, 9^e étage, Québec (Québec) G1R 4X6; telephone: 418 380-2100, extension 3560; fax: 418 380-2162; e-mail: Alain.Garneau@mapaq.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Alain Garneau at the above address.

ROBERT DUTIL,
*Minister of Agriculture,
Fisheries and Food*

Regulation respecting the cultivation of potatoes

Crop Health Protection Act
(R.S.Q., c. P-42.1, ss. 4, 8 and 27)

DIVISION I GENERAL

1. For the purposes of the Crop Health Protection Act (R.S.Q., c. P-42.1), the following are harmful organisms:

(1) bacterial ring rot of potato (*Clavibacter michiganensis* subsp. *Sepedonicus*);

(2) late blight (*Phytophthora infestans*);

(3) potato cyst nematodes (PCN) (*Globodera pallida* and *Globodera rostochiensis*);

(4) potato leafroll virus (PLRV);

(5) potato mosaic viruses, including potato virus Y (PVY).

In this Regulation, “potato” means any part of a potato plant, including tubers, stems, leaves, roots, microtubers and *in vitro* plantlets.

2. In every operation that has a potato crop area of 1 hectare or more, only potatoes that are graded according to the Seeds Act (R.S.C. 1985, c. S-8) may be planted for food or processing purposes.

3. In every crop cultivated for research purposes, only potatoes that are graded according to the Seeds Act may be planted unless an inspector is so notified prior to their acquisition.

4. Documents certifying the grade of the lots of seed potatoes under the Seeds Act and invoices for seed potatoes used must be kept for 2 years at the main establishment in Québec of the owner or custodian of the crops.