

Draft Regulations

Draft Regulation

An Act respecting the legal publicity of enterprises (R.S.Q., c. P-44.1)

Regulation

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 application of the Act respecting the legal publicity of enterprises, appearing below, may be made by the Minister of Revenue on the expiry of 45 days following this publication.

The draft Regulation sets out

— the elements that must be contained in the statement of information in respect of each registrant who is registered or was previously registered;

— the classification system for activities;

— the period for filing the annual update; and

— the registrants exempted from designating an attorney or declaring certain information.

Further information on the draft Regulation may be obtained by contacting Me Claude Bolduc, Acting Director of the Direction des affaires juridiques of Revenu Québec, 3800, rue de Marly, Québec (Québec) G1X 4A5, by telephone at 418 652-6490, by fax at 418 577-5013 or by email at claudе.bolduc@revenuquebec.ca

Any interested person having comments to make on this subject is asked to send them in writing before the expiry of the 45-day period to the Minister of Revenue, 3800, rue de Marly, Québec (Québec) G1X 4A5.

RAYMOND BACHAND,
Minister of Revenue

Regulation respecting the application of the Act respecting the legal publicity of enterprises

An Act respecting the legal publicity of enterprises (R.S.Q., c. P-44.1, ss. 148 and 149)

DIVISION I STATEMENT OF INFORMATION

1. The statement of information in respect of each registrant who is registered or was previously registered shall contain the following elements, where applicable:

(1) the information referred to in sections 33 to 35.1 of the Act respecting the legal publicity of enterprises (R.S.Q., c. P-44.1);

(2) the date of registration;

(3) an entry indicating that the registrant is proceeding with its liquidation or dissolution;

(4) an entry in respect of the registrant's bankruptcy;

(5) the year for which the registrant has met the annual updating obligation;

(6) an entry in respect of the cancellation of the registrant's registration, including the date and circumstances;

(7) an entry in respect of a waiver of the communication of information or a waiver of the filing of a document granted in accordance with section 74 of the Act;

(8) the date of deposit of the registrant's most recent updating declaration;

(9) an entry indicating that one of the requests referred to in sections 132 to 134 of the Act has been submitted to the enterprise registrar;

(10) an entry indicating that a decision has been rendered by the Administrative Tribunal of Québec;

(11) the end date of the period, determined under Division III, during which the registrant must meet the annual updating obligation;

(12) an entry in respect of a waiver of the communication of information under Division V.

The statement of information shall also indicate, if applicable, that a document has been deposited but that the content thereof has not yet been added to the statement of information.

DIVISION II CLASSIFICATION SYSTEM

2. For the purposes of subparagraphs 7 to 9 of the second paragraph of section 33 of the Act, the classification system for registrants' activities corresponds to the Classification des activités économiques du Québec published by the Bureau de la statistique du Québec in 1990 and its updates.

DIVISION III PERIOD FOR FILING AN ANNUAL UPDATING DECLARATION

3. The period for filing a registrant's annual updating declaration corresponds to,

(1) in the case of a legal person required to file a fiscal return under section 1000 of the Taxation Act (R.S.Q., c. I-3), the period that starts on the day after the end date of its taxation year and ends on the day that is six months after that date;

(2) in the case of a trust required to file a fiscal return under section 1000 of the Taxation Act, the period that starts on the day after the end date of its taxation year and ends on the day that is three months after that date;

(3) in the case of a natural person or a partnership, the period that starts on 1 January and ends on 15 June; and

(4) in all other cases, the period that starts on 15 May and ends on 15 November.

DIVISION IV REGISTRANTS EXEMPTED FROM DESIGNATING AN ATTORNEY

4. Registrants based in Ontario and domiciled in Canada, with the exception of limited partnerships, who are building contractors subject to the Ontario-Quebec Agreement on Public Procurement and Construction Labour Mobility of 24 December 1993 or to any other subsequent agreement entered into by the Gouvernement du Québec and the Government of Ontario as regards mobility in the construction industry are exempted from the requirement to designate an attorney in accordance with section 26 of the Act.

DIVISION V REGISTRANTS EXEMPTED FROM DECLARING CERTAIN INFORMATION

5. Registrants who offer shelter to victims of violence and registrants composed of persons or groups of persons offering shelter to such victims are exempted from declaring

(1) the information referred to in subparagraph 4 of the first paragraph of section 33 of the Act and subparagraphs 1 and 8 of the second paragraph of that section; and

(2) the domicile of the persons referred to in subparagraphs 2 and 4 of the second paragraph of section 33 of the Act.

Registrants who offer support services to victims of violence and registrants composed of persons or groups of persons offering such services are also exempted from declaring the information referred to in the first paragraph where the disclosure of such information represents a serious threat to their safety.

DIVISION VI TRANSITIONAL, REVOKING AND FINAL PROVISIONS

6. Despite the application of paragraph 2 of section 3, a registrant who is a trust already registered before (*insert the date of coming into force of paragraph 2 of section 31 of chapter 40 of the statutes of 2010*) is required to meet the annual updating obligation for the calendar year that includes that date only once, and must do so on or before either the end date of the period provided for in paragraph 2 of that section or 15 November.

7. This regulation revokes Divisions IV to V.2 of the Regulation respecting the application of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.R.Q., c. P-45, r. 1).

8. This regulation shall come into force on the fifteenth day following its publication in the *Gazette officielle du Québec* except for the provisions of subparagraph 1 of the first paragraph of section 1 concerning information in respect of a trust, the provisions of paragraph 2 of section 3 and the provisions of section 6, which shall come into force on (*insert the date of coming into force of paragraph 2 of section 31 of chapter 40 of the statutes of 2010*).