

## Regulations and other Acts

Gouvernement du Québec

### **O.C. 1262-2011**, 7 December 2011

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

#### **Office des professions du Québec — Amount of the contribution of each member of a professional order for the 2012-2013 fiscal year**

Amount of the contribution of each member of a professional order for the 2012-2013 fiscal year of the Office des professions du Québec

WHEREAS, under the first paragraph of section 196.2 of the Professional Code (R.S.Q., c. C-26), the expenditures incurred by the Office des professions du Québec in a fiscal year are to be payable by the members of the professional orders;

WHEREAS, under the second paragraph of section 196.2 of the Code, the members of the orders are required to pay, for each fiscal year of the Office, a contribution determined by the Government;

WHEREAS, under the third paragraph of section 196.2 of the Code, each fiscal year, the surplus of the Office for the preceding fiscal year is added to, or its deficit for the preceding year is deducted from, the expenditures determined by the Office in its budget estimates for the following fiscal year;

WHEREAS any surplus or deficit expected by the Office for a fiscal year may also be taken into account;

WHEREAS the resulting amount under the third paragraph of section 196.2 of the Code is then divided by the number of members in all the orders on 31 March of the calendar year in progress; the quotient is the amount of the annual contribution of each member;

WHEREAS, under the first paragraph of section 196.8 of the Professional Code, every person or group and every department or other government body are to pay the charge determined by regulation of the Government after consultation with the Office and the Interprofessional Council in respect of any request they submit to the Office or of any act that must be performed by the Office in the exercise of its functions;

WHEREAS, under the second paragraph of that section, the charges collected during a fiscal year are taken into account in establishing the contribution computed under section 196.2 of the Code;

WHEREAS, under subparagraph 4 of the first paragraph of section 19.1 of the Code, the Minister of Justice has submitted to the Interprofessional Council, for advice, the amount of the contribution of each member of an order for the 2012-2013 fiscal year;

WHEREAS it is expedient to set the amount of the contribution of each member of an order;

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

THAT the amount of the contribution of each member of a professional order for the 2012-2013 fiscal year of the Office des professions du Québec be set at \$22.45.

GILLES PAQUIN,  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

### **O.C. 1266-2011**, 7 December 2011

An Act to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment (2007, c. 2)

#### **— Regulation of the Act and the government's assent to Canada expressing its consent to being bound by the Convention and Protocol**

Regulation for the carrying out of the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment and concerning the government's assent to Canada expressing its consent to being bound by the Convention and Protocol

WHEREAS the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment were adopted following a diplomatic conference organized under the joint auspices of the International Institute for the Unification of Private Law (UNIDROIT) and the International Civil Aviation Organization (ICAO), held in 2001;

WHEREAS Canada signed the Convention and the Protocol on 31 March 2004;

WHEREAS the Act to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment (S.Q. 2007, c. 2) was assented to on 8 June 2007;

WHEREAS, under section 3 of the Act, the Government may make any regulations necessary for carrying out the provisions of the Convention and of the Protocol that are in force in Québec;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation implementing the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment was published in Part 2 of the *Gazette officielle du Québec* of 22 December 2010 with a notice that it could be made by the Government on the expiry of 45 days following its publication;

WHEREAS comments on the draft Regulation were received during the period allowed for that purpose, amendments have been made to it and it is expedient to make the Regulation for the carrying out of the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment, with amendments;

WHEREAS, under the first paragraph of section 22.1 of the Act respecting the Ministère des Relations internationales (R.S.Q., c. M-25.1.1), the Minister must see to the interests of Québec during the negotiation of any international accord, whatever its particular designation, between the Government of Canada and a foreign government or an international organization, which pertains to any matter within the constitutional jurisdiction of Québec and the Minister must ensure and coordinate the implementation of any such accord in Québec;

WHEREAS, under the third paragraph of that section of that Act, the Government must, in order to be bound by an international accord pertaining to any matter within the constitutional jurisdiction of Québec and to give its assent to Canada's expressing its consent to be bound by such an accord, make an order to that effect;

WHEREAS, under the first paragraph of section 22.4 of that Act, the making of an order referred to in the third paragraph of section 22.1 must not take place, where it concerns an important international commitment, until the commitment is approved by the National Assembly;

WHEREAS the National Assembly approved the Convention and the Protocol on 14 November 2006;

WHEREAS the Convention and the Protocol have a content that falls within the constitutional jurisdiction of Québec;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice and the Minister of International Relations:

THAT the Regulation for the carrying out of the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment be made;

THAT the assent of the Gouvernement du Québec be given to the federal government so that Canada may express its consent to be bound by the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment on the conditions that the declarations applicable in respect of Québec and referred to in the Regulation for the carrying out be included in Canada's instrument of ratification to the Convention and to the Protocol;

THAT the Minister of International Relations be responsible for informing appropriate authorities of the decision of the Gouvernement du Québec to give its assent to Canada expressing its consent to be bound by the Convention and Protocol, and of the request of the Gouvernement of Québec that the declarations applicable in respect of Québec be included in the instrument of ratification of Canada.

GILLES PAQUIN,  
*Clerk of the Conseil exécutif*

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## **Regulation for the carrying out of the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment**

An Act to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment (2007, c. 2, s. 3)

**1.** For the purpose of the application of Article 52 of the Convention on International Interests in Mobile Equipment and Article XXIX of the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment, the following declarations shall apply with regard to Québec:

Under Article 39 (1) (a) and (2) of the Convention, any non-consensual right or interest in an object which under Québec law existing at the date of this declaration or after that date, has priority over an interest equivalent to that of the holder of a registered international interest, shall have priority to the same extent over a registered international interest, whether in or outside insolvency proceedings.

More specifically,

(1) a prior claim will rank before an international interest registered in the International Registry established under the Convention and the Protocol, whether in or outside insolvency proceedings;

(2) a legal hypothec registered in the register of personal and movable real rights will rank before an international interest subsequently registered in the International Registry established under the Convention and the Protocol, whether in or outside insolvency proceedings.

Under Article 39 (1) (b) of the Convention, nothing in the Convention shall affect the right of the government of Canada, or of a province or territory, a governmental entity, intergovernmental organisation or other private provider of public services to arrest or detain an object under Québec law for payment of amounts owed to that government, entity, organisation or provider directly relating to those services in respect of that object or another object.

Under Article 39 (4) of the Convention, a right or interest covered by the declaration made under Article 39 (1) (a) shall have priority over an international interest registered prior to the date of ratification by Canada.

Under Article 54 (2) of the Convention, any remedy available to the creditor under any provision of the Convention which is not there expressed to require application to the court may be exercised without leave of the court.

Under Article XXX (1) of the Protocol, Article VIII of the Protocol applies.

Under Article XXX (2) of the Protocol, only paragraphs 3, 4 and 5 of Article X of the Protocol apply.

**2.** This Regulation comes into force on the date of coming into force of the Act to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment (2007, c. 2).

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Gouvernement du Québec

### **O.C. 1267-2011, 7 December 2011**

Forest Act  
(R.S.Q., c. F-4.1)

#### **Operating permits for wood processing plants — Amendment**

Regulation to amend the Regulation respecting operating permits for wood processing plants

WHEREAS, under subparagraph 16 of the first paragraph of section 172 of the Forest Act (R.S.Q., c. F-4.1), the Government may, by regulation, establish classes of wood processing plants;

WHEREAS the Government made the Regulation respecting operating permits for wood processing plants (R.R.Q., c. F-4.1, r. 8);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Regulation respecting operating permits for wood processing plants was published in Part 2 of the *Gazette officielle du Québec* of 27 April 2011 with a notice that it could be made by the Government on the expiry of 45 days following that publication;