

(d) where applicable, the up-to-date register of the directors; and

(e) the names and home addresses of the partnership's principal officers;

(2) if the member carries on professional activities within a joint-stock company,

(a) the up-to-date register of the articles and by-laws of the joint-stock company;

(b) the declaration of registration of the joint-stock company and any update;

(c) the up-to-date register of the securities of the joint-stock company;

(d) any shareholders' agreement and voting agreement and amendments;

(e) the up-to-date register of the directors of the joint-stock company; and

(f) the up-to-date list of the joint-stock company's principal officers and their home addresses.

12. Where a general partnership is continued as a limited liability partnership or where a joint-stock company is constituted, members must send to their clients, on the date of the continuation or constitution, a notice informing them of the nature and effects of the change of status of the partnership or joint-stock company, in particular with respect to their professional liability and the professional liability of the partnership or joint-stock company.

DIVISION V **TRANSITIONAL AND FINAL**

13. Members who carry on professional activities within a joint-stock company constituted for that purpose before the date of coming into force of this Regulation must comply with the requirements set out in this Regulation not later than within the year following that date.

14. Until the Order has received the authorization from the competent authorities allowing the professional liability insurance fund of the Order to furnish the security provided for in Division III of this Regulation, members must furnish and maintain, for the partnership or joint-stock company within which they carry on professional activities, by insurance contract, such a security that complies with the requirements of section 10.

15. 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. 161-2012, 29 February 2012

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

Évaluateurs agréés

— **Code of ethics of the members of the Ordre**
— **Amendment**

Regulation to amend the Code of ethics of the members of the Ordre des évaluateurs agréés du Québec

WHEREAS, under section 87 of the Professional Code (R.S.Q., c. C-26), the board of directors of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, clients and the profession, particularly the duty to discharge professional obligations with integrity;

WHEREAS the board of directors of the Ordre des évaluateurs agréés du Québec made the Regulation to amend the Code of ethics of the members of the Ordre des évaluateurs agréés du Québec;

WHEREAS, under section 95.3 of the Professional Code, a draft of the Regulation was sent to every member of the Order at least 30 days before being made by the board of directors;

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.0.1 and 95.2, every regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation to amend the Code of ethics of the members of the Ordre des évaluateurs agréés du Québec was published in Part 2 of the *Gazette officielle du Québec* of 22 June 2011 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Office has examined the Regulation and submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation to amend the Code of ethics of the members of the Ordre des évaluateurs agréés du Québec, attached to this Order in Council, be approved.

GILLES PAQUIN,
Clerk of the Conseil exécutif

Regulation to amend the Code of ethics of the members of the Ordre des évaluateurs agréés du Québec

Professional Code
(R.S.Q., c. C-26, s. 87)

1. The Code of ethics of the members of the Ordre des évaluateurs agréés du Québec (c. C-26, r. 123) is amended by inserting the following after section 1:

“**1.1.** An appraiser must, in respect of any person other than an appraiser who collaborates with the appraiser in carrying on professional activities or in respect of any partnership or joint-stock company within which the appraiser carries on professional activities, take reasonable measures to ensure that the Professional Code and its regulations are complied with.

1.2. The duties and obligations under the Professional Code and its regulations are not modified or reduced in any manner owing to the fact that an appraiser carries on professional activities within a partnership or joint-stock company.

1.3. An appraiser must ensure that the obligations towards the partnership or joint-stock company of which the appraiser is the director or officer are not incompatible with the obligations towards the client.”

2. Section 7 is amended by replacing “on society” by “on the public”.

3. The following is inserted after section 10:

“**10.1.** An appraiser must ensure that none of the activities in which the appraiser engages in connection with an office or within an enterprise, and that does not

constitute the practice of the profession of appraiser, compromises compliance with the obligations of professional conduct prescribed by this Code, including honour, dignity and integrity of the profession.”

4. Section 14 is amended by inserting “, those of the partnership or joint-stock company within which the appraiser carries on professional activities or in which the appraiser has an interest and those of any other person carrying on activities within such a partnership or joint-stock company,” in the first paragraph after “interests”.

5. Section 19 is amended by inserting the following after the first paragraph:

“In all cases in which an appraiser carries on professional activities within a partnership or joint-stock company, situations of conflict of interest are assessed with regard to all clients of persons with whom the appraiser carries on professional activities within the partnership or joint-stock company.”

6. The following is inserted after section 19:

“**19.1.** An appraiser must take the necessary measures to ensure that information and documents protected by professional secrecy are not disclosed to a partner, shareholder, director, officer or employee of a partnership or joint-stock company within which the appraiser carries on professional activities or in which the appraiser has an interest, where the appraiser becomes aware that the partner, shareholder, director, officer or employee has a conflict of interest. Those measures take into account the following factors:

(1) the size of the partnership or joint-stock company;

(2) the precautions taken to prevent access to the appraiser’s record by the person having a conflict of interest;

(3) the instructions given to protect information or documents protected by professional secrecy;

(4) isolation, from the appraiser, of the person having a conflict of interest.”

7. Section 27 is amended by adding the following after the first paragraph:

“Where an appraiser carries on professional activities within a joint-stock company, the fees and expenses relating to the professional services the appraiser provided within and on behalf of the joint-stock company belong to the company, unless otherwise agreed.”

8. Section 32 is amended by adding the following at the end of the first paragraph:

“An appraiser may not exclude or limit that liability or attempt to do so, in particular by invoking the liability of the partnership or joint-stock company within which the appraiser carries on professional activities or that of a person carrying on activities within that partnership or joint-stock company.”.

9. The following is inserted after section 42:

“**42.1.** An appraiser must first inform the client when the appraiser intends to resort to a third person to provide essential aspects of the services.”.

10. Section 50 is amended

(1) by replacing the paragraph preceding paragraph 1 by the following:

“**50.** In addition to sections 57, 58, 58.1, 59.1 and 59.2 of the Professional Code (R.S.Q., c. C-26) and those that may be determined pursuant to the second paragraph of section 152 of the Professional Code, the following acts are derogatory to the dignity of the profession:”;

(2) by inserting “whether personally or through a natural or legal person, a partnership or joint-stock company, a group,” in paragraph 2 after “a person”;

(3) by replacing “made pursuant to the Code” in paragraph 3 by “made under the Code or that a partnership or joint-stock company within which members carry on their professional activities contravenes the Code and its regulations;”;

(4) by inserting “whether personally or through a natural or legal person, a partnership or joint-stock company, a group,” in paragraph 5 after “business”;

(5) by adding the following at the end:

“(9) entering into an agreement or permitting an agreement to be entered into within a partnership or joint-stock company in which the appraiser practises, including a unanimous agreement between shareholders, that operates to impair the independence, objectivity and integrity required for the practice of the profession or compliance by the appraiser with the Professional Code and the regulations made under the Code;

(10) carrying on professional activities within, or having interest in, a partnership or joint-stock company if a partner, shareholder, director, officer or representative of the partnership or joint-stock company governed by the Professional Code, has been struck off the roll for

more than 3 months or has had his or her permit revoked, unless the partner, shareholder, director, officer or representative

(a) ceases to hold a position of director, officer or representative within the partnership or joint-stock company within 10 days of the date on which the striking off the roll or permit revocation becomes executory;

(b) ceases to attend shareholder meetings and to exercise voting rights, if applicable, within 10 days of the date on which the striking off the roll or permit revocation becomes executory; and

(c) disposes of his or her voting shares or transfers them to a trustee within 10 days of the date on which the striking off the roll or permit revocation becomes executory.”.

11. Section 51 is amended by replacing paragraph 2 by the following:

“(2) take the necessary measures to ensure that any person who cooperates or collaborates with the appraiser or carries on activities with the appraiser within a partnership or joint-stock company does not disclose or use such information that becomes known to the appraiser in the performance of their duties;”.

12. Section 54 is replaced by the following:

“**54.** An appraiser who, pursuant to the second paragraph of section 60.5 of the Professional Code, refuses to allow a client access to information contained in a record established in the client’s respect must indicate to the client in writing, the reasons for the refusal.”.

13. Section 57 is amended by adding the following after the first paragraph:

“An appraiser who carries on professional activities within a partnership or joint-stock company must take reasonable measures to ensure that the partnership or joint-stock company complies with the requirements of the first paragraph.”.

14. Section 60 is replaced by the following:

“**60.** An appraiser who, in advertising, claims to possess skills or specific qualities, particularly in respect of the appraiser’s level of competence, the effectiveness or scope of the appraiser’s services or, as the case may be, the effectiveness of the services of persons who carry on their activities within the same partnership or joint-stock company as the appraiser, must be able to substantiate such claims.”.

15. Section 61 is amended by inserting “or in regard of persons who carry on their activities within the same partnership or joint-stock company as the appraiser” after “in his regard”.

16. 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. 167-2012, 29 February 2012

An Act respecting the Ministère des Transports (R.S.Q., c. M-28)

Signing by a functionary of certain deeds, documents and writings of the Ministère des Transports — Amendment

Regulation to amend the Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports

WHEREAS, the first paragraph of section 7 of the Act respecting the Ministère des Transports (R.S.Q., c. M-28) provides that no deed, document or writing binds the department or is attributed to the Minister unless signed by the Minister, the Deputy Minister or a functionary but, in the case of such functionary, only to the extent determined by regulation of the Government published in the *Gazette officielle du Québec*;

WHEREAS it is expedient to amend the Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports, made by Order in Council 701-94 dated 11 May 1994;

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

THAT the Regulation to amend the Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports, attached to this Order in Council, be made.

GILLES PAQUIN,
Clerk of the Conseil exécutif

Regulation to amend the Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports

An Act respecting the Ministère des Transports (R.S.Q., c. M-28, s. 7)

1. Section 1.1 of the Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports (R.R.Q., c. M-28, r. 5) is revoked.

2. Section 2 is amended

(1) by replacing “A director general is authorized” in the part preceding paragraph 1 by “An associate deputy minister and an assistant deputy minister are authorized”;

(2) by adding the following paragraph at the end:

“The Assistant Director General for Human, Financial and Information Resources is authorized to sign, for the purposes of accomplishing the mandate of the administrative unit for which he or she is responsible, the documents referred to in subparagraph 1 of the first paragraph.”

3. Section 3 is amended by replacing “A director general, the” by “The”.

4. Section 3.1 is revoked.

5. Division 5.3, comprising sections 31.8 to 31.11, is revoked.

6. This Regulation comes into force on 1 April 2012.

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