

Regulations and other Acts

Gouvernement du Québec

O.C. 838-2013, 23 juillet 2013

Mining Act
(chapter M-13.1)

Substances other than petroleum, natural gas and brine — Amendment

Regulation to amend the Regulation respecting mineral substances other than petroleum, natural gas and brine

WHEREAS, under paragraph 26.2 of section 306 of the Mining Act (chapter M-13.1), the Government may, by regulation, determine the term, form and amount of the guarantee required under section 232.4 and the conditions of such a guarantee;

WHEREAS, under section 313.3 of this Act, the term and amount of the guarantee mentioned in paragraph 26.2 of section 306 may vary according to the nature of the activities or operations carried on by the holder of the mining right, the operator or person referred to in section 232.1, or according to the nature and estimated quantity of mine tailings to be produced on a given site;

WHEREAS the Government made the Regulation respecting mineral substances other than petroleum, natural gas and brine (chapter M-13.1, r. 2);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation to amend the Regulation respecting mineral substances other than petroleum, natural gas and brine was published in Part 2 of the *Gazette officielle du Québec* of 13 February 2013 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources:

THAT the Regulation to amend the Regulation respecting mineral substances other than petroleum, natural gas and brine, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting mineral substances other than petroleum, natural gas and brine

Mining Act
(chapter M-13.1, ss. 306 and 313.3)

1. The Regulation respecting mineral substances other than petroleum, natural gas and brine (chapter M-13.1, r. 2) is amended in section 108 by replacing “10,000” in subparagraph *a* of subparagraph 1° of the first paragraph by “1,000”.

2. Sections 111, 112 and 113 are replaced by the following:

“**111.** Any person referred to in section 232.1 of the Act must provide a guarantee whose amount corresponds to the anticipated cost of carrying out the work required under the rehabilitation and restoration plan.

112. The person referred to in subparagraph 1 of the first paragraph of section 232.1 of the Act must provide the Minister with the guarantee required under section 232.4 of the Act before the beginning of exploration work.

113. The person referred to in any of subparagraphs 2 to 4 of the first paragraph of section 232.1 of the Act must provide the Minister with the guarantee determined under section 232.4 of the Act in accordance with the following rules:

- (1) the guarantee must be submitted in 3 payments;
- (2) the first payment must be made within 90 days following receipt of approval of the plan;
- (3) each subsequent payment must be made on the anniversary date of approval of the plan;
- (4) the first payment represents 50% of the total amount of the guarantee and the second and third payments, 25% each.”

3. Section 115 is amended by striking out subparagraph 6 of the first paragraph.

4. Section 119 is amended by striking out “and of the security provided for in subparagraph 6 of the first paragraph of that section” in the first paragraph.

5. Section 120 is revoked.

6. Sections 146 and 147 are replaced by the following:

“**146.** Sections 111 and 112 continue to apply, as they read on 21 August 2013, to the person referred to in subparagraph 1 of the first paragraph of section 232.1 of the Act whose plan was approved by the Minister before 22 August 2013, until the plan is revised.

147. The person referred to in any of subparagraphs 2 to 4 of the first paragraph of section 232.1 of the Act whose plan was approved by the Minister before 22 August 2013, must submit the guarantee referred to in section 111 of the Regulation in accordance with the following rules:

- (1) the guarantee must be submitted in 3 payments;
- (2) the first payment must be submitted not later than 1 year after 22 August 2013;
- (3) each subsequent payment must be submitted on the anniversary date of the first payment;
- (4) the first payment represents 50% of the total amount of the guarantee and the second and third payments, 25% each.”

7. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

2902

M.O., 2013-13

Order number V-1.1-2013-13 of the Minister of Finance and the Economy, July 9, 2013

Securities Act
(chapter V-1.1)

CONCERNING Regulation to amend Regulation 41-101 respecting general prospectus requirements

WHEREAS subparagraphs 1, 3, 4.1, 6, 8, 9, 11, 11.1, 14 and 34 of section 331.1 of the Securities Act (chapter V-1.1) stipulate that the *Autorité des marchés financiers* may make regulations concerning the matters referred to in those paragraphs;

WHEREAS the third and fourth paragraphs of section 331.2 of the said Act stipulate that a draft regulation shall be published in the Bulletin of the Authority, accompanied with the notice required under section 10 of the Regulations Act (chapter R-18.1) and may not be submitted for approval or be made before 30 days have elapsed since its publication;

WHEREAS the first and fifth paragraphs of the said section stipulate that every regulation made under section 331.1 must be approved, with or without amendment, by the Minister of Finance and comes into force on the date of its publication in the *Gazette officielle du Québec* or any later date specified in the regulation;

WHEREAS the Regulation 41-101 respecting general prospectus requirements was approved by ministerial order no. 2008-05 dated March 4, 2008;

WHEREAS there is cause to amend that regulation;

WHEREAS the draft Regulation to amend Regulation 41-101 respecting general prospectus requirements was published in the *Bulletin de l'Autorité des marchés financiers*, vol. 8, no. 47 of November 25, 2011;

WHEREAS the *Autorité des marchés financiers* made, on July 4, 2013, by the decision no. 2013-PDG-0118, Regulation to amend Regulation 41-101 respecting general prospectus requirements;

WHEREAS there is cause to approve this regulation without amendment;

CONSEQUENTLY, the Minister of Finance and the Economy approves without amendment the Regulation to amend Regulation 41-101 respecting general prospectus requirements appended hereto.

July 9, 2013

NICOLAS MARCEAU,
Minister of Finance and the Economy,

Regulation to amend Regulation 41-101 respecting general prospectus requirements

Securities Act
(chapter V-1.1, s. 331.1, par. (1), (3), (4.1), (6), (8), (9), (11), (11.1), (14) and (34))

1. Section 1.1 of Regulation 41-101 respecting General Prospectus Requirements is amended:

- (1) by inserting, before the definition of the expression “acquisition”, the following: