

Regulations and other Acts

M.O., 2018-05

Order number V-1.1-2018-05 of the Minister of Finance dated 1 November 2018

Securities Act
(chapter V-1.1)

CONCERNING the Regulation to amend Securities Regulation

WHEREAS subparagraph 27.0.3 of section 331.1 of the Securities Act (chapter V-1.1) provide that the Autorité des marchés financiers may make regulations in order to determine the manner in which a commission is to be shared under section 160.1.1 of the act;

WHEREAS the third and fourth paragraphs of section 331.2 of the said Act provide that a draft regulation shall be published in the Bulletin de l'Autorité des marchés financiers, 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 provide 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 on any later date specified in the regulation;

WHEREAS the government, by order-in-council no. 660-83 of March 30, 1983, enacted the Securities Regulation (1983, *G.O.* 2, 1269);

WHEREAS there is cause to amend this regulation;

WHEREAS the draft Regulation to amend Securities Regulation was published in the Bulletin de l'Autorité des marchés financiers, vol. 15, no. 30 of August 2nd, 2018;

WHEREAS the *Autorité des marchés financiers* made, on October 12th, 2018, by the decision no. 2018-PDG-0065, Regulation to amend Securities Regulation;

WHEREAS there is cause to approve this regulation without amendment;

CONSEQUENTLY, the Minister of Finance approves without amendment the Regulation to amend Securities Regulation appended hereto.

November 1, 2018

ERIC GIRARD,
Minister of Finance

Regulation to amend the Securities regulation

Securities Act

(chapter V-1.1, s. 331.1, par. (27.0.3))

1. The Securities Regulation (chapter V-1.1, r. 50) is amended by inserting the following after section 192.1:

“**192.2** The register that must be kept by a mutual fund or scholarship plan dealer under section 160.1.1 of the Act must contain the following information in respect of each shared commission:

(1) the name and business address of each person sharing the commission and their status with the Authority, namely, a dealer or adviser governed by the Act, a firm, independent representative or independent partnership governed by the Act respecting the distribution of financial products and services (chapter D-9.2), a holder of a broker’s or agency’s licence governed by the Real Estate Brokerage Act (chapter C-73.2), a dealer or adviser governed by the Derivatives Act (chapter I-14.01), a financial institution registered with the Authority under the Deposit Insurance Act (chapter A-26), a bank, authorized foreign bank or trust company holding a licence issued under the Act respecting trust companies and savings companies (chapter S-29.01), an insurer holding a licence issued under the Act respecting insurance (chapter A-32) or a federation within the meaning of the Act respecting financial services cooperatives (chapter C-67.3);

(2) the names of the parties to the transaction and the object and date of the transaction;

(3) the percentage of the commission or the fixed amount resulting therefrom and the manner in which the commission is allocated between the persons sharing it.

192.3 The payment of the commission to the person sharing it must be made by cheque or by means of transfer from an account held with a deposit institution authorized under the Deposit Insurance Act (chapter A-26), a bank or an authorized foreign bank to another such account.

192.4 Every sharing of a commission must be promptly entered in the register kept under section 160.1.1 of the Act.”

2. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

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