

Draft Regulation

An Act respecting prearranged funeral services and sepultures
(chapter A-23.001)

Register of prearranged funeral services contracts and prepurchased sepulture contracts

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the register of prearranged funeral services contracts and prepurchased sepulture contracts, appearing below, may be made by the Minister of Justice on the expiry of 45 days following this publication.

The draft Regulation follows up on section 7 of the Act to amend various legislative provisions concerning consumer protection (2018, chapter 14), which introduces section 81.1 of the Act respecting prearranged funeral services and sepultures (chapter A-23.001). In accordance with that section 81.1, the draft Regulation establishes a register of prearranged funeral services contracts and prepurchased sepulture contracts.

The draft Regulation lists the persons authorized to consult the register, the terms for doing so and the persons who may be informed of the existence of a contract. It also provides for the obligation of a seller, before entering into a contract, to consult the register and inform the potential buyer of the existence of a contract concerning the person for whom the goods or services in the proposed contract are intended.

The draft Regulation also provides for the obligation of the seller to enter in the register certain information on the contracts entered into and the obligation to update the information, where applicable, and the period for doing so. It sets the fees for entering the information in the register.

Lastly, the draft Regulation indicates the provisions the contravention of which constitutes an offence punishable by a fine that may reach \$10,000.

Further information on the draft Regulation may be obtained by contacting Valérie Roy, advocate, Office de la protection du consommateur, 400, boulevard Jean-Lesage, bureau 450, Québec (Québec) G1K 9W4; telephone: 418 643-1484, extension 2423; fax: 418 528-0976; email: valerie.roy@opc.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Marie-Claude Champoux, President, Office de

la protection du consommateur, 400, boul. Jean-Lesage, bureau 450, Québec (Québec) G1K 8W4. The comments will be sent by the Office to the Minister of Justice.

SONIA LEBEL,
Minister of Justice

Regulation respecting the register of prearranged funeral services contracts and prepurchased sepulture contracts

An Act respecting prearranged funeral services and sepultures
(chapter A-23.001, s. 81.1, 1st and 2nd pars.)

CHAPTER I DEFINITIONS

1. In this Regulation, unless the context indicates otherwise,

(1) “buyer” means the party to a contract referred to in section 2 who undertakes to pay for the property, goods or services stipulated in the contract;

(2) “seller” means the party to a contract referred to in section 2 who undertakes to provide the property, goods or services stipulated in the contract.

CHAPTER II ESTABLISHMENT AND USE OF THE REGISTER

2. The register of prearranged funeral services contracts and prepurchased sepulture contracts, comprised of the following contracts, is hereby established:

(1) prearranged funeral services contracts, regardless of whether total or partial payment must be made before or after the death;

(2) prepurchased sepulture contracts, regardless of whether total or partial payment must be made before or after the death;

(3) contracts entered into without intermediary by a buyer and the operator of a religious cemetery for the sole provision of property, an item of goods or a service in the cemetery.

3. The register is computerized.

4. No person may use the register or the information contained therein except in accordance with this Regulation.

CHAPTER III CONSULTATION OF THE REGISTER AND INFORMATION

5. Only the following persons may be informed of the existence of a contract by the seller:

- (1) potential buyers;
- (2) persons for whom the goods or services stipulated in the contract may be intended, as well as their mandataries, liquidators, successors, tutors or curators.

Those persons must show that they have a legitimate interest in being informed of the existence of a contract.

6. At the request of a person referred to in subparagraph 1 or 2 of the first paragraph of section 5, the seller consults the register if the person provides

- (1) his or her name and capacity;
- (2) the information allowing identification of the person for whom the goods or services stipulated in a contract may be intended.

The seller informs that person of the existence of a contract and gives the person proof of the computerized consultation of the register.

7. Despite the absence of a request made by a potential buyer in accordance with section 6, the seller must, prior to entering into a contract referred to in section 2 or a funeral services or sepulture contract entered into after the death, consult the register and inform the potential buyer of the existence of any contract entered into concerning the person for whom the goods or services stipulated in the proposed contract are intended. To that effect, the seller gives the buyer proof of the computerized consultation of the register.

In view of the consultation of the register by the seller, potential buyers must provide the information referred to in subparagraph 2 of the first paragraph of section 6.

8. The Chief Coroner's office, the Public Curator and the Minister of Health and Social Services may consult the register to be informed of the existence of a contract in respect of a deceased person whose body has not been claimed.

9. The consultation of the register is free of charge.

CHAPTER IV ENTRY AND MODIFICATION IN THE REGISTER

10. The seller must enter the following information in the register not later than 30 days after entering into the contract:

- (1) the number of the contract;
- (2) the date on which the contract was made;
- (3) the nature of the contract;
- (4) the name and address of the seller and, if applicable, the number of the seller's funeral services business licence and Québec business number (QBN) assigned by the enterprise registrar;
- (5) the name, address and date of birth of the buyer or, in the case of a prearranged funeral services contract referred to in paragraph 1 of section 2 and where the goods or services are not intended for the buyer, the name, address and date of birth of the person.

Where a contract concerns more than one person, the information referred to in subparagraph 5 of the first paragraph must be entered in the register for each person.

11. The fees for entering all of the information referred to in section 10 are \$10 for contracts the total payment of which is less than \$1,000.

The fees are \$30 for contracts the total payment of which is \$1,000 or more.

The seller must pay those fees.

12. The seller is required to update the information in the register not later than 30 days after any modification to a contract.

13. The seller must enter the date of cancellation of a contract in the register not later than 30 days after that date.

The seller must also enter the date on which all the obligations stipulated in a contract have been fulfilled or the date on which all the goods and services have been provided.

14. Any modification to the register made in accordance with section 12 or 13 is free of charge.

CHAPTER V ADJUSTMENT OF FEES

15. The fees payable under this Regulation are adjusted on 1 July of each year on the basis of the rate of variation in the general Consumer Price Index for Canada for the preceding calendar year, as determined by Statistics Canada; the fees thus adjusted take effect on that date.

The fees adjusted in the prescribed manner are reduced to the nearest dollar where they comprise a fraction of a dollar less than \$0.50; they are increased to the nearest dollar where they comprise a fraction of a dollar equal to or greater than \$0.50.

Each year, the president of the Office de la protection du consommateur publishes the result of the annual adjustment in Part 1 of the *Gazette officielle du Québec*.

CHAPTER VI OFFENCES

16. Every person who contravenes sections 4 and 6 and the first paragraph of section 7 is guilty of an offence and is liable to a fine of \$1,500 to \$10,000.

17. Every person who contravenes sections 10 to 13 and 18 is guilty of an offence and is liable to a fine of \$500 to \$10,000.

CHAPTER VII TRANSITIONAL AND FINAL

18. The seller must, not later than 6 June 2021, enter in the register any information referred to in section 10 the seller has with regard to all contracts in force entered into before 6 June 2020.

Despite the foregoing, in the case of a contract in force referred to in paragraph 3 of section 2 entered into before 6 June 2020, a seller who operates a religious cemetery and who does not hold a permit issued under the Funeral Operations Act (chapter A-5.02) on that date must, not later than 6 June 2022, enter in the register any information referred to in section 10 the seller has with regard to the contract.

Despite section 11, any entry in the register made in accordance with this section is free of charge.

19. This Regulation comes into force on 6 June 2020.

104109

Draft Regulation

Professional Code
(chapter C-26)

Notaries

— **Compensation fund of the Chambre des notaires du Québec**
— **Amendment**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the compensation fund of the Chambre des notaires du Québec, made by the board of directors of the Chambre des notaires du Québec and appearing below, may be examined by the Office des professions du Québec then submitted to the Government for approval, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation amends the procedure for the compensation of claimants where funds or property given to a notary were used for purposes other than those agreed upon and increases the amounts of the maximum indemnity that may be paid.

The draft Regulation has no impact on the public and on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Nathalie Provost, Consulting Notary, Services juridiques et relations institutionnelles, Direction Secrétariat et services juridiques, Chambre des notaires du Québec, 101-2045, rue Stanley, Montréal (Québec) H3A 2V4; telephone: 1 800 263-1793 or 514 879-1793, extension 5921; email: servicesjuridiques@cnq.org.

Any person wishing to comment is requested to submit written comments within the 45-day period to Guylaine Couture, Secretary, Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3; email: secretariat@opq.gouv.qc.ca. The comments will be forwarded by the Office to the Minister of Justice and may also be sent to the professional order that made the Regulation as well as to interested persons, departments and bodies.

GUYLAINE COUTURE,
Secretary of the Office des professions du Québec
