

## Regulations and other Acts

Gouvernement du Québec

### O.C. 171-2020, 11 March 2020

Professional Code  
(chapter C-26)

#### **Chambre des notaires — Compensation fund — Amendment**

Regulation to amend the Regulation respecting the compensation fund of the Chambre des notaires du Québec

WHEREAS, under the first paragraph of section 89 of the Professional Code (chapter C-26), the members of an order may not, in the practice of their profession, hold funds or property, including advances on fees, on behalf of a client or another person, unless it is expressly authorized by regulation by the board of directors;

WHEREAS, under the first and second paragraphs of section 89.1 of the Code, the board of directors of a professional order that makes a regulation under section 89 of the Code to authorize the members of the order to hold funds or property must determine, by regulation, the compensation procedure and, if appropriate, conditions for the setting up of a compensation fund and rules for the administration and investment of the sums making up the fund;

WHEREAS the board of directors of the Chambre des notaires du Québec, in the Regulation respecting trust accounting by notaries (chapter N-3, r. 5.2), authorizes its members to hold funds or property;

WHEREAS the board of directors of the Chambre des notaires du Québec made the Regulation to amend the Regulation respecting the compensation fund of the Chambre des notaires du Québec on 29 August 2019;

WHEREAS, pursuant to section 95 of the Professional Code, subject to sections 95.0.1 and 95.2 of the Code, 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 (chapter R-18.1), a draft of the Regulation to amend the Regulation respecting the compensation fund of the Chambre des notaires du Québec was published in Part 2 of the *Gazette officielle du Québec* of 9 October 2019 with a notice that it could be examined by the Office and then submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office has examined the Regulation on 12 December 2019 and then 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 Regulation respecting the compensation fund of the Chambre des notaires du Québec, attached to this Order in Council, be approved.

YVES OUELLET,  
*Clerk of the Conseil exécutif*

### **Regulation to amend the Regulation respecting the compensation fund of the Chambre des notaires du Québec**

Professional Code  
(chapter C-26, s. 89.1)

**1.** The Regulation respecting the compensation fund of the Chambre des notaires du Québec (chapter N-3, r. 8.1) is amended in section 1 by replacing “subject to” by “within the limits provided for in”, “moneys” by “sums” and “pursuant to a contract for services” by “under a service contract”.

**2.** Section 2 is amended

(1) by replacing “\$500,000” in the portion before paragraph 1 by “\$1,000,000”;

(2) by replacing “Executive Committee” in paragraph 5 by “Order”;

(3) by replacing “moneys” in paragraphs 1, 3, 4 and 5 by “sums”;

(4) by inserting “pursuant to” after “subrogation or” in paragraph 3;

(5) by replacing “making up the fund;” in paragraph 4 by “constituting the fund; and”.

**3.** Section 3 is amended

(1) by replacing “Executive Committee” by “Order”.

(2) by replacing “In particular” by “To that end” and “conclude any contract of insurance or reinsurance” by “enter into any insurance or reinsurance contract”.

**4.** Section 4 is replaced by the following:

“4. The keeping of the accounting of the fund is separate from that of the Order.”.

**5.** Section 5 is amended

(1) by replacing the portion before paragraph 1 by the following:

“The Order shall invest the sums making up the fund as follows:”;

(2) by replacing “Executive Committee” in paragraph 1 by “Order”;

(3) by replacing “moneys” by “portion of the sums which” and “expects to use in the short term” by “intends to use on the short-term basis” in paragraph 1;

(4) by replacing “moneys” in paragraph 2 by “portion”.

**6.** Section 6 is replaced by the following:

“6. The compensation fund committee, formed by the Board of Directors pursuant to paragraph 2 of section 86.0.1 of the Professional Code (chapter C-26), is responsible for examining the claims filed against the fund and for deciding claims.

The committee is comprised of no fewer than 5 members, at least one of whom is chosen from among the persons who are not notaries and whose names appear on the list drawn up by the Office des professions du Québec in accordance with the fourth paragraph of section 78 of the Professional Code.

The board of directors designates the committee’s chairman, secretary, and, if necessary, one or more assistant secretaries who perform the same duties as the secretary. The secretary and the assistant secretaries are not members of the committee.

The quorum of the committee is a majority of its members.”.

**7.** Section 7 is amended in the first paragraph

(1) by striking out “by division members”;

(2) by inserting “by the Committee’s chairman” after “chairman of the division”;

(3) by replacing “directors appointed by the Office” by “persons who are not notaries and whose names appear on the list referred to in the second paragraph of section 6”.

**8.** Section 9 is revoked.

**9.** Section 11 is amended in the second paragraph

(1) by replacing “upon” by “on the”;

(2) by inserting “the” after “following”.

**10.** Section 12 is amended by replacing “one year of the claimant’s knowledge that moneys” in the first paragraph by “the year in which the claimant becomes aware that sums”.

**11.** Section 15 is amended

(1) by striking out “not exceeding \$30,000”;

(2) in the French text by replacing “finale” by “définitive”.

**12.** Section 16 is revoked.

**13.** Section 17 is amended by replacing “in question” by “concerned”.

**14.** Section 18 is amended

(1) by replacing “\$100,000” in the first and second paragraphs by “\$200,000”;

(2) by replacing “indemnity” in the first and second paragraphs by “compensation”;

(3) by replacing “contract for services, of moneys” in the first paragraph by “service contract, of sums”;

(4) by replacing “addressed to” by “against” and “contracts for services concluded” by “service contracts entered into” in the second paragraph;

(5) by replacing the third paragraph by the following:

“For the purposes of this section, “service” means the performance of professional services by a notary pursuant to a service contract entrusted to the notary for the benefit of 2 or more persons.”

**15.** Section 19 is revoked.

**16.** Section 20 is replaced by the following:

“**20.** The balance of a notary’s general trust account shall, subject to a regulation made under section 89 of the Professional Code (chapter C-26), be distributed by the secretary of the Committee among the claimants in respect of the notary, in proportion and up to the amount of each claim allowed, less the sum paid pursuant to section 18, on the expiry of 60 days following publication of a notice to that effect in a newspaper having general circulation in the place where the notary has or had his professional domicile.

The secretary of the Committee shall cause the notice to be published after one year has elapsed without any new claim exceeding the maximum indemnity payable under section 18 against the fund in respect of that notary.”

**17.** The maximum compensation of \$100,000 provided for in section 18 of this Regulation, as it read on 8 April 2020, remains applicable to any claim resulting from the use by a notary, before 9 April 2020, of funds or property for purposes other than those for which they were entrusted to the notary in the practice of his profession.

**18.** Section 16 of this Regulation, as it read on 8 April 2020, remains applicable to any claim of more than \$30,000 against the fund and for which the compensation fund committee made a recommendation to the Executive Committee before 9 April 2020.

**19.** This Regulation comes into force on 9 April 2020.

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Gouvernement du Québec

**O.C. 172-2020**, 11 March 2020

Podiatry Act  
(chapter P-12)

**Podiatrist**  
— **Medications**

Regulation respecting medications that a podiatrist may administer or prescribe

WHEREAS, under section 12 of the Podiatry Act (chapter P-12), the Office des professions du Québec must prepare periodically, by regulation, after consultation with the Institut national d’excellence en santé et en services sociaux, the Ordre des podiatres du Québec, the Collège des médecins du Québec and the Ordre des pharmaciens du Québec, a list of the medications which a podiatrist may use in the practice of his profession or which he may administer or prescribe to his patients, and determine, where required, the conditions subject to which a podiatrist may administer and prescribe such medications;

WHEREAS the Office adopted, on 23 August 2019, after conducting the required consultations, the Regulation respecting medications that a podiatrist may administer or prescribe;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting medications that a podiatrist may administer or prescribe was published in Part 2 of the *Gazette officielle du Québec* of 2 October 2019 with a notice that it could be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS, under section 13 of the Professional Code (chapter C-26), every regulation adopted by the Office under the Code or under an Act constituting a professional order must be submitted to the Government which may approve it with or without amendment;

WHEREAS it is expedient to approve the Regulation respecting medications that a podiatrist may administer or prescribe with amendments;