

Draft Regulation

Professional Code
(chapter C-26)

Notaries

— Professional activities that may be engaged in by persons other than notaries

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the professional activities that may be engaged in by persons other than notaries, made by the board of directors of the Chambre des notaires du Québec and appearing below, is published as a draft and may be examined by the Office des professions du Québec then submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation mainly allows law students, subject to certain conditions, to give legal advice or consultations on legal matters in a legal clinic established or recognized by a university-level educational institution in order to increase the legal service offer in Québec.

The draft Regulation also prescribes the terms and conditions under which a person who is serving a training period or who is admitted to the professional training program of the Order may engage in certain activities reserved for notaries.

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

Further information on the draft Regulation may be obtained by contacting Mtre. Nathalie Provost, consulting notary, Services juridiques, Direction Secrétariat, services juridiques, relations institutionnelles et gouvernance, 2045, rue Stanley, bureau 101, Montréal (Québec) H3A 2V4; telephone: 1 800 263-1793, extension 5222; email: nathalie.provost@cnq.org.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Roxanne Guévin, 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 Higher Education and may also be sent to the professional order that made the Regulation and to interested persons, departments and bodies.

ROXANNE GUÉVIN

Secretary, Office des professions du Québec

Regulation respecting the professional activities that may be engaged in by persons other than notaries

Professional Code
(chapter C-26, s. 94, 1st par., subpar. *h*)

Notaries Act
(chapter N-3, s. 15.1, 2nd par.)

DIVISION I OBJECT

1. The object of this Regulation is to determine the terms and conditions according to which the following persons may engage in, as the case may be, the professional activities that may be engaged in by notaries or certain of those activities:

(1) a person who is enrolled in an undergraduate study program leading to one of the diplomas, the combination of which meets the requirements for the permit issued by the Chambre des notaires du Québec, and who earned 60 credits in that program;

(2) a person who holds an undergraduate diploma, the combination of which meets the requirements for the permit issued by the Order or whose diploma or training equivalence was recognized for the purpose of issuing a permit pursuant to a regulation made in accordance with paragraph *c* and *c.1* of section 93 of the Professional Code (chapter C-26), and who is enrolled in a master's degree program in notarial law;

(3) a person who holds an undergraduate diploma, the combination of which meets the requirements for the permit issued by the Order or whose diploma or training equivalence was recognized for the purpose of issuing a permit pursuant to a regulation made in accordance with paragraphs *c* and *c.1* of section 93 of the Professional Code, and who is enrolled in a graduate study program in legal studies, other than the master's degree program in notarial law, or in a doctoral program in legal studies;

(4) a person who is admitted to the professional training program of the Order provided for in the regulation made in accordance with subparagraph *i* of the first paragraph of section 94 of the Professional Code.

DIVISION II

APPLICABLE TERMS AND CONDITIONS

§1. Practise within a legal clinic established or recognized by a university-level educational institution

2. A person referred to in paragraph 1, 2 or 3 of section 1 may give legal advice or consultations on legal matters on behalf of others within a legal clinic established or recognized by a university-level educational institution that grants one of the diplomas, the combination of which meets the requirements for the permit issued by the Order, provided

(1) the person has completed a course in ethics and professional conduct of a minimum duration of 3 hours that is recognized by the Order;

(2) the person engages in those activities under the close supervision and responsibility of a notary referred to in section 3 and, in particular, the person communicates verbally with a client only in the presence of the supervising notary, and in writing only after obtaining the supervising notary's approval, except in the case of communications that are administrative in nature; and

(3) the person engages in those activities in accordance with the regulations made under sections 87 and 91 of the Professional Code (chapter C-26), with the necessary modifications.

3. A notary may act as a supervisor under the following terms and conditions:

(1) the notary has been entered on the roll for at least 5 years;

(2) the notary is covered under the professional liability insurance fund of the Chambre des notaires du Québec or works exclusively for a university-level educational institution referred to in paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (chapter E-14.1) that stands surety, holds harmless and is financially responsible for any fault committed by the notary in the performance of duties;

(3) the notary keeps the records the notary opens within a legal clinic or ensures that they are kept by another notary or a practising advocate who is designated for that purpose by the university-level educational institution and who complies with the same terms and conditions as the notary referred to in this section;

(4) the notary is not the subject of a complaint pursuant to section 116 of the Professional Code (chapter C-26) or of a request pursuant to section 122.0.1 of the Code;

(5) the notary is not the subject, nor was the subject in the 5 years preceding the date when the supervision began,

(a) of a conviction handed down by the disciplinary council of a professional order, by the Professions Tribunal or by a higher authority, or by an authority of a professional organization that exercises the same control as a professional order;

(b) of a decision imposing a refresher course or a refresher training period, a restriction or suspension of the right to engage in professional activities or a striking off the roll pronounced by the board of directors of a professional order or by another one of its authorities pursuant to a provision of the Professional Code, of the Notaries Act (chapter N-3) or the regulations made thereunder, or pursuant to a provision of another professional law or one of the regulations made thereunder, or a decision rendered by an authority of a professional organization that exercises the same control as a professional order;

(c) of a decision declaring the notary guilty of a penal offence referred to in section 188 of the Professional Code;

(d) of a decision by a Canadian court declaring the notary guilty of a criminal offence involving an act of collusion, corruption, malfeasance, breach of trust, fraud, influence peddling, or abusive gestures or comments of a sexual nature;

(e) of a decision by a court declaring the notary guilty of a criminal offence and that, in the reasoned opinion of the committee constituted pursuant to section 12 of the Notaries Act, is related to the practise of the notarial profession.

§2. Practise within a location other than a legal clinic

4. A person referred to in paragraph 2 of section 1 who is serving a professional training period may, among the professional activities that may be engaged in by a notary, engage in professional activities that do not fall within the province of a public officer, provided

(1) the person engages in those activities under the close supervision and responsibility of a notary authorized to act as a tutor by the university concerned; and

(2) the person engages in those activities in accordance with the Notaries Act (chapter N-3), the Professional Code (chapter C-26) and the regulations made thereunder.

5. A person referred to in paragraph 4 of section 1 may, among the professional activities that may be engaged in by a notary, engage in professional activities that do not fall within the province of a public officer, provided

(1) the person engages in those activities under the close supervision and responsibility of a notary authorized by the Order; and

(2) the person engages in those activities in accordance with the Notaries Act (chapter N-3), the Professional Code (chapter C-26) and the regulations made thereunder.

The person referred to in the first paragraph may engage in those activities until the earlier of the following dates:

(1) the date of issue of the person's permit to practise;

(2) the date on which the person abandons the professional training program or the date on which the person is precluded from completing it;

(3) the date that is 45 days after the date on which the person successfully completed the professional training program.

A person who is granted an extension of the period to complete the professional training program pursuant to a regulation made in accordance with subparagraph *i* of the first paragraph of section 94 of the Professional Code for a reason other than university studies may not engage in those activities for as long as the reason for the extension prevents the person from completing the program.

DIVISION III FINAL

6. This Regulation replaces the Regulation respecting the professional activities that may be engaged in by persons other than notaries (chapter N-3, r. 0.1).

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

105144

Draft Regulation

Professional Code
(chapter C-26)

Nurses

— Certain professional activities which may be engaged in by nursing assistants

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting certain professional activities which may be engaged in by nursing assistants, made by the board of directors of the Ordre des infirmières et infirmiers du Québec and appearing below, is published as a draft and may be examined by the Office des professions du Québec then submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation gives more autonomy to assistant nurses in the carrying on of the activities authorized in the current Regulation regarding the maintenance care of a tracheostomy connected to a ventilator and the administration of intravenous therapy. It also amends and increases certain training and supervision requirements for the carrying on of those activities.

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

Further information on the draft Regulation may be obtained by contacting Bianca Roberge, Attorney, Direction des affaires juridiques, Ordre des infirmières et infirmiers du Québec, 4200, rue Molson, Montréal (Québec) H1Y 4V4; telephone: 514-935-2501, extension 484, or 1 800 363-6048, extension 484; email: bianca.roberge@oiiq.org.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Roxanne Guévin, 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 Higher Education; they may also be sent to the professional order that made the Regulation and to interested persons, departments and bodies.

ROXANNE GUÉVIN
Secretary Office des professions du Québec