

Gouvernement du Québec

O.C. 1106-2021, 11 August 2021

Public Curator Act
(chapter C-81)

An Act to amend the Civil Code, the Code of Civil Procedure, the Public Curator Act and various provisions as regards the protection of persons (2020, chapter 11)

Certification of an advocate or a notary for the purpose of recognizing an assistant to a person of full age

CONCERNING the Regulation respecting the certification of an advocate or a notary for the purpose of recognizing an assistant to a person of full age

WHEREAS the Act to amend the Civil Code, the Code of Civil Procedure, the Public Curator Act and various provisions as regards the protection of persons (2020, chapter 11) was assented to on June 3, 2020;

WHEREAS, under paragraph 3.4 of section 68 of the Public Curator Act (chapter C-81), as enacted by paragraph 2 of section 153 of the Act to amend the Civil Code, the Code of Civil Procedure, the Public Curator Act and various provisions as regards the protection of persons (2020, chapter 11), the Government may, by regulation, determine the conditions an advocate or notary must meet to be certified to perform the operations preliminary to the recognition of an assistant to a person of full age;

WHEREAS pursuant to Order in Council 1105-2021 of August 11, 2021, the Government fixed October 1, 2021 as the date on which subsection 2 of section 153 of the Act to amend the Civil Code, the Code of Civil Procedure, the Public Curator Act and various provisions as regards the protection of persons (2020, chapter 11) comes into force, insofar as it enacts subsection 3.4 of section 68 of the Public Curator Act (chapter C-81);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft regulation respecting the certification of an advocate or notary for the purpose of recognizing an assistant to a person of full age was published in Part 2 of the *Gazette officielle du Québec* of March 31, 2021, with a notice that it could be enacted by the Government on the expiry of a period of 45 days from that publication;

WHEREAS it is necessary to enact this regulation with amendments;

IT IS THEREFORE ORDERED, upon the recommendation of the Minister of Families:

THAT the Regulation respecting the certification of an advocate or a notary for the purpose of recognizing an assistant to a person of full age, annexed to this Order-in-Council, be enacted.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation respecting the certification of an advocate or a notary for the purpose of recognizing an assistant to a person of full age

Public Curator Act
(chapter C-81, s. 68, par. 3.4)

An Act to amend the Civil Code, the Code of Civil Procedure, the Public Curator Act and various provisions as regards the protection of persons (2020, chapter 11, s. 153, par. 2)

1. To be certified by their professional order to perform operations preliminary to the recognition of an assistant to a person of full age, advocates and notaries must apply to their order and meet the following conditions:

(1) they subscribe to the professional liability insurance fund established by their professional order in accordance with section 86.1 of the Professional Code (chapter C-26);

(2) they are not subject to any suspension of their right to engage in professional activities, nor to any restriction of their right to engage in professional activities concerning a field of law or an activity related to the recognition of an assistant to a person of full age;

(3) they meet one of the following requirements:

a) in the two years preceding their application, they have taken a training course determined by their professional order, of at least six hours duration, of which:

i. at least one hour covers legal aspects of the recognition of an assistant to a person of full age;

ii. at least five hours cover the following aspects related to operations preliminary to the recognition of an assistant to a person of full age: ethical issues, psychological and social aspects, communication issues and procedure;

b) they demonstrate to their professional order that they have acquired competencies equivalent to those of an advocate or notary who has taken the training provided for in subparagraph *a*;

(4) they undertake to take at least one and a half hours of continuing education activities related to the recognition of an assistant to a person of full age and determined by their professional order among the hours of continuing education activities to which they are bound, per reference period of at least two years, pursuant to the regulation adopted by that order in accordance with paragraph *o* of the first paragraph of section 94 of the Professional Code;

(5) they agree to the following information being sent to the Public Curator through their professional order:

a) their name;

b) the address and telephone number of their professional domicile;

c) a professional e-mail address established in their name;

d) the date on which they were certified, and, where applicable, the date on which their certification was terminated;

(6) they include with their application all useful information and documents, including the document showing the undertaking provided for in paragraph 4 and the document showing the acceptance provided for in paragraph 5;

(7) they pay the fees prescribed in accordance with paragraph 8 of section 86.0.1 of the Professional Code.

To be certified, advocates must also be registered on the roll of their professional order under the category of practising advocate.

For the purposes of subparagraph 4 of the first paragraph, continuing education activities relating to the recognition of assistants to persons of full age may not be self-learning activities. In addition, their undertaking takes effect at the start of the two-year reference period following the reference period during which the advocate or notary obtains their certification.

2. Advocates cease to be certified if they are no longer registered on the roll of their professional order under the category of practising advocate.

The same applies to notaries who are no longer registered on the roll of their professional order.

3. Advocates and notaries also cease to be certified if they no longer satisfy one of the conditions set out in subparagraph 1, 2 or 5 of the first paragraph of article 1.

The same applies if, after receiving notice from their professional order informing them that they are not complying with the undertaking provided for in subparagraph 4 of this paragraph, they do not remedy the failure within the period indicated in the notice.

4. To be re-certified, advocates or notaries who cease to be certified pursuant to the second paragraph of article 3 must, in addition to satisfying the conditions laid down in article 1, remedy their failure to comply and provide proof thereof to their professional order.

5. This regulation comes into force on October 1, 2021.
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Gouvernement du Québec

O.C. 1113-2021, 11 August 2021

Tax Administration Act
(chapter A-6.002)

Act respecting the Ministère de la Santé et
des Services sociaux
(chapter M-19.2)

Act respecting the Québec Pension Plan
(chapter R-9)

**Agreement on Social Security between the
Gouvernement du Québec and the Government
of the Republic of Serbia
—Ratification and making of the Regulation
respecting the implementation of the Agreement**

Ratification of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Serbia and making of the Regulation respecting the implementation of the Agreement

WHEREAS Décret 960-2019 dated 11 September 2019 authorized the Minister of International Relations and La Francophonie to sign alone the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Serbia, and the Administrative Arrangement and Protocol for the application of the Agreement;