

Regulations and other Acts

Gouvernement du Québec

O.C. 1325-2021, 13 October 2021

Travel Agents Act
(chapter A-10)

Certain temporary measures relating to the Fonds d'indemnisation des clients des agents de voyages

Regulation respecting certain temporary measures relating to the Fonds d'indemnisation des clients des agents de voyages

WHEREAS, under subparagraph *c.1* of the first paragraph of section 36 of the Travel Agents Act (chapter A-10), the Government may make regulations to prescribe the rules for establishing the amount of the contribution to be paid into the Fonds d'indemnisation des clients des agents de voyages and determine the cases and the terms and conditions of collection, payment, administration and use of the fund, in particular to set a maximum amount, per client or event, that may be paid out of the fund;

WHEREAS, in accordance with sections 10, 12 and 13 of the Regulations Act (chapter R-18.1), a draft Regulation respecting certain temporary measures relating to the Fonds d'indemnisation des clients des agents de voyages was published in Part 2 of the *Gazette officielle du Québec* of 23 September 2021 with a notice that it could be made by the Government on the expiry of 10 days following that publication;

WHEREAS, under subparagraph 1 of the first paragraph of section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS, under the second paragraph of section 18 of that Act, the reason justifying such coming into force must be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies such coming into force of the Regulation respecting certain temporary measures relating to the Fonds d'indemnisation des clients des agents de voyages:

— the Regulation must come into force quickly in order to fully reimburse or indemnify in the short term eligible customers of travel agents who have filed claims with the Fonds d'indemnisation des clients des agents de voyages since the beginning of the COVID-19 pandemic, ensure the sustainability of the fund, and continue being able to reimburse or indemnify customers of travel agents further to the pandemic event;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice:

THAT the Regulation respecting certain temporary measures relating to the Fonds d'indemnisation des clients des agents de voyages, attached to this Order in Council, be made.

YVES OUELLET

Clerk of the Conseil exécutif

Regulation respecting certain temporary measures relating to the Fonds d'indemnisation des clients des agents de voyages

Travel Agents Act
(chapter A-10, s. 36, 1st par., subpar *c.1*)

1. Despite the first and second paragraphs of section 39 and section 39.01 of the Regulation respecting travel agents (chapter A-10, r. 1), the amount of the contribution of customers of travel agents to the Fonds d'indemnisation des clients des agents de voyages is, until 31 December 2023, 0.35% of all tourist services purchased.

2. Despite section 43.3 of the Regulation, the total amount of indemnities for the COVID-19 pandemic event may not exceed 75% of the surplus accumulated in the fund as of 31 March 2019.

The lower threshold of \$30M provided for in that section does not apply until 31 December 2023. In addition, after that date, the threshold does not apply until the surplus accumulated in the fund reaches \$50M.

The COVID-19 pandemic event is deemed to end on 31 December 2021.

Any fact giving rise to reimbursement or indemnification that occurs after 31 December 2021, even if it is attributable to the pandemic, is deemed, for reimbursement or indemnification purposes, to be part of another event.

3. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*, except section 1, which comes into force on 1 November 2021.

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