

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

THAT the Amended Basic school regulation for preschool, elementary and secondary education for the 2022-2023 school year, attached to this Order in Council, be made.

YVES OUELLET

Clerk of the Conseil exécutif

Amended Basic school regulation for preschool, elementary and secondary education for the 2022-2023 school year

Education Act

(chapter I-13.3, s. 447, 1st par., 2nd par., subpar. 1, and 3rd par., subpar.4)

1. Section 30.3 of the Basic school regulation for preschool, elementary and secondary education (chapter I-13.3, r. 8) is to be read as follows for the 2022-2023 school year:

“**30.3.** Subject to section 34 of this Basic school regulation and section 470 of the Act, a student’s result for an examination set by the Minister is worth 10% of the student’s final mark.”.

2. Section 34 is to be read as follows for the 2022-2023 school year:

“**34.** For all programs of studies offered at the secondary level that lead to a Secondary School Diploma, the pass mark is 60%.

For all programs of studies for which the Minister sets an examination, the Minister shall take into account the summative evaluation of the student transmitted by the school service centre in a proportion of 80%, subject to section 470 of the Education Act (chapter I-13.3). The Minister shall then certify success or failure in that program.”.

3. This Regulation applies despite any inconsistent provision of the Basic school regulation for preschool, elementary and secondary education (chapter I-13.3, r. 8).

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

105809

Gouvernement du Québec

O.C. 1140-2022, 15 June 2022

Individual and Family Assistance Act
(chapter A-13.1.1)

Individual and Family Assistance — Amendment

Regulation to amend the Individual and Family Assistance Regulation

WHEREAS, under paragraphs 8, 9 and 10 of section 131 of the Individual and Family Assistance Act (chapter A-13.1.1), for the purposes of Title I of the Act, the Government may make regulations

— determining the cases in which and the conditions under which a child is not a person’s dependant or is a dependant of another adult than the child’s father or mother and designating that adult;

— determining the circumstances in which a person remains, ceases to be or becomes a member of a family;

— determining the cases in which and the conditions under which an adult resides in Québec;

WHEREAS, under paragraphs 1, 2, 4, 7, 8, 10, 13, 14 and 17 of section 132 of the Act, for the purposes of the Social Assistance Program, the Government may make regulations

— determining basic benefit amounts and the cases in which and the conditions under which those amounts are to be granted;

— determining the maximum amount of liquid assets referred to in the second paragraph of section 48 of the Act;

— determining the cases in which and the conditions under which providing childcare to a dependent child renders an independent adult or an adult member of a family eligible for a temporarily limited capacity allowance;

— determining the amount of the temporarily limited capacity allowance and the adjustments for adults and for dependent children, and determining the cases in which and the conditions under which those amounts are to be granted;

— prescribing special benefit amounts to provide for certain particular needs, and determining the cases in which and the conditions under which they are to be granted;

— excluding, for the purpose of calculating a benefit, any or all of the income, earnings, benefits, liquid assets and property of a person eligible under the program;

— prescribing standards applicable to the income, earnings, benefits, liquid assets and property of a self-employed worker and the cases in which and the conditions under which the standards are to be applied;

— prescribing a method for determining the value of property, and determining the percentage applicable to that value;

— prescribing a method for calculating a benefit for the month of application, and determining the maximum amount of liquid assets at the time of the application;

WHEREAS, under paragraphs 2, 2.1 and 3 of section 133 of the Act, for the purposes of the Social Solidarity Program, the Government may make regulations

— prescribing, for the purposes of the first paragraph of section 72 of the Act, the amounts of the adjustments for adults, which may vary according to the time elapsed since they became recipients under the program, and determining the cases in which and the conditions under which those amounts are to be granted;

— prescribing, for persons referred to in the second paragraph of section 72 of the Act, the periods that may be considered in calculating the time provided for in the first paragraph of that section and determining the cases in which and the conditions under which such periods are considered;

— prescribing, for the purposes of the third paragraph of section 72 of the Act, more flexible rules concerning the matters referred to in that paragraph;

WHEREAS, under paragraph 1 of section 133.1 of the Act, for the purposes of the Aim for Employment Program, the Government may make regulations prescribing, for the purposes of the second paragraph of section 83.1 of the Act, the cases in which and the conditions under which a person is required to participate in the Aim for Employment Program;

WHEREAS, under paragraphs 1 to 9 of section 133.2 of the Act, for the purposes of the Basic Income Program, the Government may make regulations

— prescribing, for the purposes of the first paragraph of section 83.17 of the Act, the period during which a person must have a severely limited capacity for employment and be a recipient under the Social Solidarity Program, as well as the other eligibility requirements for the program;

— prescribing, for the purposes of the second paragraph of section 83.17 of the Act, the cases in which and the conditions under which a person who has a severely limited capacity for employment that should in all likelihood prevent the person from acquiring economic self-sufficiency permanently or indefinitely is also eligible under the Basic Income Program;

— prescribing, for the purposes of the second paragraph of section 83.18 of the Act, the cases in which and the conditions under which a person may elect not to take advantage of the program;

— prescribing, for the purposes of the third paragraph of section 83.18 of the Act, the cases in which and the conditions under which a person may apply to take advantage of the program;

— prescribing, for the purposes of section 83.19 of the Act, the cases in which and the conditions under which a person who is no longer eligible under the program becomes eligible again;

— prescribing, for the purposes of section 83.21 of the Act, the method for calculating the basic income;

— prescribing, for the purposes of the third paragraph of section 83.21 of the Act, the exceptions to the cases in which and the conditions under which a special benefit is granted;

— prescribing, for the purposes of section 83.22 of the Act, the cases in which and the conditions under which a person may own certain property or liquid assets;

— prescribing, for the purposes of section 83.23 of the Act, the terms for payment of the basic income;

WHEREAS, under paragraphs 1, 2, 4, 5, 8, 9 and 10 of section 134 of the Act, for the purposes of Chapter II of Title III, the Government may make regulations

— determining that all or part of a recoverable amount need not be repaid by the debtor;

— determining, for the purposes of section 87 of the Act, the other cases in which and the conditions under which an amount granted is recoverable;

— determining the conditions under which an amount under section 91 of the Act is recoverable and the rules of calculation;

— prescribing the conditions of repayment of an amount owed to the Minister;

— prescribing the maximum amount the Minister may withhold for application to the repayment of a debt, and determining the cases in which and the conditions under which the withholding is to be suspended;

— setting, for the purposes of section 102 of the Act, the calculation rules for establishing the amount below which an amount granted may not be reduced when an amount is withheld;

— determining, for the purposes of section 106.1 of the Act, the more flexible rules applicable to a voluntary declarant;

WHEREAS, under section 135 of the Act, for the purposes of section 119, the Government may make regulations determining the cases in which and the conditions under which the Minister is required to pay interest and prescribing the interest rate;

WHEREAS certain provisions of the Act mainly to introduce a basic income for persons with a severely limited capacity for employment (2018, chapter 11) come into force on the date set in Order in Council 1139-2022 dated 15 June 2022;

WHEREAS the Government made the Individual and Family Assistance Regulation (chapter A-13.1.1, r. 1);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Individual and Family Assistance Regulation was published in Part 2 of the *Gazette officielle du Québec* of 23 March 2022 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour, Employment and Social Solidarity:

THAT the Regulation to amend the Individual and Family Assistance Regulation, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Individual and Family Assistance Regulation

Individual and Family Assistance Act
(chapter A-13.1.1, ss. 131, 132, 133, 133.1, 133.2, 134 and 135)

1. The Individual and Family Assistance Regulation (chapter A-13.1.1, r. 1) is amended in section 3 by inserting “, the Basic Income Program” after “Aim for Employment Program” in the first paragraph.

2. The following is added after section 3:

“**3.1.** For the purposes of this Regulation, an independent adult is an adult who has no spouse or dependent child.

The provisions applicable to an independent adult apply to an adult who is a recipient under a last resort financial assistance program and has a spouse who is a recipient under the Basic Income Program.”

3. The following is added after section 12:

“**12.1.** Where the parents of a child cohabit and at least one of them is a recipient under the Basic Income Program, the child is a dependant

(1) of the parent who is a recipient under the program, where only one of them is a recipient under the program; or

(2) of the parent whom they jointly designate, where they are both recipients under the program.

If the parents referred to in subparagraph 2 of the first paragraph have 2 or more children born of their union, only one of them may be designated as having the children as dependants.

Such designation may be jointly modified at the beginning of each new reference period.

The parent so designated must inform the Minister. A parent designated in accordance with the third paragraph must inform the Minister before the beginning of the reference period.”

4. Section 16.1 is amended by replacing “or the Aim for Employment Program” by “, the Aim for Employment Program or the Basic Income Program”.

5. The following is added after section 19:

“**19.1.** Despite section 19, for the purposes of a last resort financial assistance program and the Aim for Employment Program,

(1) an adult who is no longer eligible under the Basic Income Program for a reason provided for in subparagraph 4 of the second paragraph of section 19 is not considered to form a family with his or her spouse for 3 months following the beginning of his or her incarceration or detention;

(2) an adult who is no longer eligible under the Basic Income Program is not considered to form a family with his or her spouse for 3 months following his or her ineligibility, where his or her liquid assets considered pursuant to subparagraph *e* of subparagraph 3 of the second paragraph of section 177.60 are equal to or greater than the amount of the basic benefit applicable to him or her, increased, if applicable, by the adjustments to which he or she is entitled and the total of his or her other resources taken into consideration pursuant to subparagraph 3 of the second paragraph of section 177.60 is equal to zero; and

(3) where an adult has a spouse who is a recipient under the Basic Income Program and the spouse dies, they are considered to form a family for 3 months following the month of death.”

6. Section 21 is amended by inserting “or has a spouse residing in Québec” after “Québec” in paragraph 4.

7. Section 32 is amended

(1) in paragraph 3

(a) by striking out “independent”;

(b) by inserting “, 83.9” after “sections 49”;

(2) by striking out “independent” in paragraph 4.

8. Section 41 is amended by inserting “or the Basic Income Program” after “program” in subparagraph 3 of the first paragraph.

9. Section 52 is amended by inserting the following after the second paragraph:

“In the case of an adult with a spouse who is a recipient under the Basic Income Program, the amounts to be considered are those applicable to the situation of only 1 adult.”

10. Section 53 is amended by inserting the following after the second paragraph:

“In the case of an adult with a spouse who is a recipient under the Basic Income Program, the amounts to be considered are those applicable to the situation of only 1 adult.”

11. Section 57 is amended

(1) by inserting “or the Basic Income Program” after “program” in paragraph 1;

(2) by adding the following paragraph at the end:

“Despite the second paragraph of section 3.1, the first paragraph does not apply in the case of an adult with a spouse who is a recipient under the Basic Income Program.”

12. Section 62 is amended

(1) by inserting “, except, despite the second paragraph of section 3.1, an adult with a spouse who is a recipient under the Basic Income Program,” after “independent adult” in the first paragraph;

(2) by adding the following after the second paragraph:

“In the case of an adult with a spouse who is a recipient under the Basic Income Program, a temporarily limited capacity allowance is added to the basic benefit if the adult provides childcare to the adult’s dependent child who is under 5 years of age on the previous 30 September or, if the child is 5 years of age on that date, if no full-time kindergarten class is available for the child and if the adult’s spouse who is a recipient under the Basic Income Program is in one of the situations referred to in subparagraphs 1 to 3 of the second paragraph.”

13. Section 67.1 is amended by adding the following after the third paragraph:

“In the case of an adult with a spouse who is a recipient under the Basic Income Program, the amount of the adjustment is the amount applicable to the situation provided for in subparagraph 2 of the first paragraph, unless the adult and spouse reside in the same dwelling unit as another independent adult or another family. If applicable, the amount of the adjustment is the amount applicable to the situation provided for in subparagraph 1 of the first paragraph.”

14. Section 67.3 is amended by inserting “or, despite the second paragraph of section 3.1, of a recipient under the Basic Income Program” after “student” in subparagraph 6 of the first paragraph.

15. Section 68 is amended by inserting “, except, despite the second paragraph of section 3.1, an adult with a spouse who is a recipient under the Basic Income Program,” after “adult”.

16. Section 74 is amended by replacing “adults,” in the second paragraph by “adults or an adult with a spouse who is a recipient under the Basic Income Program.”

17. Section 79 is amended by adding the following at the end:

“In the case of an adult with a spouse who is a recipient under the Basic Income Program, the amounts to be considered are the amounts applicable to the situation of a family that includes only 1 adult.”

18. Section 82 is amended by inserting “referred to in the first paragraph, the adult referred to in the second paragraph of section 177.76” after “adult” in the second paragraph.

19. Section 88.1 is amended by striking out “independent” in the sixth paragraph.

20. Section 89 is amended by striking out “independent” in the third paragraph.

21. Section 90 is amended by striking out “independent” in the third paragraph.

22. Section 93 is amended by inserting the following after the second paragraph:

“Despite the second paragraph of section 3.1, in the case of an adult with a spouse who is a recipient under the Basic Income Program, a special benefit referred to in this section is granted to only one of them.”

23. Section 100 is amended by inserting “and that adult, despite the second paragraph of section 3.1, does not have a spouse who is a recipient under the Basic Income Program” after “member” in paragraph 2.

24. Section 101 is amended by adding the following paragraph at the end:

“The special benefit may be granted to the mother where the child is a dependant of the other parent pursuant to the first paragraph of section 12.1.”

25. Section 109 is amended in the first paragraph

(1) by striking out “independent” after “suffered by an” in the portion before subparagraph 1;

(2) in subparagraph 1

(a) by inserting “, subject to subparagraph c,” after “person” in subparagraph *a* and striking out “and” at the end of subparagraph *a*;

(b) by replacing “adult; and” in subparagraph *b* by “adult, except, despite the second paragraph of section 3.1, an independent adult with a spouse who is a recipient under the Basic Income Program; or”;

(c) by adding the following after subparagraph *b*:

“(c) \$1,000 per adult where they are spouses and at least one of them is a recipient under the Basic Income Program, plus \$500 per dependent child, up to a maximum of \$4,000 for all of those persons; and”;

(3) by striking out “independent” in subparagraph 2.

26. Section 111 is amended by inserting “, except, despite the second paragraph of section 3.1, an independent adult with a spouse who is a recipient under the Basic Income Program” after “mother” in paragraph 5.

27. Section 116 is amended by inserting the following after the second paragraph:

“In the case of an adult with a spouse who is a recipient under the Basic Income Program, the amounts to be considered are the amounts applicable to the situation of only 1 adult.”

28. Section 128 is amended by inserting “, subject to the third paragraph of section 177.101,” after “include” in the first paragraph.

29. Section 132 is amended by inserting the following after the second paragraph:

“In the case of an adult with a spouse who is a recipient under the Basic Income Program, the amounts to be considered are the amounts applicable to the situation of only 1 adult.”

30. Section 138 is amended by adding the following:

“(17) for the month in which it is received, financial assistance to contribute to the needs of a child born as a result of a sexual aggression received retroactively

pursuant to the Act to assist persons who are victims of criminal offences and to facilitate their recovery (chapter P-9.2.1).”

31. Section 142 is amended by inserting “or the Aim for Employment Program” after “program” in the second paragraph.

32. Section 147 is amended by inserting “, except, despite the second paragraph of section 3.1, an independent adult with a spouse who is a recipient under the Basic Income Program,” after “adult” in paragraph 2.

33. Section 151 is amended

(1) by inserting “or, despite the second paragraph of section 3.1, an adult with a spouse who is a recipient under the Basic Income Program” after “family”;

(2) by adding the following paragraph at the end:

“The total property value is determined taking into account section 177.92.”

34. Section 157.1, replaced by section 2 of the Regulation to amend the Individual and Family Assistance Regulation, made by Order in Council 1509-2021 dated 1 December 2021, is amended by striking out the second paragraph.

35. Section 157.2, introduced by section 2 of the Regulation to amend the Individual and Family Assistance Regulation, made by Order in Council 1509-2021 dated 1 December 2021, is revoked.

36. Section 158 is amended by adding the following paragraph at the end:

“The same applies in the case of a family in which the adult member has a spouse who is a beneficiary under the Basic Income Program.”

37. Section 160 is amended by striking out “independent”.

38. Section 161 is amended by striking out “independent”.

39. Section 169 is amended by inserting “, an adult who is sheltered and has a spouse who is a beneficiary under the Basic Income Program” after “an adult who is sheltered” in the second paragraph.

40. Section 171, amended by section 5 of the Regulation to amend the Individual and Family Assistance Regulation, made by Order in Council 1509-2021 dated

1 December 2021, is further amended by inserting “or the Aim for Employment Program” after “financial assistance program” in the third paragraph.

41. Section 173 is amended by inserting “or the Aim for Employment Program” after “program” in the third paragraph.

42. Section 177.1 is amended in the third paragraph

(1) by replacing “third paragraph” in subparagraph 2 by “fourth paragraph”;

(2) by replacing “fourth” in subparagraph 3 by “fifth”;

(3) by replacing “third paragraph” in subparagraph 5 by “fourth paragraph”;

(4) by replacing “fourth” in subparagraph 6 by “fifth”;

(5) by replacing “third paragraph” in subparagraph 11 by “fourth paragraph”;

(6) by replacing “fourth” in subparagraph 12 by “fifth”;

(7) by inserting “, 133” after “sections 132” in subparagraph 13.

43. Section 177.9 is amended by inserting “or the Basic Income Program” after “program” in paragraph 2.

44. Section 177.10 is amended by inserting “or the Basic Income Program” after “Program” in paragraph 1.

45. The following is inserted after section 177.42:

“TITLE IV.2

BASIC INCOME PROGRAM

CHAPTER I

ELIGIBILITY

DIVISION I

GENERAL ELIGIBILITY REQUIREMENTS

177.43. A person is eligible under the Basic Income Program where, for 66 months during the preceding 72 months, the person had a severely limited capacity for employment and is a recipient under the Social Solidarity Program as an adult.

177.44. An adult is eligible under the program where, in addition to meeting the conditions set out in section 177.43, the adult

(1) has a spouse and is required to reside in a half-way house in the cases and on the conditions set out in 26;

(2) is covered by section 47; or

(3) attends a secondary-level educational institution in a vocational program or a postsecondary educational institution.

DIVISION II CALCULATION OF THE ELIGIBILITY PERIOD

177.45. For the purposes of calculating the period provided for in section 177.43, the following months are considered:

(1) the months during which an adult was no longer eligible under the Social Solidarity Program and was eligible to receive dental and pharmaceutical services pursuant to section 48;

(2) the months during which the parent of a person who applies for eligibility under the program received, in respect of that person, the supplement for handicapped children requiring exceptional care pursuant to the Taxation Act (chapter I-3).

The months during which a person received, while residing in Québec, an amount equivalent to the social solidarity allowance under an on-reserve income assistance program of the Government of Canada are also considered.

177.46. For the purposes of calculating the period provided for in section 177.43, the months during which a person, while residing in Québec, received the following are considered:

(1) a disability pension or an additional amount for disability after retirement pursuant to the Act respecting the Québec Pension Plan (chapter R-9);

(2) a disability pension or a post-retirement disability benefit payable under the Canada Pension Plan (R.S.C. 1985, c. C-8);

(3) a disability allowance under the War Veterans Allowance Act (R.S.C. 1985, c. W-3).

A month that may be considered for the purposes of the first paragraph may be considered only once, when the person becomes eligible under the Social Solidarity Program for the first time.

177.47. For the purposes of calculating the period provided for in section 177.43, the months are not considered during which the adult or family

(1) was a recipient of financial assistance granted pursuant to section 49 of the Act, where an agreement was entered into with the Minister providing for repayment of the full amount of assistance paid; or

(2) was a recipient of financial assistance that might have to be repaid pursuant to section 88 or 90 of the Act, except only adjustments for dependent children referred to in subdivision 3 of Division II of Chapter III of Title IV.

Despite the first paragraph, the months referred to therein and for which the assistance paid would no longer have to be repaid in full are considered for the purposes of calculating the period provided for in section 177.43.

DIVISION III INITIAL ADMISSION TO THE PROGRAM

177.48. On initial admission to the Basic Income Program, a person must, for the month following the month of application, be eligible to receive a social solidarity allowance due to a deficit in resources compared to needs, while also considering, if applicable, the resources of the person's spouse and any dependent child.

The deficit is determined without taking into account any special benefit that might be granted to those persons under section 83.

In addition, no sum is taken into account that a person may receive and that is provided for in subparagraphs 1 to 3 of the first paragraph of section 177.46.

177.49. A person eligible under the program may choose, one time only, not to participate in it. In that case, the person must so inform the Minister in the form and manner determined by the Minister and not later than 6 months after the date he or she becomes eligible under the program for the first time.

THAT decision takes effect from the month following the month in which the Minister is informed thereof.

177.50. A person who has chosen not to participate in the program may nonetheless, at any time thereafter, ask to be admitted to the program by submitting to the Minister an application for that purpose, in the form and manner determined by the Minister.

The person must then meet the conditions set out in Divisions I to III.

DIVISION IV READMISSION TO THE PROGRAM

177.51. A person may be readmitted to the program as of the date on which the situation that rendered the person ineligible ceases. An application for readmission must be submitted to the Minister in the form and manner determined by the Minister.

177.52. To be readmitted to the program, a person is not required to meet the conditions of section 177.43. The person must nonetheless have a severely limited capacity for employment at the time of the application.

The person must also, for the month of the application, be eligible to receive a basic income due to the fact that he or she has a deficit in resources compared to needs, without taking into account any special benefit that might be granted to the person or, if applicable, to which any of his or her dependent children might have been entitled.

DIVISION V MONTH OF THE APPLICATION AND REFERENCE PERIOD

§1. Month of the application

177.53. For the month of the application, the basic benefit and, if applicable, the adjustments referred to in sections 177.73 and 177.74 are determined without taking into account the number of days elapsed in the month in which the application is submitted to the Minister.

177.54. An application for eligibility is made on the date on which the form provided by the Minister, duly completed and signed, is received by the Minister.

If the Minister has already received a written document from the applicant indicating the applicant's intent to make an application, the date of application is the date on which the Minister receives the document, if the form provided by the Minister is completed and signed within a reasonable time.

177.55. A statement by an adult who is sheltered to the effect that the adult wishes to be exempted from paying the price of the shelter stands in lieu of a validly completed application for eligibility if the statement contains the information relevant to such an application.

177.56. A person who was a recipient under the Social Solidarity Program in the month preceding the person's admission to the Basic Income Program is presumed to have submitted an application for financial assistance to the Minister in the month of that admission.

§2. Reference period

177.57. For the purposes of this Title, a reference period has a duration of 12 months and begins on 1 July of each year.

177.58. Despite section 177.57, the reference period of an adult admitted to the Basic Income Program during the period corresponds to the remaining duration of the period.

An adult admitted on 1 July of a year is considered admitted during a reference period.

CHAPTER II FINANCIAL ASSISTANCE

DIVISION I BASIC INCOME AND CALCULATION METHOD

177.59. The basic income is granted to an adult from the month in which the adult becomes eligible under the program.

177.60. The basic income of an adult is determined, for each month, by considering the adult's situation as provided for in this Chapter.

It is equal to the deficit in resources compared to needs, which is calculated by

(1) determining the amount of the basic benefit applicable to the adult;

(2) increasing it, if applicable, by the adjustments provided for in sections 177.73 and 177.74; and

(3) subtracting from the amount obtained pursuant to subparagraphs 1 and 2, except to the extent that they are excluded,

(a) the income, earnings and other benefits earned or received by the adult that are considered pursuant to section 177.77;

(b) the amount determined for the income, earnings and other annual benefits that the adult received, according to the calculation method provided for in section 177.79;

(c) the amount determined for the income, earnings and other annual benefits that the adult's spouse received, according to the calculation method provided for in section 177.80;

(d) the amount obtained by applying the percentage determined to the value of the property that the adult owns in accordance with section 177.91; and

(e) the liquid assets that the adult and spouse own on the last day of the preceding month.

In addition, if the amount obtained pursuant to the application of the second paragraph is greater than zero, the basic revenue is increased, if applicable, by the special benefits as provided for in section 177.76.

If the amount obtained is equal to or less than zero, the adult is no longer eligible under the program.

177.61. The amounts provided for in subparagraphs *b*, *c* and *d* of subparagraph 3 of the second paragraph of section 177.60 are determined for the full duration of a reference period.

177.62. Despite the fourth paragraph of section 177.60, an adult continues to be admitted to the program, but does not receive a basic income, each month in which the adult meets the following conditions:

(1) his or her income, earnings and other benefits considered pursuant to subparagraph *a* of subparagraph 3 of the second paragraph of section 177.60 are equal to or greater than the amount of the basic benefit that is applicable to him or her, increased, if applicable, by the adjustments to which he or she is entitled;

(2) the total of his or her resources taken into consideration pursuant to subparagraphs *b* to *e* of subparagraph 3 of the second paragraph of section 177.60 is equal to zero;

(3) he or she has a spouse who is a recipient under a last resort financial assistance program on the last day of the preceding month.

177.63. Despite the fourth paragraph of section 177.60, an adult continues to be admitted to the program, but does not receive a basic income, unless the adult continues to be eligible to receive the dental and pharmaceutical services referred to in section 48 each month in which he or she meets the following conditions:

(1) the allowances that he or she receives and that are considered pursuant to subparagraph 8 of the first paragraph of section 177.77 are equal to or greater than the amount of the basic benefit that is applicable to him or her, increased, if applicable, by the adjustments to which he or she is entitled;

(2) the total of his or her resources taken into consideration pursuant to subparagraphs *b* to *e* of subparagraph 3 of the second paragraph of section 177.60 and subparagraphs 1 to 7 and 9 to 11 of the first paragraph of section 177.77 is equal to zero;

(3) he or she has a spouse who is a recipient under a last resort financial assistance program on the last day of the preceding month.

177.64. An adult who is not eligible under the program continues to receive the dental and pharmaceutical services referred to in section 48 each month in which the adult meets the following conditions:

(1) the allowances that he or she receives and that are considered pursuant to subparagraph 8 of the first paragraph of section 177.77 are equal to or greater than the amount of the basic benefit that is applicable to him or her, increased, if applicable, by the adjustments to which he or she is entitled;

(2) the total of his or her resources taken into consideration pursuant to subparagraphs *b* to *e* of subparagraph 3 of the second paragraph of section 177.60 and subparagraphs 1 to 7 and 9 to 11 of the first paragraph of section 177.77 is equal to zero;

(3) on the last day of the preceding month, he or she has a spouse who is a recipient under the Basic Income Program or who is eligible to receive the dental and pharmaceutical services referred to in section 48 pursuant to this section or does not have a spouse.

177.65. The basic income of an adult admitted to the program for the first time is determined pursuant to this Chapter, subject to sections 177.66 to 177.68.

177.66. The income, earnings and other annual benefits of an adult referred to in section 177.65 are not taken into consideration during the adult's first reference period.

177.67. Where an adult referred to in section 177.65 has a spouse at the time the adult is admitted, the income, earnings and other annual benefits of the spouse are not taken into consideration during his or her first reference period.

177.68. The amount to be considered during the first reference period for the value of the property of an adult referred to in section 177.65 is determined by taking into account his or her situation on the last day of the month preceding the application.

In the case of an adult admitted to the program for the first time between 1 January and 30 June of a year, the amount is determined in the same way for the subsequent reference period.

177.69. The basic income of an adult readmitted to the program is established pursuant to this Chapter.

DIVISION II

BASIC BENEFIT AND AMOUNTS THAT MAY INCREASE IT

177.70. The basic benefit granted to an adult is \$1,138.

177.71. The basic benefit of an independent adult who is sheltered, an independent adult referred to in the second paragraph of section 60 and an independent adult required to reside in an institution corresponds to the amount of the personal expense allowance referred to in the second paragraph of section 512 of the Act respecting health services and social services (chapter S-4.2). The amount is published in Part I of the *Gazette officielle du Québec*.

177.72. The basic benefit of a person referred to in section 177.71 is adjusted for the month in which a change in circumstances results in an increased benefit amount, after deducting, if applicable, the special benefit provided for in section 82 granted to pay the dwelling expenses for the month of the adjustment.

177.73. The basic benefit granted to an adult without a spouse on the last day of the preceding month is adjusted by \$337.

The adjustment may not be granted to a person referred to in section 177.71.

177.74. The basic benefit is adjusted, based on the adult's situation on the last day of the preceding month,

(1) by \$20 for each of the adult's minor dependent children; and

(2) by \$345 for each of the adult's dependent children of full age attending a secondary-level educational institution in a vocational program or a postsecondary educational institution.

177.75. An adjustment provided for in section 177.73 or 177.74 is granted from the month following the month in which a change of circumstances occurs.

177.76. Where the basic benefit granted to an adult may be increased by special benefits pursuant to the third paragraph of section 177.60, it may be increased by all such special benefits to which the adult or any of his or her dependent children would have been entitled under the Social Solidarity Program, except

(1) the special benefit provided for in section 107; and

(2) the special benefit provided for in paragraph 2 of section 100, if the adult has a spouse.

In addition, the special benefits provided for in the second paragraph of section 81 and in section 82 may be granted to an adult who has a spouse.

Subdivision 4 of Division II of Chapter III of Title IV applies to the granting of a special benefit.

DIVISION III

INCOME, EARNINGS AND OTHER BENEFITS

177.77. The income, earnings and other benefits that an adult earned or received during the preceding month and that are considered for the purposes of subparagraph *a* of subparagraph 3 of the second paragraph of section 177.60 are the following:

(1) the amount of the income replacement indemnities received under a public or private compensation plan;

(2) sums received as retirement benefits under a public or private pension plan, including

(a) sums received as pension under the Old Age Security Act (R.S.C. 1985, c. O-9) and the net amount of federal supplements paid that must be taken into consideration for the purposes of determining the adult's net income pursuant to Part I of the Taxation Act (chapter I-3);

(b) benefits received under the Act respecting the Québec Pension Plan (chapter R-9) or under a similar plan within the meaning of paragraph *u* of section 1 of that Act, except death benefits received in accordance with section 168 of that Act or a similar provision of the similar plan;

(c) sums received under a pooled registered pension plan;

(d) a retirement income security benefit received under the Veterans Well-being Act (S.C. 2005, c. 21);

(e) sums received under a specified pension plan or from such a plan; and

(f) sums received under a foreign retirement arrangement established under the legislation of a country or from such an arrangement;

(3) sums received as a benefit out of or under a registered retirement savings plan, except a withdrawal excluded for the purposes of the Home Buyers' Plan or the Lifelong Learning Plan whose provisions are provided for, respectively, in Title IV.1 and Title IV.2 of Book VII of Part I of the Taxation Act;

(4) sums received under a registered retirement income fund;

(5) sums received under a deferred profit sharing plan;

(6) income replacement benefits received under the Veterans Well-being Act the amount of which is determined under subsection 1 of section 19.1, paragraph *b* of subsection 1 of section 23 or subsection 1 of section 26.1 of that Act, as modified, where applicable, under Part 5 of that Act;

(7) sums received under an income-averaging annuity, an advanced life deferred annuity or as pension;

(8) employment-assistance allowances paid by the Minister and employment-assistance allowances paid by a third party and recognized as such by the Minister, exceeding \$222 per month or, if the person has no spouse but has a dependent child, exceeding \$353 per month;

(9) support allowances paid by a third party and recognized as such by the Minister, exceeding \$130 per month;

(10) sums received as living expenses pursuant to the Regulation respecting financial assistance for education expenses (chapter A-13.3, r. 1);

(11) amounts paid as maternity, paternity, parental or adoption benefits under the Act respecting parental insurance (chapter A-29.011) or as maternity, parental, compassionate care or employment insurance benefits under the Employment Insurance Act (S.C. 1996, c. 23).

All the income, earnings and other benefits referred to in the first paragraph are considered, whether they were received by the adult during the month or the adult is entitled to receive them.

Section 124 applies to this section.

177.78. For the purposes of calculating basic income, the amounts taken into consideration as income, earnings and other annual benefits of the adult and, if applicable, his or her spouse are those entered in their respective income tax return for the calendar year preceding the reference period concerned, confirmed by their respective notice of assessment or, failing that, those entered in their sworn statements of income for that same calendar year referred to in section 177.83.

177.79. The income, earnings and other annual benefits of an adult that are considered for the purposes of subparagraph *b* of subparagraph 3 of the second paragraph of section 177.60 are determined for the reference period concerned by

(1) determining the adult's net income for the calendar year preceding the reference period pursuant to Part I of the Taxation Act (chapter I-3);

(2) increasing the amount of the contributions paid into a registered retirement savings plan for the adult's benefit or that of the adult's spouse, except those paid into a group registered retirement savings plan offered by an employer, that is deducted in the calculation of the net income for that calendar year under paragraph *b* of section 339 of the Taxation Act, where that paragraph refers to sections 922 and 923 of that Act;

(3) subtracting the following amounts received during the calendar year preceding the reference period:

(a) the sums received as last resort financial assistance benefits and basic income;

(b) the amounts already taken into consideration pursuant to subparagraphs 1 to 7, 10 and 11 of the first paragraph of section 177.77; and

(c) the allowances referred to in subparagraphs 8 and 9 of the first paragraph of section 177.77, including the excess amounts provided for therein.

The amount to be considered is then determined by multiplying by 55% the amount obtained as a result of the operations performed in the first paragraph that exceeds the amount obtained by multiplying by 12 the amount provided for in section 177.70, then dividing it by 12.

In the case of a claim made following a false declaration concerning the income, earnings and other benefits referred to in this section, the amount to be considered is the amount obtained as a result of the operations performed in the first paragraph, divided by 12.

177.80. The income, earnings and other annual benefits of an adult's spouse who are considered for the purposes of subparagraph *c* of subparagraph 3 of the second paragraph of section 177.60 are determined for the reference period concerned by

(1) determining the adult's net income for the calendar year preceding the reference period pursuant to Part I of the Taxation Act (chapter I-3);

(2) increasing the amount of the contributions paid into a registered retirement savings plan for the adult's benefit or that of the adult's spouse, except those paid into a group registered retirement savings plan offered by an employer, that is deducted in the calculation of the net income for that calendar year under paragraph *b* of section 339 of the Taxation Act, where that paragraph refers to sections 922 and 923 of that Act.

The amount to be considered is determined by multiplying by 30% the amount obtained following the operations carried out in the first paragraph exceeding \$28,000, then dividing it by 12.

In the case of a claim made following a false declaration concerning the income, earnings and other benefits referred to in this section, the amount to be considered is the amount obtained following the operations carried out in the first paragraph, divided by 12.

177.81. For the purposes of the first paragraph of section 177.79 and the first paragraph of section 177.80, where an adult or the adult's spouse has not, for the purposes of the Taxation Act (chapter I-3), resided in Canada throughout the calendar year preceding a reference period, the net income for that calendar year is deemed to be equal to the net income that would be determined in his or her respect for that calendar year under Part I of that Act, if the person had, for the purposes of that Act, resided in Québec and in Canada throughout the calendar year.

177.82. An adult and, if applicable, the adult's spouse, is deemed to earn the income from employment that would have been received if he or she did not take advantage of work time reduction measures or leave without pay measures available under the conditions of employment applicable to him or her, unless that decision was made for a serious reason, in particular because of the state of health of the adult, the adult's spouse or a member of the family, or if he or she is receiving benefits granted under the Act respecting parental insurance (chapter A-29.011) or section 22 or 23 of the Employment Insurance Act (S.C. 1996, c. 23).

§1. Filing of the income tax return

177.83. A person admitted to the program must, not later than 31 October of each year, send to the Minister his or her income tax return for the preceding year filed pursuant to the Taxation Act (chapter I-3) and, if applicable, his or her spouse's income tax return.

A person who did not file an income tax return must, within the same time limit and in the form and manner determined by the Minister, send a sworn statement of his or her income for the preceding calendar year. The person must include with it, if applicable, a sworn statement of income produced by his or her spouse if the latter did not file an income tax return.

Where it is impossible for a person admitted to the program to send the income tax return or sworn statement of income of his or her spouse because of violence on the spouse's part against the person or a dependent child, the person may submit a sworn statement of the spouse's income.

177.84. In case of failure to comply with an obligation provided for in section 177.83, the Minister may reduce the basic income by \$500 per month as of 1 November following, for so long as the failure of compliance continues.

Where a reduction would result in the basic income being reduced below 50% of the amount to which the adult would have been entitled without the failure of compliance, the reduction imposed is fixed at 50%.

The amounts corresponding to the reductions are nonetheless paid without interest to a recipient who remedies the failure of compliance not later than 31 March of the following year.

177.85. The Minister may, after the date provided for in the third paragraph of section 177.84, refuse to pay the amounts corresponding to the reductions and reduce or cease to pay the financial assistance.

177.86. Sections 177.83 to 177.85 do not limit the scope of section 83.25 of the Act insofar as it refers to sections 30 and 36 of that Act.

§2. Reassessment

177.87. An adult may, at any time, apply to the Minister, in the form and manner determined by the Minister, to reduce the amount taken into consideration as income, earnings and other annual benefits for the purposes of calculating the adult's basic income, pursuant to section 177.79.

The amount may be reduced if the total of the income, gains and other annual benefits that the adult received for at least two consecutive years, projected on an annual basis, has decreased by at least 50% compared to the total that was taken into consideration.

The same applies in the case of the income, gains and other annual benefits of the adult's spouse compared to the amount that was taken into consideration pursuant to the second paragraph of section 177.80.

The amount may not be reduced if, before the reduction is granted, the adult or the adult's spouse, as the case may be, can reasonably expect that the decrease will cease before the end of the reference period in which it occurs.

177.88. A reduction in the amount taken into consideration as a result of a reassessment is applicable from the month following the month in which the decrease began and for the remainder of the reference period.

177.89. For the purposes of section 177.60, the terms used in subparagraphs *a*, *b* and *c* of subparagraph 3 of the second paragraph of that section and in sections 177.77 and 177.79 to 177.81 have the meaning assigned by the Taxation Act (chapter I-3), except the term "spouse".

DIVISION IV PROPERTY

177.90. The value of the property that an adult owns is excluded up to a total amount of \$500,000 for the purposes of calculating the basic income.

The amount provided for in the first paragraph includes the amount of liquid assets that are considered to be property pursuant to sections 177.102 and 177.103.

177.91. For the purposes of calculating the basic income, the amount to be considered is determined by multiplying by 15% the value of the property exceeding \$500,000, then dividing it by 12.

The amount to be considered for the value of property is determined for the reference period concerned, taking into account the adult's situation on 31 December preceding that reference period.

The amount is determined without taking into account property that cannot be alienated due to a legal impediment beyond the adult's control.

In the case of a claim made following a false declaration concerning the value of property, the amount to be considered is the amount exceeding \$500,000 each month.

177.92. Where an adult is a co-owner of property, only the value of the adult's share is taken into account for the purposes of calculating his or her basic income. That share is presumed to be 50%.

In such a case, the value of the adult's share of the property must not be taken into account for the purposes of calculating the financial assistance granted under this Regulation to another co-owner of that property.

177.93. An adult may apply to the Minister to reduce the amount of the value of property taken into consideration for the purposes of calculating the adult's basic income, in the form and manner determined by the Minister.

The amount may be reduced if, for at least 1 month, the value of the property owned by the adult no longer exceeds the amount set in section 177.90.

The adult must not reasonably expect that the amount will exceed the amount of the exclusion before the end of the calendar year in which the decrease occurs.

A reduction of the amount taken into consideration is applicable, as the case may be,

(1) where the reduction occurs between 1 January and 30 April preceding the reference period and the value of the property no longer exceeds the amount set in section 177.90, as of the beginning of that period; or

(2) where the reduction occurs after 30 April of a year, from the second month following the month in which the value of the property no longer exceeds the amount set in section 177.90 and for the remainder of the reference period.

177.94. The total property value includes the value of all the property that is not excluded for the purposes of calculating the basic income.

177.95. The provisions of section 145 relating to the value of property apply to the Basic Income Program.

177.96. For the purpose of calculating the basic income, the following property is excluded:

(1) the total value of movables, except automobiles, and household effects;

(2) books, instruments and tools necessary for gainful employment or for a trade or craft;

(3) the value of pension credits accumulated through membership in a pension plan other than the plan established by the Act respecting the Québec Pension

Plan (chapter R-9) or in a similar plan within the meaning of that Act, and the sums accrued with interest as a result of the adult's participation in another retirement savings instrument that, under the plan, the savings instrument or the law, cannot be returned to the adult before retirement age;

(4) equipment adapted to the needs of an adult who has functional limitations, including a retrofit vehicle not used for commercial purposes;

(5) sums accumulated in a registered disability savings plan, including sums paid into the plan in the form of Canada Disability Savings Bonds and Canada Disability Savings Grants, for the benefit of an adult, the adult's spouse or a dependent child who may not dispose of them in the short term, according to the terms and conditions applicable to the plan;

(6) sums received as compensation for essential movable property under a financial assistance or compensation program established under the Civil Protection Act (chapter S-2.3), if the sums are used within 90 days of their receipt;

(7) sums received otherwise than as extra temporary housing, food and clothing costs or as compensation for essential movable property under a program referred to in paragraph 6, if the sums are used within 2 years of their receipt for the purposes for which they are received.

177.97. The value of all the following property is excluded for the purposes of calculating the basic income:

(1) the value of a residence or a working farm;

(2) the value of a residence or farm belonging to an adult with no spouse who no longer resides in the residence or operates the farm since being sheltered or taken in charge by an intermediate resource or a foster home, for a period of not more than 2 years after the sheltering or taking in charge;

(3) the value of a residence belonging to an adult who no longer resides in the residence for health reasons, for a period of not more than 2 years after the move;

(4) the value of the residence belonging to an adult who no longer resides in the residence because of a separation, for a period of not more than 2 years after the date on which family mediation or a judicial proceeding was commenced to the date on which the court decides the right of ownership or, if applicable, the date on which the court confirms or approves an agreement between the parties;

(5) the value of property used for self-employment or in the operation of a farm;

(6) the principal from an indemnity paid as compensation for immovable property following expropriation, a fire or other disaster, an act of war, an attack or an indictable offence if used within 2 years after it is received to repair or replace the immovable property or in the operation of an enterprise; and

(7) the principal from an indemnity paid as compensation for immovable property following a fire or other disaster, an act of war, an attack or an indictable offence if used within 90 days after it is received;

(8) the principal from the sale of a residence if used to purchase a new residence or have a residence built within 6 months of the sale.

177.98. The exclusions provided for in paragraphs 6 and 7 of section 177.96 and paragraphs 6 to 8 of section 177.97 apply only if the amounts concerned are immediately deposited in a separate account in a financial institution or, in the case provided for in paragraph 6 of section 177.97, are invested by a trustee as authorized under the Civil Code.

Every part of the principal referred to in those paragraphs constitutes liquid assets for the entire month in which it is used contrary to those provisions or for the entire month in which it is not deposited or invested in accordance with the first paragraph.

DIVISION V **LIQUID ASSETS**

177.99. For the purposes of calculating the basic income, the liquid assets of an adult are excluded up to an amount of \$20,000.

177.100. Where an adult has a spouse who is a recipient under a last resort financial assistance program or the Basic Income Program, the liquid assets of the spouse are wholly excluded.

Where an adult has a spouse who is not a recipient under a program referred to in the first paragraph, the liquid assets of the spouse are determined in accordance with the provisions of this Regulation that are applicable to a recipient under the Social Assistance Program. Despite sections 131 to 133, they are excluded up to an amount of \$50,000.

177.101. Liquid assets include everything that an adult or the adult's spouse owns in cash or in an equivalent form and the value of assets that may be converted into cash in the short term such as

(1) sums, whether demand deposits or term deposits, that a financial institution holds on deposit for the adult or spouse or sums it holds on behalf of the adult or spouse if they have ready access to the sums;

(2) securities the adult or spouse owns if the securities are currently traded on the market;

(3) debts for which the adult or spouse may obtain immediate repayment; and

(4) any assets negotiable at sight.

Liquid assets include the value of a term deposit made on behalf of an adult or the adult's spouse, even if they do not have ready access to the funds, if the deposit is made while the adult is a recipient under a last resort financial assistance program, the Aim for Employment Program or the Basic Income Program or to qualify the adult under such a program.

Section 177.92 applies where the adult is a co-owner of liquid assets, with the necessary modifications.

177.102. Despite section 177.101, the following are considered to be property:

(1) lump sums paid to an adult to compensate a loss or impairment of physical or mental integrity and death benefits paid to an adult, received in one or more payments, provided they are immediately deposited in a separate account in a financial institution;

(2) liquid assets received by an adult from a succession in excess of the debts and charges for which the adult is liable;

(3) proceeds from a life insurance policy received by an adult following the death of a person, provided they are paid in a lump sum.

In order for the first paragraph to apply, the following must have been received during a month in which the adult or the family is a recipient under a last resort financial assistance program otherwise than pursuant to section 49 of the Act, the Aim for Employment Program or the Basic Income Program or during a month in which the adult or family is eligible to receive dental or pharmaceutical services pursuant to section 48:

(1) a lump sum or, if applicable, the first payment thereof, in the case of death benefits referred to in subparagraph 1 of the first paragraph; and

(2) liquid assets and proceeds from a life insurance policy referred to in subparagraphs 2 and 3 of the first paragraph.

This paragraph applies even if the benefit granted for the month is later claimed in its entirety by the Minister, unless the claim is made following a false declaration, up to the date on which a formal repayment notice is sent by the Minister, pursuant to section 97 of the Act.

177.103. Despite section 177.101, are considered to be property

(1) the value of the sums or pension credits referred to in paragraph 3 of section 177.96 which, under the pension plan or instrument concerned or under the law, may be returned to the participant;

(2) the principal of a sum or pension credit referred to in paragraph 1, if it is used within 30 days after it is received for the purposes of a contribution to another pension plan or retirement savings instrument;

(3) the principal of a grant or loan to repair a residence if it is used within 6 months after it is received for the purpose for which it was obtained;

(4) the principal of a grant or loan to start an enterprise or create self-employment if it is used within 6 months after it is received for the purpose for which it was obtained;

(5) sums accumulated by the adult in an individual savings plan or an institutional savings plan recognized by the Minister, up to a total amount of \$5,000; and

(6) the value of the sums accumulated in a registered education savings plan.

177.104. The exclusion in paragraph 5 of section 177.103 applies if the sums accumulated are to allow an adult

(1) to undergo training;

(2) to purchase tools or equipment necessary for gainful employment;

(3) to create self-employment or start an enterprise;

(4) to purchase or repair a residence; or

(5) to purchase an automobile.

In the case of an individual savings plan, the savings must begin during a month in which the adult is a recipient under a last resort financial assistance program, the Aim for Employment Program or the Basic Income Program, or is eligible to receive dental and pharmaceutical services pursuant to section 48. In addition, the adult must inform the Minister in writing of the adult's savings plan before depositing the sums or at the latest by the last day of the month following the date of the deposit.

If the benefit paid for the month during which savings begin under an individual savings plan is later claimed in its entirety by the Minister, the exclusion applies, unless the claim is made following a false declaration, up to the date on which a formal repayment notice was sent by the Minister pursuant to section 97 of the Act.

177.105. The exclusions in paragraphs 2 to 5 of section 177.103 apply only if the amounts referred to are immediately deposited in a separate account in a financial institution. In the case described in paragraph 5, the financial institution must have an establishment in Canada.

177.106. For the purposes of section 177.101, liquid assets owned by an adult or the adult's spouse include any amount excluded from income, earnings or benefits to establish the basic income granted.

177.107. The amount in section 177.99 is increased for a period of 12 consecutive months by an amount equal to the amount of a retroactive adjustment of benefits paid following an administrative error, a review decision or a decision of the Administrative Tribunal of Québec, or paid pursuant to section 176.

The amount in section 177.99 is also increased for the same period by an amount equal to the indemnity paid by the Minister following a decision of the Administrative Tribunal of Québec pursuant to section 114.1 of the Act respecting administrative justice (chapter J-3) and by the amount paid to a debtor following a discharge granted pursuant to section 104 of the Act.

The increase applies from the date of payment and only in respect of the adult concerned.

177.108. For the purpose of calculating the basic income, the following liquid assets are excluded:

(1) sums from a registered education savings plan and sums from loans and bursaries that an adult receives as a student if used for the purpose for which they were obtained within 6 months of their withdrawal or receipt, as the case may be;

(2) the cash surrender value of a life insurance policy;

(3) sums paid by the Minister as additional expenses related to participation in an employment-assistance or social assistance and support measure or program and sums paid by a third person and recognized as such by the Minister;

(4) sums paid by the Minister as additional expenses related to participation in a specific program;

(5) sums withdrawn from a registered retirement savings plan to be used under the Home Buyers' Plan provided the sums are immediately deposited in a separate account in a financial institution and used for the purposes of the plan before 1 October of the year following the withdrawal;

(6) sums paid by an institution or an organization to an adult discharged from a psychiatric hospital centre to allow the person to purchase certain items of everyday use;

(7) sums from income, earnings or benefits referred to in section 177.77 for the month in which the sums are taken into account to reduce the benefit;

(8) for the month in which they are received, sums received as income tax refunds;

(9) sums accumulated in a registered disability savings plan, including sums paid into the plan in the form of Canada Disability Savings Bonds and Canada Disability Savings Grants, for the benefit of the adult, the adult's spouse or a dependent child and who may dispose of them in the short term, according to the terms and conditions applicable to that plan;

(10) financial assistance or an indemnity received for extra temporary housing, food and clothing costs under a financial assistance or compensation program established under the Civil Protection Act (chapter S-2.3);

(11) for the month of its receipt, financial assistance granted under a program established by the Commission des partenaires du marché du travail to favour enrolment in a training program leading to a profession deemed a priority by the Commission;

(12) for the month of its receipt, financial assistance aimed at contributing to support for a child born as a result of a sexual aggression paid retroactively under the Act to assist persons who are victims of criminal offences and to facilitate their recovery (chapter P-9.2.1).

177.109. For the purpose of calculating the basic income, the amount of a loan obtained for the consolidation of debts or the purchase of property or goods described in paragraphs 1, 2 and 4 of section 177.96, paragraph 8 of section 146 and for the purchase of an automobile is excluded if

(1) the amount is immediately deposited in a separate account in a financial institution; and

(2) the amount is used within 30 days of receipt for the purpose for which it was obtained.

177.110. Advance payments as a work premium made under the Taxation Act (chapter I-3), advance payments related to the family allowance paid under section 1029.8.61.28 of that Act and advance payments paid as Canada child benefits under the Income Tax Act (R.S.C. 1985, c. 1 (5th Suppl.)) are excluded for the purposes of calculating the benefit for the month of their receipt.

If they are paid quarterly, advance payments related to the Working Income Tax Benefit and the supplement for handicapped persons paid by the Canada Revenue Agency as well as the amounts related to the family allowance granted under section 1029.8.61.28 of the Taxation Act are wholly excluded for the month in which they are paid and are excluded in the proportion of two-thirds for the following month and one-third for the last month.

Payment of arrears in respect of the amounts referred to in this section and those granted by the federal government as Canada child tax benefits, national child benefit supplements and universal child care benefits are excluded for a 12-month period from the date of their payment.

177.111. Every part of the capital referred to in paragraphs 2 to 5 of section 177.103, paragraphs 1 and 5 of section 177.108 and section 177.109 constitutes liquid assets for the entire month in which it is used contrary to those provisions or is not deposited as required by the applicable provisions.

The first paragraph does not apply if, during the same month, the sums in paragraphs 2 and 5 of section 177.103 and paragraph 1 of section 177.108 are transferred to a plan referred to in paragraphs 1, 5 and 6 of section 177.103 on the conditions set out therein.

DIVISION VI **PAYMENT AND INCREASE**

177.112. The basic income is paid monthly, on the first day of the month, except in case of exceptional circumstances.

Special benefits are paid according to the same conditions as if they are granted under a last resort financial assistance program.

177.113. The amounts referred to in sections 177.70, 177.73 and 177.74 and the second paragraph of section 177.80 are increased on 1 January of each year, based on the adjustment factor established in the first, second and third paragraphs of section 750.2 of the Taxation Act (chapter I-3) for that year.

If an amount that results from the adjustment provided for in the first paragraph is not a multiple of \$1, it must be rounded to the nearest multiple of \$1 or, if it is equidistant from two such multiples, to the higher thereof.

The Minister informs the public of the increase under this section through Part 1 of the *Gazette officielle du Québec* and by such other means as the Minister considers appropriate.

DIVISION VII **MISCELLANEOUS**

177.114. An adult must not, within 2 years preceding an application or the payment of financial assistance, have waived his or her rights, disposed of property or liquid assets without adequate consideration or squandered those assets so as to become eligible under the program or obtain a greater amount than would otherwise have been granted.

Where an adult has a spouse, the spouse must not, within 2 years preceding an application by the adult or the payment of financial assistance to the adult, have waived his or her rights, disposed of liquid assets without adequate consideration or squandered those assets so as to make the adult eligible under the program or enable the adult to obtain a greater amount than would otherwise have been granted.

177.115. In the case of a contravention of section 177.114, the Minister reduces, refuses or ceases to pay the basic income by including, in the income calculation, the value of the rights, property or liquid assets on the date of the waiver, disposal or squandering, after subtracting adequate consideration received and, for each month elapsed since that date and for not more than 2 years, an amount of \$2,500.

For the purposes of the first paragraph, the value of the property or liquid assets to be considered corresponds each month,

(1) for the adult's property, to the amount exceeding \$500,000 divided by 12;

(2) for the adult's liquid assets, to the amount exceeding \$20,000; and

(3) for the liquid assets of the adult's spouse, to the amount exceeding \$50,000.

177.116. For the purposes of section 64 of the Act, an adult who is a creditor of support for himself or herself must inform the Minister of any agreement or judicial proceeding by sending a copy thereof within the specified time to the Service des pensions alimentaires of the Ministère de l'Emploi et de la Solidarité sociale.

The address of the Service des pensions alimentaires is published on the department's website.

177.117. If a basic income application has been refused or the basic income of the adult or family has been reduced or has ceased to be paid because of sums granted under another Act and the Minister or body that paid the sums claims them, in whole or in part, the amount of the basic income granted or that could have been granted for the months covered by the claim is recalculated, on a request made within 30 days after receipt of the claim, if the sums claimed were paid because of an administrative error of the Minister or body concerned.

For the purposes of this section and when required, new declarations relating to the months covered by the claim must be filed."

46. Section 178 is amended

(1) by inserting “, adult who is a recipient under the Basic Income Program and has a spouse” after “adult” in the first paragraph;

(2) by inserting “, adult who is a recipient under the Basic Income Program and has a spouse” after “adult” in the second paragraph.

47. Section 180 is amended by inserting “or the Basic Income Program” after “program”.

48. Section 181 is amended by inserting “or the Basic Income Program” after “program” in the first paragraph.

49. Section 183 is amended by inserting “or the Basic Income Program” after “program”.

50. Section 184 is amended

(1) by inserting “or Basic Income Program benefits” after “benefits” in the first paragraph;

(2) in the second paragraph

(a) by striking out “independent” in subparagraph 1;

(b) by inserting “, 177.74” after “sections 68” in subparagraph 1;

(c) by striking out “independent” in subparagraph 2.

51. Section 185 is amended by replacing “and an adult who is a minor sheltered with her dependent child” in the second paragraph by “, an adult who is a minor sheltered with her dependent child or a recipient under the Basic Income Program who has a spouse”.

52. Section 187 is amended by replacing “or an independent adult required to reside in an institution” in subparagraph 1 of the second paragraph by “, an independent adult required to reside in an institution or a recipient under the Basic Income Program who has a spouse”.

53. Section 188 is amended by inserting “, a recipient under the Basic Income Program who has a spouse” after “adult”.

54. Section 191 is amended by inserting “and the Basic Income Program” after “program” in paragraph 1.

55. Section 194.1 is amended

(1) by replacing subparagraph 2 of the first paragraph by the following:

“(2) the third paragraph of section 177.79;

(2.1) the third paragraph of section 177.80;

(2.2) the fourth paragraph of section 177.91;”;

(2) by replacing “The exceptions in subparagraphs 1 and 2 of the first paragraph do not apply” in the third paragraph by “The exception in paragraph 1 of the first paragraph does not apply”.

TRANSITIONAL AND FINAL

56. The second paragraph of section 157.1 of the Individual and Family Assistance Regulation (chapter A-13.1.1, r. 1), replaced by section 2 of the Regulation to amend the Individual and Family Assistance Regulation, made by Order in Council 1509-2021 dated 1 December 2021, as it read on 31 December 2022, continues to apply to the following persons who, on that date, received sums referred to in that paragraph, so long as they

continue, without interruption, to be recipients under the Social Solidarity Program or be eligible to receive dental and pharmaceutical services pursuant to section 48 of the Regulation:

(1) a person who receives financial assistance granted pursuant to section 49 of the Act, where an agreement was entered into with the Minister providing for repayment of the full amount of assistance received;

(2) a person who receives financial assistance that might have to be repaid pursuant to section 88 or 90 of the Act, except only adjustments for dependent children referred to in subdivision 3 of Division II of Chapter III of Title IV.

57. A recipient whose social solidarity allowance is adjusted on 31 December 2022 pursuant to the second paragraph of section 157.1 of the Individual and Family Assistance Regulation, replaced by section 2 of the Regulation to amend the Individual and Family Assistance Regulation, made by Order in Council 1509-2021 dated 1 December 2021, as it read on 31 December 2022, is considered to meet the conditions set out in section 177.43, made by section 45 of this Regulation, except persons who, on that same date,

(1) received financial assistance granted pursuant to section 49 of the Act, where an agreement was entered into with the Minister providing for repayment of the full amount of assistance received; or

(2) received financial assistance that might have to be repaid pursuant to section 88 or 90 of the Act, except only adjustments for dependent children referred to in subdivision 3 of Division II of Chapter III of Title IV.

58. In the case of a recipient whose social solidarity allowance is not adjusted on 31 December 2022 pursuant to the second paragraph of section 157.1 of the Individual and Family Assistance Regulation, replaced by section 2 of the Regulation to amend the Individual and Family Assistance Regulation, made by Order in Council 1509-2021 dated 1 December 2021, as it read on 31 December 2022, the months that were considered on that date for the purposes of calculating the period provided for in that paragraph continue to be so considered for the purposes of the calculation provided for in section 177.43, made by section 45 of this Regulation, so long as the person continues to be a recipient under that program or be eligible to receive dental and pharmaceutical services pursuant to section 48 of the Individual and Family Assistance Regulation.

Sections 177.43 and 177.45 to 177.47, made by section 45 of this Regulation, apply in respect of such a recipient for taking into consideration months subsequent to December 2022.

Despite the second paragraph, if the recipient did not, between 1 November 2021 and the beginning of his or her ineligibility under the Social Solidarity Program following that date, receive sums referred to in subparagraphs 1 to 3 of the first paragraph of section 177.46, made by section 45 of this Regulation, and he or she was not readmitted to the program after having been a recipient thereunder, section 177.46 applies to the recipient even if he or she is not admitted to the Social Solidarity Program for the first time.

59. Where a person has previously received a social solidarity allowance between 1 November 2021 and 30 December 2022 and the person is no longer a recipient under the program on 31 December 2022, the period referred to in the second paragraph of section 177.46 of the Individual and Family Assistance Regulation, made by section 45 of this Regulation, is presumed to have already been considered for the purposes of calculating the period provided for in section 177.43, made by section 45 of this Regulation.

If the person did not, between 1 November 2021 and the beginning of his or her ineligibility under the Social Solidarity Program following that date, receive sums referred to in subparagraphs 1 to 3 of the first paragraph of section 177.46, made by section 45 of this Regulation, and he or she was not readmitted to the program after having been a recipient thereunder before 31 December 2022, section 177.46 applies to the recipient even if he or she is not admitted to the Social Solidarity Program for the first time.

60. Despite section 177.57 of the Individual and Family Assistance Regulation, made by section 45 of this Regulation, the first reference period begins on 1 January 2023 and ends on 30 June 2023.

61. Despite the first paragraph of section 177.49 of the Individual and Family Assistance Regulation, made by section 45 of this Regulation, a person admitted to the Basic Income Program between 1 January and 30 June 2023 may choose, one time only and not later than 31 December 2023, not to participate in it.

62. The amount referred to in section 177.70 of the Individual and Family Assistance Regulation, made by section 45 of this Regulation, is increased as of 1 January 2023 according to section 177.113, made by section 45 of this Regulation.

The Minister informs the public of the increase under this section through Part 1 of the *Gazette officielle du Québec* and by such other means as the Minister considers appropriate.

63. This Regulation comes into force on 1 January 2023.

105806

M.O., 2022

Order 2022-002 of the Minister of Education dated 6 June 2022

Education Act
(chapter I-13.3)

Regulation to amend the Regulation respecting free instructional material and certain financial contributions that may be required

THE MINISTER OF EDUCATION,

CONSIDERING section 457.2.1 of the Education Act (chapter I-13.3), which provides that the Minister may, by regulation, determine the services and school activities to which the right to free educational services, provided for in section 3 of the Act, does not apply, specify certain objects or categories of objects to which the right of free use of instructional material, provided for in section 7 of the Act, does or does not apply, and establish standards for the financial contributions that may be required for services, school activities and material to which the right to free access, provided for in section 3, 7 or the third paragraph of section 292 of the Act, does not apply;

CONSIDERING the publication in Part 2 of the *Gazette officielle du Québec* of 16 February 2022 of a draft Regulation to amend the Regulation respecting free instructional material and certain financial contributions that may be required, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), with a notice that it could be made on the expiry of 45 days following that publication;

CONSIDERING that it is expedient to make the Regulation with amendment;

ORDERS AS FOLLOWS:

The Regulation to amend the Regulation respecting free instructional material and certain financial contributions that may be required, attached to this Order, is hereby made.

Québec, 6 June 2022

JEAN-FRANÇOIS ROBERGE
Minister of Education

Regulation to amend the Regulation respecting free instructional material and certain financial contributions that may be required

Education Act
(chapter I-13.3, s. 457.2.1)

1. The Regulation respecting free instructional material and certain financial contributions that may be required (chapter I-13.3, r. 6.2) is amended in section 9 by replacing “or for material to which the right of free use does not apply” by “, for material to which the right of free use does not apply or for the supervision of students at lunch time”.

2. The following is added after section 11:

“**11.1.** The financial contribution required for the supervision of a child at the preschool and elementary school level at lunch time must be determined by taking into account the number of days during which the child stays at school for lunch. That number is established with the parents, according to the conditions set by the school service centre.

In addition to the actual cost of the service, the financial contribution may not exceed the amount obtained by multiplying \$3.00 by the total number of hours of the lunch period.

The amount provided for in the second paragraph is adjusted on 1 July of each year by a rate corresponding to the annual change in the overall average Québec consumer price index without alcoholic beverages, tobacco products and recreational cannabis for the 12-month period ending on 31 March of the preceding year. The result is rounded to the nearest multiple of \$0.05, or if it is equidistant from two such multiples, to the higher of the two. The Minister publishes the result of the adjustment in the *Gazette officielle du Québec*.