

(15) by inserting the following after Part 1:

“Part 1.1

PARTICULATES NOT OTHERWISE CLASSIFIED (PNOC):

Particulates Not Otherwise Classified (PNOC) are particulates that are harmful to human health under the following conditions:

- (1) no permissible exposure value is provided for in Part 1 of Schedule I to this Regulation;
- (2) insoluble or poorly soluble in water; and
- (3) toxicity is low and no effect other than lung overload or mechanical irritation is observed.

The permissible exposure values for such particulates are 10 mg/m³ in inhalable particulates and 3 mg/m³ in respirable particulates.”;

(16) by replacing the words “in Part 1” and “under part 1” wherever they appear in Parts 2 and 3 by the words “in Parts 1 and 1.1” and “under Parts 1 and 1.1” respectively;”

(17) by striking out the following substances in Part 4:

“108-21-4	Isopropyl acetate
109-60-4	n-Propyl acetate
1344-95-2	Calcium silicate (synthetic)
7758-97-6	Lead chromate
8050-09-7	Rosin
11103-86-9	Zinc chromates
13530-65-9	Zinc chromates
13765-19-0	Calcium chromate
37300-23-5	Zinc chromates
53570-85-7	Coal dust”;

(18) by inserting the following substances in numerical order in Part 4:

“60-35-5	Acetamide
75-28-5	Isobutane
75-91-2	tert-Butyl hydroperoxide
96-05-9	Allyl methacrylate
100-97-0	Hexamethylenetetramine
108-21-4	Propyl acetate (isomers)
109-60-4	Propyl acetate (isomers)
109-63-7	Boron trifluoride ethers
112-34-5	Diethylene glycol monobutyl ether
123-39-7	Monomethylformamide
353-42-4	Boron trifluoride ethers
1344-95-2	Calcium silicate
1569-02-4	Propylene glycol ethyl ether
3425-89-6	Methyltetrahydrophthalic anhydride (isomers)

5333-84-6	Methyltetrahydrophthalic anhydride (isomers)
7085-85-0	Ethyl cyanoacrylate
7550-45-0	Titanium tetrachloride
8029-10-5	Coal dust
8050-09-7	Resin acids
11070-44-3	Methyltetrahydrophthalic anhydride (isomers)
19438-63-2	Methyltetrahydrophthalic anhydride (isomers)
19438-64-3	Methyltetrahydrophthalic anhydride (isomers)
21725-46-2	Cyanazine
22781-23-3	Bendiocarb
26590-20-5	Methyltetrahydrophthalic anhydride (isomers)
42498-58-8	Methyltetrahydrophthalic anhydride (isomers)
50926-11-9	Indium tin oxide
51235-04-2	Hexazinone
308062-82-0	Coal dust”;

(19) by replacing the terms “Id”, “Td” and “Thord” wherever they appear in the “Designation and remarks” column in Part 1 by the terms “Pi”, “TPM” and “Pthor” respectively.

3. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except paragraphs 14 and 18 of section 2, as they apply to the substances [8052-42-4; 64741-56-6; 64742-93-4] Asphalt fumes [in total organic matter (vapour and aerosol)], 112-34-5 Diethylene glycol monobutyl ether and 7085-85-0 Ethyl cyanoacrylate, which come into force on (insert the date occurring 2 years after the date of coming into force of this Regulation).

106086

Draft Regulation

Professional Code
(chapter C-26)

Notaries

— Practice of the notarial profession within a non-profit legal person

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

The draft Regulation determines the terms, conditions and restrictions applicable to the practice of the notarial profession within a non-profit legal person.

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

Further information on the draft Regulation may be obtained by contacting Nathalie Provost, consulting notary, Services juridiques, Direction Secrétariat, services juridiques, relations institutionnelles et gouvernance, Chambre des notaires du Québec, 2045, rue Stanley, bureau 101, Montréal (Québec) H3A 2V4; telephone: 514 879-1793, extension 5222, or 1 800 263-1793; email: nathalie.provost@cnq.org.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Roxanne Guévin, Secretary, Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3; email: secretariat@opq.gouv.qc.ca. The comments will be forwarded by the Office to the Minister Responsible for Government Administration and Chair of the Conseil du trésor and may also be sent to the Chambre des notaires du Québec and to interested persons, departments and bodies.

ROXANNE GUÉVIN
Secretary, Office des professions du Québec

Regulation respecting the practice of the notarial profession within a non-profit legal person

Notaries Act
(chapter N-3, s. 26.1)

Act to improve access to justice by broadening the range of legal services provided free of charge or at a moderate cost
(2022, chapter 26, s. 8)

DIVISION I GENERAL

1. A notary may, subject to the terms, conditions and restrictions determined by this Regulation, carry on professional activities within a non-profit legal person, in particular a non-profit legal person constituted under Part III of the Companies Act (chapter C-38), the Cooperatives Act (chapter C-67.2), the Canada Not-for-profit Corporations Act (S.C. 2009, c. 23) or the Canada Cooperatives Act (S.C. 1998, c. 1).

If any term, condition or restriction set out in Division III.1 of Chapter 2 of the Notaries Act (chapter N-3) or in this Regulation is no longer met, the notary must, within 30 days after becoming aware of the non-compliance or within 30 days after being notified of it by the Order, whichever occurs first, take the necessary measures to comply, failing which the notary may no longer engage in professional activities within the non-profit legal person.

2. The notary must at all times ensure that the non-profit legal person within which the notary engages in professional activities permits the notary to comply with the Notarial Act and the Notaries Act (chapters N-2 and N-3), the Professional Code (chapter C-26) and the regulations made for their application, in particular those pertaining to professional secrecy and the notary's duty to act impartially when acting as a public officer.

3. If a notary is struck off the roll or has had his or her permit revoked or right to engage in professional activities suspended or limited, the notary may not, during the period of the striking off, revocation, suspension or limitation, act as a director, officer or representative of the non-profit legal person.

DIVISION II TERMS, CONDITIONS AND RESTRICTIONS

4. A notary may engage in professional activities within a non-profit legal person if

(1) at least one of the directors of the board of directors of the non-profit legal person is a practising notary or advocate, and that condition is set out in the constituting documents of the legal person;

(2) to the notary's knowledge, no director or officer of the non-profit legal person is the subject, or was the subject in the 5 years preceding the date on which the notary began to engage in professional activities within the legal person, of

(a) a decision of a Canadian court finding the director or officer guilty of a criminal offence related to the function of director or officer of a non-profit legal person that provides legal services, unless he or she has obtained a pardon; or

(b) a decision of a foreign court finding the director or officer guilty of an offence which, if committed in Canada, could have led to criminal proceedings, and which is related to the function of director or officer of a non-profit legal person that provides legal services, unless he or she has obtained a pardon;

(3) the constituting documents of the non-profit legal person stipulate that it is constituted for the purpose of providing, mainly or in part, legal services; and

5. To engage in professional activities within a non-profit legal person, the notary must, in the 15 days preceding the date of beginning that engagement, pay the fees set by the Order, and provide it with

(1) the declaration provided for in section 6;

(2) written confirmation by the competent authority attesting that the non-profit legal person is covered by security in compliance with Division III;

(3) a copy of the constituting documents of the non-profit legal person issued by the competent authority attesting that the legal person exists;

(4) a copy of all the by-laws of the non-profit legal person;

(5) written confirmation by the competent authority attesting that that the non-profit legal person is duly registered in Québec;

(6) written confirmation by the competent authority attesting that that the non-profit legal person is exempt, if applicable, from paying income tax or has registered charity status; and

(7) an undertaking by the non-profit legal person within which the notary engages in professional activities to allow the Order and the persons, committees, or tribunal mentioned in section 192 of the Professional Code (chapter C-26), in the exercise of their functions, to require any person to produce information or a document mentioned in section 13, or a true copy thereof.

The notary who ceases to engage in professional activities within a non-profit legal person must send the Order a declaration under the notary's oath of office in the 15 days preceding the date of the end of that engagement, and pay the fees set by the Order.

6. The notary must make a declaration under the notary's oath of office on a document established by the Order containing

(1) the notary's name and membership number and an indication whether the notary engages in professional activities exclusively within the non-profit legal person;

(2) the name of the non-profit legal person within which the notary engages in professional activities, the other names it uses in Québec and the Québec business number assigned by the enterprise registrar;

(3) the juridical form of the non-profit legal person and whether it complies with the conditions set out in this Regulation;

(4) the address of the head office of the non-profit legal person and the addresses of its establishments;

(5) the names and residential addresses of the directors and officers of the non-profit legal person and, if applicable, the order or similar organization to which they belong and their membership or permit numbers;

7. Where more than one notary engages in professional activities within the same non-profit legal person, only one declaration may be made by one of those notaries acting in the capacity of respondent for all the notaries.

The respondent's declaration is deemed to be the declaration of each of those notaries, and each notary remains fully responsible for the accuracy of the information provided pursuant to paragraphs 1 and 2 of section 6.

8. To retain the right to engage in professional activities within a non-profit legal person, a notary must

(1) update and provide, before 1 April each year, the declaration provided for in section 6;

(2) promptly notify the Order of any change in the coverage provided for in Division III, as well as any change in the information given in the declaration provided for in section 6 that might compromise compliance with the conditions set out in section 4.

The requirements provided for in the first paragraph may, if applicable, be carried out by the respondent.

9. In the course of engaging in professional activities within a non-profit legal person, the only sums the notary may hold in trust are advances on fees. The notary must deposit them in a trust account reserved for that sole purpose, of which the notary is the holder or a user, and which meets the requirements of the Regulation made under section 89 of the Professional Code (chapter C-26). The non-profit legal person may not be the holder of the trust account.

DIVISION III SECURITY AGAINST PROFESSIONAL LIABILITY

10. A notary who engages in professional activities within a non-profit legal person must furnish and maintain security to cover professional liability for the non-profit legal person by subscribing to the professional liability insurance fund of the Chambre des notaires du Québec for professional liability that the non-profit legal person may incur through the fault or negligence of the notary in the practice of the notarial profession.

11. The security under the insurance fund must be at least \$1,000,000 per claim and for all claims filed against the non-profit legal person within a coverage period not exceeding 12 months, regardless of the number of notaries who engage in professional activities within the non-profit legal person.

12. The rules governing the conduct of the professional liability insurance decision-making committee's affairs provided for in a regulation made under section 86.3 and paragraph *d* of section 93 of the Professional Code (chapter C-26) apply when the committee is addressing the security provided for in this Division.

DIVISION IV DOCUMENT ACCESSIBILITY

13. The information and documents that may be required from a non-profit legal person pursuant to subparagraph 7 of the first paragraph of section 5 are as follows:

(1) the complete and up-to-date book or register of articles and by-laws of the non-profit legal person;

(2) the complete and up-to-date book or register of the directors of the non-profit legal person and, if applicable, the order or similar organization to which they belong;

(3) written confirmation by the competent authority that the non-profit legal person is duly registered in Québec, and updates concerning the registration;

(4) the names and residential addresses of the principal officers.

DIVISION V FINAL

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

106085

Draft Regulation

Professional Code
(chapter C-26)

Advocates

— Practice of the profession of advocate within a non-profit legal person

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the practice of the profession of advocate within a non-profit legal person, made by the board of directors of the Barreau du Québec and appearing below, is published as a draft and may be examined by the Office des professions du Québec then submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation determines the terms, conditions and restrictions applicable to the practice of the profession of advocate within a non-profit legal person, as well as the terms, conditions and restrictions under which a retired advocate may engage in certain professional activities within a non-profit legal person.

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

Further information on the draft Regulation may be obtained by contacting Nicolas Le Grand Alary, lawyer, Secretariat of the Order and Legal Affairs, Barreau du Québec, 445, boulevard Saint-Laurent, Montréal (Québec) H2Y 3T8; telephone: 514 954-3400, extension 5163, or 1 800 361-8495; email: nlegrandalary@barreau.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Roxanne Guévin, Secretary, Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3; email: secretariat@opq.gouv.qc.ca. The comments will be forwarded by the Office to the Minister Responsible for Government Administration and Chair of the Conseil du trésor and may also be sent to the Barreau du Québec and to interested persons, departments and bodies.

ROXANNE GUÉVIN

Secretary, Office des professions du Québec
