

21. The Regulation is amended by replacing the words “local committee” wherever they appear by “local branch”, with the necessary modifications.

22. This Regulation comes into force on the day of its publication in the *Gazette officielle du Québec*, except

- (1) section 18 which comes into force on 31 March 2022;
- (2) sections 7 which comes into force on 1 April 2023;
- (3) section 12 insofar as it replaces section 44 of the Regulation respecting certain conditions of employment of senior staff of general and vocational colleges, which comes into force on 1 June 2023;
- (4) sections 6 and 13, which come into force on 1 July 2023.

106273

M.O., 2023-05

Order number D-9.2-2023-05 of the Minister of Finance, May 17, 2023

Act respecting the distribution of financial products and services
(chapter D-9.2)

CONCERNING Regulation to amend the Regulation respecting firms, independent representatives and independent partnerships

WHEREAS section 196 of the Act respecting the distribution of financial products and services (chapter D-9.2) provides that the *Autorité des marchés financiers* may determine by regulation, for each sector and class of sectors, the requirements with which the liability insurance contracts of firms, representatives acting on behalf of a firm without being employees, independent representatives and independent partnerships must be consistent and that the regulation may, in particular, prescribe the extent of coverage, the amount covered per claim, the amount of the deductible and the notice that must be given before a contract is cancelled, or prescribe the formulations of a standard policy;

WHEREAS paragraph 8 of section 223 of such Act provides that the *Autorité des marchés financiers* may, by regulation, determine for each sector, the rules relating to the keeping of records and the register of commissions;

WHEREAS the first and the second paragraphs of section 194 of such Act provide, in particular, that the *Autorité des marchés financiers* shall publish its draft regulations in the information bulletin and every draft regulation must be published with a notice stating the time that must elapse before the draft regulation may be made or be submitted for approval, and stating the fact that any interested person may, during that time, submit comments to the person designated in the notice;

WHEREAS the first and the third paragraphs of section 217 of such Act provide, in particular, that a regulation made by the *Autorité des marchés financiers* under this Act must be submitted to the Minister of Finance for approval with or without amendment, that such regulation may not be submitted for approval before 30 days have elapsed since its publication as a draft and that such regulation comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date specified in this regulation;

WHEREAS the draft Regulation to amend the Regulation respecting firms, independent representatives and independent partnerships was published in the *Bulletin de l’Autorité des marchés financiers*, volume 19, no. 48 of December 8, 2022;

WHEREAS the *Autorité des marchés financiers* made, on April 27, 2023, by the decision no. 2023-PDG-0019, Regulation to amend the Regulation respecting firms, independent representatives and independent partnerships;

WHEREAS there is cause to approve this regulation without amendment;

CONSEQUENTLY, the Minister of Finance approves without amendment the Regulation to amend the Regulation respecting firms, independent representatives and independent partnerships appended hereto.

May 17, 2023

ERIC GIRARD
Minister of Finance

Regulation to amend the Regulation respecting firms, independent representatives and independent partnerships

Act respecting the distribution of financial products and services
(chapter D-9.2, s. 196 and s. 223, par. (8))

1. Section 16 of the Regulation respecting firms, independent representatives and independent partnerships (chapter D-9.2, r. 2) is amended by inserting “to the records on representatives’ outside activities referred to in subdivision 2.1 and” after “modifications,”.

2. The Regulation is amended by inserting the following after section 21.1:

“**§2.1. Records on representatives’ outside activities**

“21.2. A firm must keep a record on the outside activities, within the meaning of section 5.1 of the Regulation respecting the pursuit of activities as a representative (chapter D-9.2., r. 10), pursued by each representative who acts on its behalf. An independent partnership must keep such a record in respect of each of its partners and each of the representatives who are employed by it. An independent representative must keep such a record in respect of his outside activities.

Such a record must include the following documents and information:

- (1) a description of the outside activity;
- (2) if applicable, the representative’s declaration of pursuit of outside activity;
- (3) the start date and end date, if known, of the outside activity;
- (4) the actions taken, if applicable, by the firm or independent partnership to ensure that the representative acts on its behalf in accordance with the Act respecting the distribution of financial products and services (chapter D-9.2) and the actions taken by the independent representative to ensure that he acts in accordance with the Act.

3. Section 29 of the Regulation is amended, in the first paragraph:

(1) by replacing “Except regarding the category of claims adjuster employed by an insurer, the” by “The” in the introductory clause;

(2) in subparagraph 3:

(a) by inserting, in subparagraphs *a* to *c*, “including gross fault,” after “fault,”;

(b) by replacing, in subparagraph *d*, “from the time the firm, independent representative or independent partnership was struck off or suspended from the Authority’s roll” by “from the time the registration of the firm, independent representative or independent partnership is revoked, cancelled or suspended, as the case may be, whether or not the firm or independent partnership has been dissolved or whether or not the person has died”;

(c) by adding the following subparagraph at the end:

“(h) that the contract is considered to include coverage at least equal to the coverage required by the law applicable in Québec and to satisfy the conditions set out in this Regulation.”.

4. A professional liability insurance contract made or renewed by a firm, independent representative or independent partnership must be compliant with section 29 of the Regulation respecting firms, independent representatives and independent partnerships (chapter D-9.2, r. 2), as amended by paragraph 2 of section 3 of this Regulation:

(1) on the date that immediately follows the date that is 12 months after the making or renewal of the contract, in cases where the contract is made or renewed between 1 June 2023 and 30 September 2023; or

(2) on 1 June 2024, in all other cases.

5. This Regulation comes into force on 1 June 2023, except for sections 1 and 2, which come into force on 2 December 2023.

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