

# Gazette officielle du Québec

(English Edition)

Part 2

Laws and  
Regulations

Volume 123

23 October  
1991

No. 43

Québec 



# Gazette officielle du Québec

## Part 2 Laws and Regulations

Volume 123  
23 October 1991  
No. 43

### Summary

Table of contents  
Coming into force of Acts  
Regulations  
Draft Regulations  
Erratum  
Index

Legal deposit — 1<sup>st</sup> Quarterly 1968  
Bibliothèque nationale du Québec  
© Éditeur officiel du Québec, 1991

## NOTICE TO READERS

The *Gazette officielle du Québec* (Laws and Regulations) is published under the authority of the Act respecting the Ministère des Communications (R.S.Q., c. M-24) and the Regulation respecting the *Gazette officielle du Québec* (O.C. 3333-81 dated 2 December 1981 amended by O.C. 2856-82 dated 8 December 1982 and O.C. 1774-87 dated 24 November 1987).

Part 2 of the *Gazette officielle du Québec* is published at least every Wednesday under the title "LOIS ET RÈGLEMENTS". If a Wednesday is a legal holiday, the Official Publisher is authorized to publish on the preceding day or on the Thursday following such holiday.

### 1. Part 2 contains:

1° Acts assented to, before their publication in the annual collection of statutes;

2° proclamations of Acts;

3° regulations made by the Government, a minister or a group of ministers and of Government agencies and semi-public agencies described by the Charter of the French language (R.S.Q., c. C-11), which before coming into force must be approved by the Government, a minister or a group of ministers;

4° Orders in Council of the Government, decisions of the Conseil du trésor and ministers' orders whose publication in the *Gazette officielle du Québec* is required by law or by the Government;

5° regulations and rules made by a Government agency which do not require approval by the Government, a minister or a group of ministers to come into force, but whose publication in the *Gazette officielle du Québec* is required by laws;

6° rules of practice made by judicial courts and quasi-judicial tribunals;

7° drafts of the texts mentioned in paragraph 3 whose publication in the *Gazette officielle du Québec* is required by law before their adoption or approval by the Government.

### 2. The English edition

The English edition of the *Gazette officielle du Québec* is published at least every Wednesday under the title "Part 2 — LAWS AND REGULATIONS". When Wednesday is a holiday, the Official Publisher is authorized to publish it on the preceding day or on the Thursday following such holiday.

The English version contains the English text of the documents described in paragraphs 1, 2, 3, 5, 6 and 7 of section 1.

### 3. Rates

#### 1. Subscription rates\*

Part 2 (French) ..... 77 \$ per year  
English edition ..... 77 \$ per year

#### 2. Rates for separate numbers\*

Separate numbers of the *Gazette officielle du Québec* sell for 4,40 \$ a copy.

For information concerning the publication of notices, please call:

**Gazette officielle du Québec**  
1279, boul. Charest Ouest, 9<sup>e</sup> étage  
Québec G1N 4K7  
Téléphone: (418) 644-7795

Offprints or subscription only:

#### Offprints

Ministère des Communications  
Service des ventes postales  
C.P. 1005  
Québec G1K 7B5  
Téléphone: (418) 643-5150

#### Subscriptions

Service à la clientèle  
Division des abonnements  
C.P. 1190  
Outremont (Québec)  
H2V 4S7  
Téléphone: (514) 948-1222

\* Taxes not included

## Table of contents

Page

---

### Coming into force of Acts

---

1382-91	An Act to amend the Tobacco Tax Act — Coming into force of certain provisions .....	4045
---------	---	------

---

### Regulations

---

1336-91	Feeder calf producers and Feeder cattle and slaughter cattle producers — Scheme (Amend.) ..	4047
1346-91	Organizations and Management of Establishments (Amend.) .....	4049
1353-91	An Act respecting the Government and Public Employee Retirement Plan — Amendment to Schedule I to the Act .....	4049
1358-91	Piglet Producers — Scheme (Amend.) .....	4050
1380-91	Bar — Code of Ethics (Amend.) .....	4051
1381-91	Denturologists — Code of Ethics (Amend.) .....	4053
1386-91	Mechanical inspection and safety standards for road vehicles (Amend.) .....	4055
1391-91	Security guards (Amend.) .....	4057
1392-91	Automobile — Mauricie — Levy (Amend.) .....	4058
1393-91	Cartage — Québec (Amend.) .....	4059
1394-91	Cartage — Québec (Amend.) .....	4065
1414-91	Tariff of fees and transportation expenses of bailiffs (Amend.) .....	4066
	Minimum standards for processing marine products (Amend.) .....	4071

---

### Draft Regulations

---

Architects — Tariff of fees .....	4073
Chartered appraisers — Tariff of fees .....	4080
Dentists — Other terms and conditions for permits .....	4081
Diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional Corporations .....	4084
Labour standards and other legislative provisions, An Act to amend the Act respecting... — Suspension of the Application of section 41.1 of the Act .....	4073
Land Surveyors — Tariff of fees .....	4086
Registration of agricultural operations and the reimbursement of real estate taxes and compensations .....	4089
Town planners — Business of the Bureau and general meetings .....	4091
Town planners — Professional inspection committee .....	4094

---

### Erratum

---

Taxation Act — Regulation (Amend.) .....	4099
--	------



## Coming into force of Acts

Gouvernement du Québec

**O.C. 1382-91, 9 October 1991**

**An Act to amend the Tobacco Tax Act  
(1991, c. 16)**

— **Coming into force of certain provisions**

COMING INTO FORCE of certain provisions of the Act to amend the Tobacco Tax Act (1991, c. 16)

WHEREAS the Act to amend the Tobacco Tax Act (1991, c. 16) was assented to on 6 June 1991;

WHEREAS section 25 of the Act enacts that it will come into force on the date or dates fixed by the Government;

WHEREAS it is expedient to fix 9 October 1991 as the date for the coming into force of certain provisions of that Act relating to the identification of every package of tobacco;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Revenue:

THAT 9 October 1991 be fixed as the date for the coming into force of certain provisions of the Act to amend the Tobacco Tax Act, namely section 1, where it replaces or enacts the definitions of the words: "manufacturer", "package" and "tobacco", but to the extent that section 13.1 of the Tobacco Tax Act (R.S.Q., c. I-2), as amended by section 7, uses the words "package" and "tobacco"; "retail vendor" to the extent that section 13.1 of the Tobacco Tax Act (R.S.Q., c. I-2), as amended by section 7, and section 17.10 of the Tobacco Tax Act (R.S.Q., c. I-2), as enacted by section 21, apply to a retail vendor; "retail sale" to the extent that section 13.1 of the Tobacco Tax Act (R.S.Q., c.

I-2), as amended by section 7, applies to a retail sale, section 7, section 14 to the extent that it enacts that part preceding paragraph *a* and paragraphs *b* and *e* of section 14.2 of the Tobacco Tax Act (R.S.Q., c. I-2), and section 21 to the extent that it enacts sections 17.10 and 17.11 of the Tobacco Tax Act (R.S.Q., c. I-2).

BENOÎT MORIN,  
*Clerk of the Conseil exécutif*

5979



## Regulations

Gouvernement du Québec

### O.C. 1336-91, 2 October 1991

An Act respecting farm income stabilization insurance (R.S.Q., c. A-31)

#### Feeder calf producers

— Scheme

— Amendments

#### Feeder calf and slaughter cattle producers

— Scheme

— Amendments

Regulation to amend the Income stabilization insurance scheme for feeder calf producers and the Income stabilization insurance scheme for feeder cattle and slaughter cattle producers

WHEREAS under sections 2, 5 and 6 of the Act respecting farm income stabilization insurance (R.S.Q., c. A-31), the Government prescribed the Income stabilization insurance scheme for feeder calf producers, made by Order in Council 898-89 dated 14 June 1989, and the Income stabilization insurance scheme for feeder cattle and slaughter cattle producers, made by Order in Council 1845-86 dated 10 December 1986;

WHEREAS the production cost models for the income stabilization insurance schemes for feeder calf producers and for feeder cattle and slaughter cattle producers take into account costs incurred in growing, respectively, oats and grain corn;

WHEREAS oat and grain-corn production has enjoyed specific protection within the framework of the Income stabilization insurance scheme for cereal, grain corn and soy bean producers;

WHEREAS the feeder calf producers and feeder cattle and slaughter cattle producers participating in the Income stabilization insurance scheme for cereal, grain corn and soy bean producers thus receive for their assessment double coverage for costs incurred for part of their cereal production;

WHEREAS to eliminate double coverage of costs incurred in cereal production, it is proposed that income from compensation paid under the Income stabilization insurance scheme for cereal, grain corn and soy bean producers be included in the production cost model for the income stabilization insurance schemes for feeder calf producers and for feeder cattle and slaughter cattle producers;

WHEREAS under Order in Council 1447-89 dated 6 September 1989, the Government withdrew draft regulations and regulations that could be proposed or made under the Crop Insurance Act (R.S.Q., c. A-30) or under the Act respecting farm income stabilization insurance from the application of the Regulations Act (R.S.Q., c. R-18.1);

IT IS ORDERED, therefore, upon the recommendation of the Minister of Agriculture, Fisheries and Food:

THAT the Regulation to amend the Income stabilization insurance scheme for feeder calf producers and the Income stabilization insurance scheme for feeder cattle and slaughter cattle producers, attached to this Order in Council, be made.

BENOÎT MORIN,  
*Clerk of the Conseil exécutif*

### **Regulation to amend the Income stabilization insurance scheme for feeder calf producers and the Income stabilization insurance scheme for feeder cattle and slaughter cattle producers**

An Act respecting farm income stabilization insurance (R.S.Q., c. A-31, ss. 2, 5 and 6)

#### **Income Stabilization Insurance Scheme for Feeder Calf Producers**

1. The Income Stabilization Insurance Scheme for Feeder Calf Producers made by Order in Council 898-89 dated 14 June 1989, amended by the Regulations made by Orders in Council 711-90 dated 23 May 1990 and 1074-90 dated 1 August 1990, is further

amended by substituting the following for the second paragraph of section 17:

"From the 1991 insurance year, the annual amount of the assessment for each insurable cow shall be \$101.00."

**2.** The following is substituted for the first paragraph of section 3 of Schedule 1:

"3. The silage and grain intended for animal feed are produced by the operator of a model farm, except for hay purchased standing and commercial feed. Oats produced on the farm for animal feed is insured under the Income stabilization insurance scheme for cereal, grain corn and soy bean producers made by Order in Council 896-89 dated 14 June 1989."

**3.** The following is substituted for subparagraph 4 of section 5 of Schedule 1:

"(4) assessments and compensation paid and received during the insurance year under this Scheme and under the Income stabilization insurance scheme for cereal, grain corn and soy bean producers, and"

**4.** The following is inserted after the second paragraph of section 10 of Schedule 1:

"The assessment payable under the Income stabilization insurance scheme for cereal, grain corn and soy bean producers is included in the cash disbursements."

**5.** The following is substituted for that part preceding the Table of description of items in section 14 of Schedule 1:

"14. The items considered in calculating cash disbursements and depreciation and the amounts fixed for the 1986 fiscal year are set out in the Table of description of items.

Compensation payable for the areas determined in section 3 of this Schedule under the Income stabilization insurance scheme for cereal, grain corn and soy bean producers is not included in the calculation of cash disbursements and depreciation.

The items in the Table are adjusted annually on the basis of the adjustment standards set out in the Table."

#### **Income Stabilization Insurance Scheme for Feeder Cattle and Slaughter Cattle Producers**

**6.** The Income Stabilization Insurance Scheme for Feeder Cattle and Slaughter Cattle Producers made by Order in Council 1845-86 dated 10 December 1986,

amended by the Regulations made by Orders in Council 1455-87 dated 23 September 1987, 286-88 dated 2 March 1988, 764-88 dated 18 May 1988, 1934-88 dated 21 December 1988, 646-89 dated 3 May 1989, 1324-89 dated 16 August 1989, 711-90 dated 23 May 1990 and 1074-90 dated 1 August 1990, is further amended by substituting the following for the second paragraph of section 19:

"The annual assessment from the 1991 insurance year shall be \$79.00 for each insurable head of cattle."

**7.** The following is substituted for the first paragraph of section 3 of Schedule 1:

"3. All animal feed is purchased, except for forage corn and moist grain corn. The grain corn produced on the farm for animal feed is insured under the Income stabilization insurance scheme for cereal, grain corn and soy bean producers made by Order in Council 896-89 dated 14 June 1989."

**8.** The following is substituted for subparagraph 4 of section 5 of Schedule 1:

"(4) assessments and compensation paid and received during the insurance year under this Scheme and under the Income stabilization insurance scheme for cereal, grain corn and soy bean producers;"

**9.** The following is inserted after the second paragraph of section 12 of Schedule 1:

"The assessment payable under the Income stabilization insurance scheme for cereal, grain corn and soy bean producers is included in the cash disbursements."

**10.** The following is substituted for that part of section 16 of Schedule 1 preceding the Table of description of items:

"16. The items considered in calculating cash disbursements and depreciation and the amounts fixed for fiscal year 1985 are set out in the Table of description of items.

Compensation payable for the areas determined in section 3 of this Schedule under the Income stabilization insurance scheme for cereal, grain corn and soy bean producers is not included in the calculation of cash disbursements and depreciation.

The items in the Table are adjusted annually on the basis of a statistical study by the Régie, or failing that, of the adjustment standards set out in the Table."

**11.** This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

5960

Gouvernement du Québec

**O.C. 1346-91, 2 October 1991**

An Act respecting health services and social services (R.S.Q., c. S-5)

**Organizations and Management of Establishments — Amendments****Organization and Management of Establishments Regulation (Amendment)**

WHEREAS under subparagraph *a* of the first paragraph of section 173 of the Act respecting health services and social services (R.S.Q., c. S-5), the Government may make regulations to establish, within each category of establishments fixed by that Act, classes of establishments and, within each of those classes, kinds of establishments, and determine the activities that each of such classes or kinds of establishments may carry on and prescribe the by-laws which a regional council or an establishment may or must make;

WHEREAS under subparagraph *b* of the first paragraph of the same section, the Government may make regulations to rule on the establishment of records, their examination and their photographic reproduction;

WHEREAS in accordance with the third paragraph of section 173 of the Act respecting health services and social services, any draft regulation made under section 173 shall be published in the *Gazette officielle du Québec*, with a notice that upon the expiry of at least 60 days following such publication, it will be submitted to the Government for approval;

WHEREAS for the purpose of making the Regulation attached to this Order in Council, a Draft Regulation entitled Organization and Management of Establishments Regulation (Amendment) was published in Part 2 of the *Gazette officielle du Québec* of 29 May 1991, on page 1724, with a notice by the Minister of Health and Social Services in accordance with the Act;

WHEREAS it is expedient to make the Regulation without amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Health and Social Services:

THAT the Organization and Management of Establishments Regulation (Amendment), attached to this Order in Council, be made.

BENOÎT MORIN,  
Clerk of the Conseil exécutif

**Organization and Management of Establishments Regulation (Amendment)**

An Act respecting health services and social services (R.S.Q., c. S-5, s. 173, 1<sup>re</sup> par., subpars. *a* and *b*)

**1.** The Organization and Management of Establishments Regulation, made by Order in Council 1320-84 dated 6 June 1984 and amended by the regulations made by Orders in Council 545-86 dated 23 April 1986, 9-87 dated 7 January 1987, 247-87 dated 18 February 1987, 375-88 dated 16 March 1988, 580-88 dated 20 April 1988, 670-88 dated 4 May 1988, 1822-88 dated 7 December 1988, 130-89 dated 8 February 1989, 1567-89 dated 27 September 1989, 863-90 dated 20 June 1990 and 1100-90 dated 1 August 1990, is further amended by substituting the words "in this section" for the words "in the second and third paragraphs" at the end of the first paragraph of section 61.

**2.** The Regulation is amended by substituting the name "Centre de santé de l'Hématite" for the name "Centre de santé de Schefferville" in Schedule II.

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

5961

Gouvernement du Québec

**O.C. 1353-91, 9 October 1991**

An Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10)

**Amendment to Schedule I to the Act**

Amendment to Schedule I to the Act respecting the Government and Public Employees Retirement Plan

WHEREAS under section 1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the retirement plan applies to employees and persons designated in Schedule I, and employ-

ees and persons designated in Schedule II who were not members of a retirement plan on 30 June 1973 or who were appointed or engaged after 30 June 1973;

WHEREAS under section 220 of that Act, the Government may, by order, amend Schedules I, II, II.1, III and IV and any such order may have effect 12 months or less before it is made;

WHEREAS it is expedient to amend Schedule I to that Act so that the Foyer St-Joseph d'Albanel inc. will be subject to the Act respecting the Government and Public Employees Retirement Plan;

IT IS ORDERED, therefore, upon the recommendation of the Minister for Administration and the Public Service and Chairman of the Conseil du trésor:

THAT the amendment to Schedule I to the Act respecting the Government and Public Employees Retirement Plan, attached hereto, be made and published in the *Gazette officielle du Québec*.

BENOÎT MORIN,  
Clerk of the Conseil exécutif

### **Amendment to Schedule I to the Act respecting the Government and Public Employees Retirement Plan**

An Act respecting the Government and Public Employees Retirement Plan  
(R.S.Q., c. R-10, s. 220)

1. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), amended by Orders in Council 1643-90 dated 28 November 1990 and 353-91 dated 20 March 1991, by section 56 of Chapter 42 of the Statutes of 1990, by section 48 of Chapter 46 of the Statutes of 1990, by section 77 of Chapter 87 of the Statutes of 1990 and by section 30 of Chapter 14 of the Statutes of 1991, is further amended by inserting the words "the Foyer St-Joseph d'Albanel inc." in alphabetical order in paragraph 1.

2. This Amendment comes into force on the day on which it is made by the Government, but has effect from 1 August 1991.

5976

Gouvernement du Québec

### **O.C. 1358-91, 9 October 1991**

An Act respecting farm income stabilization insurance  
(R.S.Q., c. A-31)

#### **Piglet Producers**

##### **— Scheme**

##### **— Amendments**

Income Stabilization Insurance Scheme for Piglet Producers (Amendment)

WHEREAS under sections 2, 5 and 6 of the Act respecting farm income stabilization insurance (R.S.Q., c. A-31), the Government prescribed the Income Stabilization Insurance Scheme for Piglet Producers, made by Order in Council 718-86 dated 28 May 1986;

WHEREAS the remuneration included in the stabilized income for the Income Stabilization Insurance Scheme for Piglet Producers has been increased to 90 % of the wage of a skilled worker for the production stratum consisting of the first 240 sows, in order to attain wage parity with non-agricultural workers;

WHEREAS the adoption of stratification of levels of intervention in the provincial scheme in force for 1988-1989 and Québec's joining the national tripartite pig price stabilization plan retroactively to 1 January 1989 have created pricing problems and, consequently, insurance fund management problems;

WHEREAS Québec's retroactively joining the tripartite program has resulted in a large surplus in the piglet scheme insurance fund that will be difficult to reduce, particularly for the last two production strata, since the possibility of post-tripartite long-term provincial intervention in those strata remains negligible if not nil;

WHEREAS the return to a single intervention stratum to include 90 % of the wages of a specialized worker would make it possible to adequately harmonize interventions under the tripartite program with the provincial scheme, thereby correcting the pricing problem and the problem of an unreducible surplus in the piglet scheme insurance fund;

WHEREAS the amendment involves increasing the insurance coverage for a limited inventory of 18 000 sows out of 260 000 insurable sows, resulting in a long-term budget increase of \$200 000 per year, together with a reduction in the provincial contribution for the first three years of application in the order of \$400 000 per year from 1991-1992;

WHEREAS under Order in Council 1447-89 dated 6 September 1989, the Government withdrew from the application of the Regulations Act (R.S.Q., c. R-18.1) the draft regulations and regulations that may be proposed or made under the Crop Insurance Act (R.S.Q., c. A-30) or under the Act respecting farm income stabilization insurance;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Agriculture, Fisheries and Food:

THAT the Income Stabilization Insurance Scheme for Piglet Producers (Amendment), attached to this Order in Council, be made.

BENOÎT MORIN,  
*Clerk of the Conseil exécutif*

### Income Stabilization Insurance Scheme for Piglet Producers (Amendment)

An Act respecting farm income stabilization insurance (R.S.Q., c. A-31, ss. 2, 5 and 6)

1. The Income Stabilization Insurance Scheme for Piglet Producers, made by Order in Council 718-86 dated 28 May 1986, amended by the regulations made by Orders in Council 64-87 dated 21 January 1987, 286-88 dated 2 March 1988, 764-88 dated 18 May 1988, 1934-88 dated 21 December 1988, 942-89 dated 21 June 1989, 152-90 dated 14 February 1990, 711-90 dated 23 May 1990, and 1074-90 dated 1 August 1990, is further amended in section 20 by substituting the following for the second paragraph:

"From the 1991-1992 insurance year, the producer shall pay an annual assessment of \$2.00 for each insurable sow."

2. The following is substituted for section 25:

"25. From the 1991-1992 insurance year, the stabilized net annual income is equivalent to 90 % of the average regular annual wage of a skilled worker as defined in section 11 of Schedule 1."

3. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

5977

Gouvernement du Québec

### O.C. 1380-91, 9 October 1991

An Act respecting the Barreau du Québec (R.S.Q., c. B-1)

Professional Code (R.S.Q., c. C-26)

Bar

— Code of Ethics  
— Amendments

Code of Ethics of Advocates (Amendment)

WHEREAS under section 87 of the Professional Code (R.S.Q., c. C-26), amended by section 3 of Chapter 76 of the Statutes of 1990, and paragraph a of subsection 3 of section 15 of the Act respecting the Barreau du Québec (R.S.Q., c. B-1), the General Council of the Barreau du Québec must make a Code of Ethics governing the general and special duties of the professional towards the public, his clients and his profession, and containing provisions dealing with, among other things, the conditions, obligations and, where applicable, prohibitions in respect of advertising by its members;

WHEREAS the General Council adopted a Code of Ethics of Advocates (R.R.Q., 1981, c. B-1, r. 1);

WHEREAS the General Council, under the above mentioned sections, made a Regulation to amend the Code of Ethics of Advocates;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 27 March 1991, with a notice that it could be submitted for approval by the Government upon the expiry of 45 days following that publication;

WHEREAS comments were made prior to the expiry of that period;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec has submitted its recommendations;

WHEREAS it is expedient to approve the Regulation as amended;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for the application of legislation respecting the professions:

THAT the Regulation to amend the Code of Ethics of Advocates, attached to this Order in Council, be approved.

BENOÎT MORIN,  
Clerk of the Conseil exécutif

## Code of Ethics of Advocates (Amendment)

An Act respecting the Barreau du Québec  
(R.S.Q., c. B-1, s. 15, subsec. 3, par. a)

Professional Code  
(R.S.Q., c. C-26, s. 87, pars. 1 and 2; 1990, c. 76,  
s. 3)

1. The following is substituted for section 3.05.14 of the Code of Ethics of Advocates (R.R.Q., 1981, c. B-1, r. 1).

"3.05.14 The advocate shall refrain from sharing his fees with or remitting them to, or renouncing them in advance in favour of any person who is not a member of a bar."

2. The following is substituted for section 3.05.15:

"3.05.15 An advocate may practise in a nominal or real partnership only if at least one of its partners is a member of the Bar and principally practises his profession in Québec within the meaning of section 60 of the Professional Code (R.S.Q., c. C-26)."

3. Section 4.02.01 is amended by:

(1) substituting the following for paragraph *u*:

"(u) practising his profession in a nominal or real partnership with persons other than members of a bar;"

(2) striking out paragraph *v*.

4. The following Division is added after section 4.04.01:

### "DIVISION V RESTRICTIONS AND OBLIGATIONS RESPECTING ADVERTISING

5.01 No advocate may, in any way whatsoever, engage in advertising that is false, misleading, incomplete or likely to mislead, or allow such advertising to be used.

5.02 An advocate may not claim specific qualities or skills relating in particular to the level of his competence or to the extent or efficiency of his services, unless they can be substantiated.

5.03 An advocate advertising lump-sum fees shall:

(1) establish fixed prices;

(2) specify the nature and extent of services included in the fees;

(3) indicate whether or not disbursements are included in the fees;

(4) indicate whether additional services might be required which are not included in the fees.

The particulars and indications shall be sufficient to reasonably inform persons who have no particular knowledge of the field of law.

Any lump-sum fee shall remain in force for a minimum period of 90 days after it is last advertised broadcast or published.

5.04 An advocate shall retain a complete copy of any advertisement in its original form, for a period of five years after the date on which it is advertised or published for the last time. The copy shall be remitted to the syndic upon request.

5.05 Any advertisement likely to influence persons who may be vulnerable owing to the occurrence of a specific event may be addressed to the general public only.

5.06 No advocate may, in his advertising, use or allow to be used an endorsement or statement of gratitude concerning him.

5.07 All partners in a law firm are jointly and severally responsible for respecting the rules concerning advertising, unless the advertisement clearly indicates the name of the advocate responsible for it.

### DIVISION VI GRAPHIC SYMBOL OF THE BAR

6.01 The Bar shall be represented by a graphic symbol that conforms to the original held by the executive director.

6.02 Where an advocate reproduces the graphic symbol of the Bar for advertising purposes, he must ensure that the symbol conforms to the original held by the executive director.

6.03 Where an advocate uses the graphic symbol of the Bar in his advertising other than on a business card, the following disclaimer must appear with the advertising

"This advertising does not emanate from and is not binding upon the Barreau du Québec."

#### DIVISION VII FIRM NAME OF LAW FIRMS

7.01 The firm name of a law firm shall include only names of members of a bar who practise together. It may, however, retain the name of a deceased or retired member.

Notwithstanding the foregoing, where an advocate leaves a firm to practise alone or to join another firm, his name shall be removed from the firm name within one year from his leaving, unless there is a written agreement to the contrary. Where an advocate leaves the firm to perform a duty which is incompatible with the exercise of the profession, that agreement may not provide for a longer time limit."

5. This Regulation replaces the Regulation respecting advertising by advocates (R.R.Q., 1981, c. B-1, r. 11).

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

5970

Gouvernement du Québec

O.C. 1381-91, 9 October 1991

Professional Code  
(R.S.Q., c. C-26)

Denturologists  
— Code of Ethics  
— Amendments

Code of Ethics of the Ordre des denturologistes du Québec (Amendment)

WHEREAS under section 87 of the Professional Code (R.S.Q., c. C-26), amended by section 3 of Chapter 76 of the Statutes of 1990, the Bureau of the Ordre des denturologistes du Québec must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, his clients and his profession, and containing, among other things,

provisions setting out conditions, obligations and, where applicable, prohibitions in respect of advertising by its members;

WHEREAS the Bureau made the Code of Ethics of the Ordre des denturologistes du Québec, approved by Order in Council 1011-85 dated 29 May 1985;

WHEREAS it is expedient to amend the Code;

WHEREAS under the abovementioned section, the Bureau made a regulation entitled "Code of Ethics of the Ordre des denturologistes du Québec (Amendment)";

WHEREAS under section 95 of the Professional Code, the secretary of the Order sent the draft of the regulation to all the members of the Order at least thirty days before its making by the Bureau;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Regulation attached to this Order in Council was published as a draft in Part 2 of the *Gazette officielle du Québec* of 27 March 1991 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS in accordance with section 95 of the Professional Code, the Office des professions du Québec has made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Code of Ethics of the Ordre des denturologistes du Québec (Amendment), attached to this Order in Council, be approved.

BENOÎT MORIN,  
*Clerk of the Conseil exécutif*

### Code of Ethics of the Ordre des denturologistes du Québec (Amendment)

Professional Code  
(R.S.Q., c. C-26, s. 87, par. 5 enacted by section 3 of Chapter 76 of the Statutes of 1990)

1. The Code of Ethics of the Ordre des denturologistes du Québec, approved by Order in Council 1011-

85 dated 29 May 1985, is amended by substituting the following sections for section 5:

"5. A denturologist may, in a statement or advertisement, inform the public of any aspect of the practice of his profession, subject to the conditions set out in this Code and to the laws and regulations governing the practice of his profession.

5.1 In a statement or advertisement concerning a discount, special price or rebate, a denturologist shall mention the duration of the discount, special price or rebate.

5.2 A denturologist may not, in a statement or advertisement, by any means whatever, lay more stress on a discount, special price or rebate than on the product or service offered.

5.3 In a statement or advertisement concerning fees or prices, a denturologist shall specify the services covered by those fees or prices.

5.4 A denturologist may not, in a statement or advertisement, by any means whatever, indicate the price of any of the products or services forming part of a set without indicating the total price of that set of products or services.

5.5 A denturologist may not, in a statement or advertisement, by any means whatever, lay less stress on the fees or prices charged for a set of products or services than on the fees or prices charged for any of the products or services forming part of that set.

5.6 A denturologist may not, in a statement or advertisement, by any means whatever, disclose the amount of the instalments to be paid to acquire a product or receive a service without also disclosing the total price or fees charged for the product or service and without laying greater stress on the total price or fees.

5.7 A denturologist may not, by any means whatever, make a statement or advertisement concerning a product or a service of which he has an insufficient quantity to meet public demand unless mention is made in his statement or advertisement that only a limited quantity of the product or service is available and unless that quantity is indicated.

5.8 Subject to section 11 of the Act, a denturologist shall, in any statement or advertisement, indicate his name and his title of denturologist.

5.9 A denturologist shall keep an exact duplicate of any statement or advertisement in its original form for one year following the date on which it was last pub-

lished or broadcast. Upon a request by the syndic, he shall hand over that duplicate to the syndic.

5.10 A denturologist may not, in a statement or advertisement, use or allow the use of an endorsement or statement of gratitude in respect of himself.

5.11 The Order is represented by a graphic symbol corresponding to the original held by the secretary of the Order and composed of the letters "O.D.Q." joined inside a rectangle.

A denturologist who reproduces the Order's graphic symbol in a statement or advertisement shall ensure that it corresponds to the original held by the secretary of the Order."

2. The following sections are added after section 22:

"22.1 A denturologist's conduct shall be characterized by objectivity, moderation and dignity.

22.2 A denturologist shall avoid all methods and attitudes likely to give to his profession a profit-seeking or mercantile character."

3. Section 39 is revoked.

4. The following section is added after section 61:

"61.1 A denturologist may not, by any means whatever, falsely claim that a product or a service is required in order to replace a dental prosthesis or make a repair."

5. This Regulation replaces the Regulation respecting Advertising by Denturologists approved by Order in Council 1012-85 dated 29 May 1985.

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

5978

Gouvernement du Québec

**O.C. 1386-91, 9 October 1991**

Highway Safety Code  
(R.S.Q., c. C-24.2)

**Mechanical inspection and safety standards for road vehicles**

**— Amendments**

Regulation respecting mechanical inspection and safety standards for road vehicles (Amendment)

WHEREAS under paragraphs 25, 29, 31.1 to 32 and 49 of section 621 of the Highway Safety Code (R.S.Q., c. C-24.2), the Government may, by regulation:

(25) establish the safety standards that must be met by a road vehicle to be authorized to be operated;

(29) prescribe the frequency, standards and procedures of the mechanical inspection and technical appraisal of the various road vehicles that are subject to inspection;

(31.1) establish which road vehicles damaged in an accident cannot be rebuilt;

(31.2) prescribe the documents and information which must be included in the record of rebuilding of a road vehicle referred to in section 546.2;

(32) establish the form and content of the certificate of mechanical inspection, the inspection sticker and the certificate of technical compliance;

(49) prescribe the conditions and formalities for partial or complete recognition of periodic and compulsory mechanical inspection programs of another administrative authority in Canada or the United States for road vehicles registered in Québec or in the place of origin of the program as well as the cases in which such vehicles must undergo a mechanical inspection under that Code;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a Draft Regulation entitled Regulation respecting mechanical inspection and safety standards for road vehicles (Amendment) was published in Part 2 of the *Gazette officielle du Québec* of 31 July 1991, with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Transport:

THAT the Regulation respecting mechanical inspection and safety standards for road vehicles (Amendment), attached to this Order in Council, be made.

BENOÎT MORIN,  
*Clerk of the Conseil exécutif*

**Regulation respecting mechanical inspection and safety standards for road vehicles (Amendment)**

Highway Safety Code  
(R.S.Q., c. C-24.2, s. 621, pars. 25, 29, 31.1 to 32 and 49; 1990, c. 83, s. 230)

1. The Regulation respecting mechanical inspection and safety standards for road vehicles, made by Order in Council 2069-82 dated 15 September 1982 and amended by Orders in Council 206-84 dated 25 January 1984, 1047-84 dated 2 May 1984, 868-87 dated 3 June 1987, 1766-89 dated 15 November 1989, 412-90 dated 28 March 1990 and 1156-90 dated 8 August 1990, is further amended by inserting the following Chapter after the title:

**"CHAPTER 0.1  
INTERPRETATION**

0.1 Any references in this Regulation must be read taking into account amendments that may be made to the legislative and regulatory provisions and other normative provisions referred to."

2. Section 1 is amended:

(1) by adding the following subparagraph after subparagraph 10 of the first paragraph:

"(11) damaged vehicles referred to in section 546.2 of the Code that have been rebuilt.";

(2) by substituting the figure "11" for the figure "10" in the second sentence of the second paragraph.

3. The following Chapters are inserted after section 5.9:

**"CHAPTER I.2  
TECHNICAL INSPECTIONS MADE OUTSIDE  
QUÉBEC**

**5.10** A technical inspection report and an inspection sticker issued relative to the technical inspection of a road vehicle registered outside Québec that is a minibus, a bus or a commercial vehicle having a net mass of more than 3 000 kg, including any trailer, semi-trailer or fifth wheel hauled by the vehicle, are considered valid within the meaning of the Highway Safety Code where the technical inspection was performed in accordance with the compulsory periodic technical inspection program contained in any of the following legislative provisions:

(1) British Columbia: Regulations of the Superintendent of Motor Vehicles (Safety and Repairs) Inspection Standards Regulations, B.C. Reg. 83/86;

(2) Prince Edward Island: Motor Vehicle Inspection Regulations EC509/82;

(3) Manitoba: Commercial Vehicle Inspection Regulation, Man. Reg. 532/88;

(4) New Brunswick: Motor Vehicle Inspection Regulation - Motor Vehicle Act, N.B. Reg. 83-185;

(5) Nova Scotia: Motor Vehicle Inspection Regulations, N.S. Reg. N0108/80;

(6) Ontario: Safety Inspections, R.R.O., 1980, Reg. 483;

(7) Saskatchewan: Power Unit and Semi-Trailer Safety Inspection Regulations, Sask. Reg. 289/90; Bus Safety Inspection Regulations, Sask. Reg. 48/80;

(8) Newfoundland: Highway Traffic (Bus) Regulations, 1987, Nfld. Reg. 35/87;

(9) United States: Federal Motor Carrier Safety Regulations, Title 49, United States Code of Federal Regulations, sections 396.17 to 396.23.

**5.11** The technical inspection report and the conformity sticker issued under a program referred to in section 5.10 are considered valid, from their issue date, for a 6-month period for a minibus or a bus and for a 12-month period for a road vehicle that has a net mass of more than 3 000 kg and that is a commercial vehicle, a trailer, a semi-trailer or a detachable axle.

**5.12** A road vehicle referred to in section 5.10 and registered in Québec may be subjected to a technical inspection in accordance with any of the programs

provided for in that section where that vehicle is outside Québec.

The technical inspection report and the conformity sticker attesting thereto are considered valid within the meaning of the Highway Safety Code for the period provided for in section 5.11, provided that the owner or the lessee of the road vehicle or the carrier referred to in Title VIII.1 of the Code who is responsible therefor sends the Société a copy of the technical inspection report without delay and ensures that the conformity sticker is applied to the vehicle.

**5.13** Notwithstanding section 5.10, an inspection referred to in any of the programs listed in that section and made in accordance with the Memorandum of Understanding of the Commercial Vehicles Safety Alliance (CVSA), contained in the Regulation respecting the mechanical inspection reciprocal agreement between the Gouvernement du Québec and certain North American jurisdictions, made by Order in Council 313-88 dated 9 March 1988, may not stand in lieu of a technical inspection within the meaning of the Highway Safety Code.

**CHAPTER I.3  
DAMAGED VEHICLES THAT HAVE BEEN  
REBUILT**

**DIVISION I  
SCOPE**

**5.14** This Chapter applies to damaged vehicles referred to in section 546.2 of the Highway Safety Code that have been rebuilt.

**DIVISION II  
TECHNICAL APPRAISAL STANDARDS**

**5.15** The technical appraisal provided for in section 546.5 must be made in accordance with the standards provided for in this Division.

**5.16** The alignment of the chassis or of the unitized body must conform to the manufacturer's standards relative to the safe use of the vehicle, in particular with regard to the position of the suspension and steering components.

**5.17** The wheels must be aligned in accordance with the manufacturer's standards.

**5.18** The repair and assembly of the components of the body must be carried out in such a way as to provide occupant protection that is comparable to the original protection.

**5.19** Unreparable components of the structure must be replaced.

Repairable components of the body must be repaired in accordance with methods or techniques that do not affect their original properties in accordance with the manufacturer's standards.

**5.20** The assembly joints of the body must be located in the places recommended by the manufacturer.

Those joints must be accessible when the technical appraisal is made and no sealant, soundproofing or rustproofing compound must have been applied to the underside of the body of the vehicle.

**5.21** The components of the chassis or of the unitized body must be assembled using methods that do not affect the mechanical and metallurgical properties of the materials of which they are made.

### **DIVISION III FREQUENCY OF AND PROCEDURE FOR TECHNICAL APPRAISALS**

**5.22** The technical appraisal of damaged vehicles that have been rebuilt must be made prior to the technical inspection of those vehicles and their use on public highways.

**5.23** To be authorized by the Société to make on its behalf the technical appraisal referred to in sections 546.1 and following of the Highway Safety Code, a person must have any of the following qualifications:

(1) hold a certificate of qualification as an appraiser of material damage to road vehicles, issued by the Groupement des assureurs automobiles in accordance with section 171 of the Automobile Insurance Act (R.S.Q., c. A-25);

(2) hold a valid certificate of professional qualification issued by a parity committee in accordance with the Act respecting collective agreement decrees (R.S.Q., c. D-2) attesting that he is a qualified body-worker's helper;

(3) have been a repairer of chassis frames of road vehicles with unitized bodies for at least 5 years and have taken full responsibility for his work for at least 3 years.

**5.24** The information contained in a certificate of technical conformity shall include the following:

(1) the certificate number;

(2) the make, model, year and identification number of the vehicle;

(3) the name and address of the owner of the vehicle and the identification number on the vehicle registration certificate;

(4) the name and address of the person who rebuilt the vehicle and the identification number on the vehicle registration certificate;

(5) the name and signature of the person who made the technical appraisal, the number assigned to him by the Société, the address at which the technical appraisal was made, as well as the date;

(6) an attestation that the vehicle conforms to the requirements of section 546.5 of the Highway Safety Code and of sections 5.16 to 5.21 of this Regulation.

### **DIVISION IV UNREBUILDABLE VEHICLES**

**5.25** For the purposes of Title IX.1 of the Highway Safety Code, damaged road vehicles with unitized bodies where the floor of the occupant compartment and the bulkhead cannot be repaired following a collision, a fire or immersion may not be rebuilt.

### **DIVISION V RECORD OF REBUILDING**

**5.26** The record of rebuilding must contain, in addition to the requirements of section 546.4 of the Highway Safety Code, an attestation that the wheel alignment complies with the vehicle manufacturer's standards."

**4.** This Regulation comes into force on 13 November 1991.

5971

Gouvernement du Québec

### **O.C. 1391-91, 9 October 1991**

An Act respecting collective agreement decrees (R.S.Q., c. D-2)

#### **Security guards — Amendments**

CONCERNING the Decree amending the Decree respecting security guards

WHEREAS, in accordance with section 8 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), the government may amend a decree upon the recommendation of the Minister of Labour;

WHEREAS the contracting parties to the collective labour agreement rendered obligatory by the Decree respecting security guards (R.R.Q., 1981, c. D-2, r. 1), amended by Orders in Council 2487-83 of 30 November 1983, 441-84 of 22 February 1984, corrected by Order in Council 999-84 of 25 April 1984, and amended by Orders in Council 1744-84 of 1 August 1984, 2546-84 of 14 November 1984, 635-85 of 27 March 1985, 16-86 of 15 January 1986 and 1162-89 of 12 July 1989 and 93-90 of 24 January 1990, have petitioned the Minister of Labour to submit to the government for consideration and decision the following amendments to the Decree;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the amending Decree attached to this Decree was published in Part 2 of the *Gazette officielle du Québec* of 5 June 1991, with a notice stating that it may be adopted by the government at the expiry of a 45-day time limit from this publication;

WHEREAS no objection was brought forward against the approval of the amending Decree attached to this Decree;

WHEREAS there is reason to approve this petition without amendment and to adopt for this purpose the attached Decree;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Labour:

THAT the Decree amending the Decree respecting security guards, attached hereto, be adopted.

BENOÎT MORIN,  
*Clerk of the Conseil exécutif*

### Decree amending the Decree respecting security guards

An Act respecting collective agreement decrees (R.S.Q., c. D-2, s. 8)

1. The Decree respecting security guards (R.R.Q., 1981, c. D-2, r. 1), amended by Orders in Council 2487-83 of 30 November 1983, 441-84 of 22 February 1984, corrected by Order in Council 999-84 of 25 April 1984, amended by Orders in Council 1744-84 of

1 August 1984, 2546-84 of 14 November 1984, 635-85 of 27 March 1985, 16-86 of 15 January 1986, 1162-89 of 12 July 1989 and 93-90 of 24 January 1990, is further amended in section 1.01:

1° by replacing the heading of paragraph 14° by the following: "14° "regular employee A-01" ";

2° by replacing the heading of paragraph 15° by the following: "15° "part-time employee A-02" ";

3° by replacing the heading of paragraph 16° by the following: "16° "trial employee A-03" ";

4° by replacing the heading of paragraph 17° by the following: "17° "casual employee A-04" ".

2. Section 4.06 of the Decree is amended by replacing paragraph c by the following:

"(c) the status of the employee defined in paragraphs 14, 15, 16 and 17 section 1.01;"

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

5980

Gouvernement du Québec

### O.C. 1392-91, 9 October 1991

An Act respecting collective agreement decrees (R.S.Q., c. D-2)

Automobile  
— Maurice  
— Levy  
— Amendments

CONCERNING the Levy Regulation of the Comité paritaire de l'industrie de l'automobile de la Mauricie

WHEREAS, in accordance with paragraph i of section 22 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), a parity committee may, by a regulation approved by the government and published in the *Gazette officielle du Québec*, levy upon the professional employer alone or upon both the professional employer and the employee, or upon the employee alone, the sums required for the carrying out of the Decree which it is commissioned to supervise and ensure the observance thereof;

WHEREAS the Levy Regulation of the Comité paritaire de l'industrie de l'automobile de la Mauricie was approved by Order in Council 2626-85 of 11 December 1985;

WHEREAS the Comité paritaire de l'industrie de l'automobile de la Mauricie has adopted, at its meeting held on 15 May 1991, the Regulation amending the Levy Regulation of the Comité paritaire de l'industrie de l'automobile de la Mauricie in order to increase the levy presently in force;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of this Regulation was published in Part 2 of the *Gazette officielle du Québec* of 26 June 1991, with a notice stating that it may be submitted to the government for approval at the expiry of a 45-day time limit from this publication;

WHEREAS no objection was expressed against the Regulation;

WHEREAS there is reason to approve this Regulation without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Labour:

THAT the Levy Regulation of the Comité paritaire de l'industrie de l'automobile de la Mauricie, attached hereto, be approved.

BENOÎT MORIN,  
*Clerk of the Conseil exécutif*

### **Regulation amending the Levy Regulation of the Comité paritaire de l'industrie de l'automobile de la Mauricie**

An Act respecting collective agreement decrees (R.S.Q., c. D-2, s. 22, par. i)

1. The Levy Regulation of the Comité paritaire de l'industrie de l'automobile de la Mauricie, approved by Order in Council 2626-85 of 11 December 1985, is amended by replacing sections 2 to 4 by the following:

"2. Professional employers shall remit to the Comité paritaire de l'industrie de l'automobile de la Mauricie an amount equal to 0,35 % of the gross wages they pay to their employees governed by the Decrees;

3. Employees other than those mentioned in section 4 shall remit to the parity committee an amount equal to 0,35 % of their gross wages.

4. Skilled tradesmen or workers who are not in the service of a professional employer shall remit to the parity committee an amount equal to 1,25 \$ per week."

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

5981

Gouvernement du Québec

### **O.C. 1393-91, 9 October 1991**

An Act respecting collective agreement decrees (R.S.Q., c. D-2)

**Cartage**  
— Québec  
— Amendments

CONCERNING the Decree amending the Decree respecting the cartage industry in the Québec region

WHEREAS, in accordance with section 8 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), the government may amend a decree upon the recommendation of the Minister of Labour;

WHEREAS the contracting parties to the collective labour agreement rendered obligatory by the Decree respecting the cartage industry in the Québec region (R.R.Q., 1981, c. D-2, r. 7), amended by Orders in Council 86-82 of 13 January 1982 (Suppl., p. 413), 1691-82 of 7 July 1982 (Suppl., p. 416), 1000-84 of 25 April 1984, 639-85 of 27 March 1985, 1338-85 of 26 June 1985, 1569-85 of 31 July 1985, 552-89 of 12 April 1989, 1193-89 of 19 July 1989 and 1115-91 of 7 August 1991, have petitioned the Minister of Labour to submit to the government for consideration and decision the following amendments to the Decree;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the amending Decree attached to this Decree was published in Part 2 of the *Gazette officielle du Québec* of 8 August 1990, with a notice stating that it may be adopted by the government at the expiry of a 45-day time limit from this publication;

WHEREAS the objection expressed was considered in accordance with the Act;

WHEREAS there is reason to approve this petition as amended and to adopt for this purpose the attached Decree;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Labour:

THAT the Decree amending the Decree respecting the cartage industry, attached hereto, be adopted.

BENOÎT MORIN,  
*Clerk of the Conseil exécutif*

### Decree amending the Decree respecting the cartage industry in the Québec region

An Act respecting collective agreement decrees (R.S.Q., c. D-2, s. 8)

1. The Decree respecting the cartage industry in the Québec region (R.R.Q., 1981, c. D-2, r. 7), amended by Orders in Council 86-82 of 13 January 1982 (Suppl., p. 413), 1691-82 of 7 July 1982 (Suppl., p. 416), 1000-84 of 25 April 1984, 639-85 of 27 March 1985, 1338-85 of 26 June 1985, 1569-85 of 31 July 1985, 552-89 of 12 April 1989, 1193-89 of 19 July 1989 and 1115-91 of 7 August 1991, is further amended by replacing subsections *h* and *i* of section 13.01 by the following:

"(h) "welder": employee whose main duties consist in welding metal parts in order to make or repair parts or tools."

2. Section 14.01 of the Decree is replaced by the following:

"14.01 Territorial jurisdiction: This Part applies to the municipalities mentioned in Schedule 2 and included in administrative regions 01, 02, 03 and 12."

3. Sections 16.01 and 16.02 of the Decree are replaced by the following:

"16.01 Hours worked on a holiday or over and above the hours included in the standard workweek or workday are paid at time and a half the employee's hourly wage provided for in the Decree.

16.02 Hours worked on a Sunday are paid at double time the employee's hourly wage provided for in the Decree."

4. Sections 17.02 to 17.05 of the Decree are replaced by the following:

"17.02 The employee available to work receives at least a remuneration equal to 4 times his hourly remuneration provided for in the Decree from Monday to Friday and to 3 times his hourly remuneration provided for in the Decree on the Saturday for each day of his standard workweek on which he is present at work, except in the following cases:

1° when there is a work interruption due to an act of God;

2° when his employer notified him not to report to work at least one (1) hour before the end of the preceding workday.

17.03 The employee who is called back to perform overtime hours, after he has left the work premises at the end of his standard workday, receives at least a remuneration equal to 4½ times his hourly wage provided for in the Decree.

17.04 The employee who works on a holiday and the employee whose standard workweek is scheduled from Monday to Friday and who works on a Saturday, receive at least a remuneration equal to 6 times their hourly wage provided for in the Decree.

17.05 The employee who works on a Sunday receives at least a remuneration equal to 8 times his hourly wage provided for in the Decree."

5. Section 18.01 of the Decree is replaced by the following:

"18.01 The minimum hourly wage for each region is as follows:

1° (A) **Region 01 (Bas-Saint-Laurent):** municipalities included in the regional county municipalities of Kamouraska, Les Basques, Rimouski-Neigette, Rivière-du-Loup and Témiscouata;

(B) **Region 12 (Chaudière-Appalaches):** municipalities included in the regional county municipalities of Beauce-Sartigan, L'Amiante, L'Islet, La Nouvelle-Beauce, Les Etchemins, Montmagny et Robert-Cliche:

	As of 7 November 1991	As of 92 01 01
(a) helper	10,85 \$	11,34 \$
(b) driver, Class I	11,09	11,59
(c) driver, Class II	11,19	11,69
(d) driver, Class III	11,66	12,18
(e) mechanic, welder	11,66	12,18
(f) serviceman	11,19	11,69;

2° **Region 02 (Saguenay-Lac-Saint-Jean):** municipalities included in the regional county municipalities of Lac-Saint-Jean-Est, Le Domaine-du-Roy, Le Fjord-du-Saguenay and Maria-Chapdelaine:

	As of 7 November 1991	As of 92 01 01
(a) helper	10,58 \$	11,06 \$
(b) driver, Class I	11,57	12,09
(c) driver, Class II	11,67	12,20
(d) driver, Class III	11,79	12,32
(e) mechanic, welder	11,79	12,32;

3° (A) **Region 03 (Québec):** municipalities included in the Québec Urban Community and also the municipalities included in the regional county municipalities of L'Île-d'Orléans, La Côte-de-Beaupré, La Jacques-Cartier and Portneuf;

(B) **Region 12 (Chaudière-Appalaches):** municipalities included in the regional county municipalities of Bellechasse, Desjardins, Les Chutes-de-la-Chaudière and Lotbinière:

	As of 7 November 1991	As of 92 01 01
(a) helper	12,01 \$	12,55 \$
(b) driver, Class I	12,25	12,80
(c) driver, Class II	12,36	12,92
(d) driver, Class III	12,82	13,40
(e) mechanic, welder	12,59	13,16
(f) serviceman	12,36	12,92.

18.01.1 The employee's salary shall be equal to or higher than the wage that he received on 7 November 1991."

6. Sections 19.02 to 19.04 of the Decree are replaced by the following:

"19.02 The following days are general holidays: New Year's Day, 2 January, Good Friday or Easter Monday, at the employer's choice, Dollard's Day or the Queen's

Birthday, 1 July, Labour Day, Thanksgiving Day, 8 December, Christmas Day and 26 December.

19.03 The employer may postpone the celebration of Dollard's Day or the Queen's Birthday and of 8 December to another day, on condition that he notifies his employees and the parity committee one week before the holiday.

19.04 For each general holiday, the employee receives a holiday pay equal to 8 times his hourly wage provided for in the Decree, provided that he was available to work on the working day preceding and the working day following the holiday, unless his absence was due to sickness or an accident preventing him from performing his work".

7. Section 19.06 of the Decree is replaced by the following:

"19.06 The employee cannot be required to work after 21 h 30 on Christmas Eve and New Year's Eve."

8. The Decree is amended by adding after section 20.05 the following:

"20.06 The employee who, on 1 January, has 21 years of continuous service with the same employer receives 5 weeks of vacation. The vacation pay is equal to 10 % of the employee's wage during the qualifying period."

9. Sections 20.06 and 20.07 of the Decree become respectively sections 20.07 and 20.08.

10. Sections 21.01 to 21.03 of the Decree are replaced by the following:

"21.01 An employee may be absent from work, without a loss in his wages:

1° for 5 days on the occasion of the death of his consort, within the meaning of subsection 3 of section 1 of the Act respecting labour standards (R.S.Q., c. N-1.1);

2° for 4 days on the occasion of the death of a child;

3° for 3 days on the occasion of the death of his father, mother, a brother or a sister, his father-in-law or mother-in-law;

4° for one (1) day on the occasion of the death of a brother-in-law or sister-in-law.

The employee may also be absent from work, without wages, for a longer period of time, if the circumstances

surrounding the death require so. He must then provide the employer with a proof of the death.

**21.02** An employee may be absent from work, without a loss in wages, on his wedding day.

An employee may also be absent from work, without wages, on the wedding day of one of his children, his father, mother, a brother, a sister or his consort's child.

The employee shall notify his employer of his absence at least one week in advance."

**11.** Division 22.00 and section 22.01 of the Decree are replaced by the following Divisions and sections:

#### **"22.00 Uniform**

**22.01** The employer provides and cleans at his own expense the uniform, the suit or the overalls that his employee is required to wear. These clothes remain the employer's property.

#### **23.00 Medical examination**

**23.01** If a medical examination is required by the employer, the employee will be paid for the time incurred if the examination is performed during standard working hours.

If the examination must be performed after standard working hours, the employee is then entitled to receive an amount of 15 \$; the employer, in this case, must notify the employee at least 3 working days before a medical examination is performed.

#### **24.00 Prior notice**

**24.01** 1° Except in the case of a fixed-duration contract or for a specific firm, an employee who has at least 3 months of continuous service with the same employer, is entitled to a written prior notice before his dismissal or layoff for at least 6 months.

2° Such prior notice must be of one week if the employee has less than one year of continuous service, 2 weeks if he has from one year to 5 years of continuous service, 4 weeks if he has from 5 to 10 years of continuous service and 8 weeks if he has 10 years of continuous service or more.

3° Except in the case of serious misdemeanour on the part of the employee or fortuitous event, the employer who fails to give such prior notice, pays to the employee, at the time of his departure, a compensation equal to the employee's remuneration for a period equal to that of the prior notice.

4° For the enforcement of this section and sections 20.02 to 20.06, continuous service means the uninterrupted period during which the employee is bound to his employer by a work contract, even if the carrying out of the work is interrupted without the contract having been cancelled, and the period during which fixed-duration contracts follow one another without an interruption that would allow, given the circumstances, to conclude that the contract has been cancelled.

#### **25.00 Sick leave**

**25.01** The employee is entitled to 7 days of sick leave per year. The first day of absence on account of illness is not refundable. However, as of the second day to the seventh inclusively, the employee is entitled to receive 8 times his hourly wage provided for in the Decree. In all cases, the employee must produce a medical certificate attesting the necessity of the sick leave.

#### **26.00 Group insurance**

**26.01** The contracting parties adopt a group insurance plan which is administered by the parity committee. The insurance contract is subject to the approval of the Inspector General of Financial Institutions of Québec and its guarantee is submitted to his supervision.

Each employee who has 3 months of active and continuous service with the same employer and who has worked at least four 8-hour days during each of the weeks included in this period contributes to the insurance plan. He pays a maximum premium of 5,00 \$ per week. The employer pays a maximum premium of 5,00 \$ per week for each employee contributing to the group insurance plan. Each week, the employee's premium is deducted from his wages by the employer.

This section does not apply to the employer whose every employee subject to the Decree enjoys a social security plan including provisions at least as profitable for the employee.

The insurance of an employee ends at the end of the month during which his employment comes to an end. The employer and the employee are required to pay to the parity committee the insurance premium for the month during which the employment of the employee came to an end.

#### **26.02 The employer must:**

1° have the employees' cards of adherence filled in;

2° notify the parity committee of any change in the employee's wage, civil status or beneficiary status;

3° provide the employee with the forms required for claims;

4° immediately notify the parity committee of an employee's absence and return to work;

5° collaborate to the obtaining of medical certificates which could be required;

6° collaborate to the checking of claims;

7° forward the contributions to the parity committee along with the monthly report.

### 27.00 Term

**27.01** This Part remains in force until 31 December 1992. It is then automatically renewed from year to year thereafter, unless one of the contracting parties opposes it through a written notice sent to the Minister of Labour and to the other contracting parties during the month of October of 1992 or during the month of October of any subsequent year."

**12.** Schedule 2 of the Decree is replaced by the following:

### "SCHEDULE 2

#### REGION 01 - BAS-SAINT-LAURENT

##### Regional county municipality of Kamouraska

Kamouraska, ville de La Pocatière, Mont-Carmel, Rivière-Ouelle, paroisse de Saint-Alexandre, Saint-André, Saint-Bruno-de-Kamouraska, paroisse de Saint-Denis, paroisse de Sainte-Anne-de-la-Pocatière, paroisse de Sainte-Hélène, Saint-Gabriel-Lalemant, paroisse de Saint-Germain, paroisse de Saint-Joseph-de-Kamouraska, paroisse de Saint-Onésime-d'Ixworth, Saint-Pacôme, Saint-Pascal, ville de Saint-Pascal, paroisse de Saint-Philippe-de-Néri.

##### Regional county municipality of Les Basques

Paroisse de Notre-Dame-des-Neiges-des-Trois-Pistoles, paroisse de Saint-Clément, paroisse de Sainte-Françoise, paroisse de Saint-Éloi, Sainte-Rita, Saint-Guy, Saint-Jean-de-Dieu, paroisse de Saint-Mathieu-de-Rioux, Saint-Médard, paroisse de Saint-Simon, ville des Trois-Pistoles.

##### Regional county municipality of Rimouski-Neigette

Esprit-Saint, paroisse de La Trinité-des-Monts, Le Bic, Mont-Label, ville de Pointe-au-Père, ville de Rimouski, village de Rimouski-Est, paroisse de Saint-

Anaclet-de-Lessard, paroisse de Sainte-Blandine, paroisse de Sainte-Odile-sur-Rimouski, paroisse de Saint-Eugène-de-Ladrière, paroisse de Saint-Fabien, paroisse de Saint-Marcellin, paroisse de Saint-Narcisse-de-Rimouski, paroisse de Saint-Valérien.

##### Regional county municipality of Rivière-du-Loup

Village de L'Isle-Verte, paroisse de Notre-Dame-des-Sept-Douleurs, paroisse de Notre-Dame-du-Portage, ville de Rivière-du-Loup, paroisse de Saint-Antoine, paroisse de Saint-Arsène, Saint-Cyprien, paroisse de Saint-Épiphane, Saint-François-Xavier-de-Viger, paroisse et village de Saint-Georges-de-Cacouna, paroisse de Saint-Hubert, Saint-Jean-Baptiste-de-l'Isle-Verte, paroisse de Saint-Modeste, paroisse de Saint-Patrice-de-la-Rivière-du-Loup, paroisse de Saint-Paul-de-la-Croix.

##### Regional county municipality of Témiscouata

Auclair, Biencourt, ville de Cabano, ville de Dégelis, Lac-des-Aigles, ville de Notre-Dame-du-Lac, paroisse de Packington, ville de Pohénégamook, Rivière-Bleue, Saint-Athanase, Saint-Elzéar, paroisse de Saint-Eusèbe, Saint-Godard-de-Lejeune, Saint-Honoré, Saint-Jean-de-la-Lande, Saint-Juste-du-Lac, paroisse de Saint-Louis-du-Ha! Ha!, paroisse de Saint-Marc-du-Lac-Long, paroisse de Saint-Michel-du-Squatec, Saint-Pierre-de-Lamy.

#### REGION 02 - SAGUENAY - LAC-SAINT-JEAN

##### Regional county municipality of Lac-Saint-Jean-Est

Ville d'Alma, Delisle, ville de Desbiens, Hébertville, village de Hébertville-Station, Labrecque, Lac-à-la-Croix, Lamarche, paroisse de l'Ascension-de-Notre-Seigneur, ville de Métabetchouan, Saint-Bruno, Sainte-Monique, Saint-Gédéon, Saint-Henri-de-Taillon, Saint-Ludger-de-Milot, Saint-Nazaire.

##### Regional county municipality of Le Domaine-du-Roy

Chambord, village de Lac-Bouchette, paroisse de La Doré, ville de Roberval, village de Saint-André-du-Lac-Saint-Jean, Sainte-Hedwidge, ville de Saint-Félicien, Saint-François-de-Sales, Saint-Méthode, village de Saint-Prime.

##### Regional county municipality of Le Fjord-du-Saguenay

Bégin, ville de Chicoutimi, Ferland-et-Boilleau, ville de Jonquière, ville de La Baie, Lac-Kénogami, L'Anse-Saint-Jean, paroisse de Larouche, ville de Lattérière, Petit-Saguenay, Rivière-Éternité, Saint-

Ambroise, Saint-Charles-de-Bourget, Saint-David-de-Falardeau, paroisse de Sainte-Rose-du-Nord, Saint-Félix-d'Otis, Saint-Fulgence, Saint-Honoré, Shipshaw, canton de Tremblay.

#### **Regional county municipality of Maria-Chapdelaine**

Albanel, ville de Dolbeau, Girardville, ville de Mistassini, ville de Normandin, Notre-Dame-de-Lorette, Péribonka, paroisse de Saint-Augustin, Saint-Edmond, village de Sainte-Jeanne-d'Arc, Saint-Eugène, Saint-Stanislas, Saint-Thomas-Didyme.

#### **REGION 03 — QUÉBEC**

##### **Québec Urban Community**

Ville de Beauport, ville de Cap-Rouge, ville de Charlesbourg, Lac-Saint-Charles, ville de l'Ancienne-Lorette, ville de Loretteville, paroisse de Notre-Dame-des-Anges, ville de Québec, paroisse de Saint-Augustin-de-Desmaures, ville de Sainte-Foy, village de Saint-Émile, ville de Sillery, ville de Val-Bélair, ville de Vanier.

##### **Regional county municipality of L'Île-d'Orléans**

Paroisse de Sainte-Famille, village de Sainte-Pétronille, paroisse de Saint-François, paroisse de Saint-Jean, paroisse de Saint-Laurent, paroisse de Saint-Pierre.

##### **Regional county municipality of La Côte-de-Beaupré**

Ville de Beaupré, ville de Château-Richer, paroisse de l'Ange-Gardien, ville de Sainte-Anne-de-Beaupré, Saint-Ferréol-les-Neiges, village de Saint-Jean-de-Boischatel, paroisse de Saint-Joachim, paroisse de Saint-Louis-du-Cap-Tourmente, Saint-Tite-des-Caps.

##### **Regional county municipality of La Jacques-Cartier**

Ville de Fossambault-sur-le-Lac, Lac-Beauport, ville de Lac-Delage, ville de Lac-Saint-Joseph, Sainte-Brigitte-de-Laval, Sainte-Catherine-de-la-Jacques-Cartier, Saint-Gabriel-de-Valcartier, Shannon, cantons unis de Stoneham-et-Tewkesbury.

##### **Regional county municipality of Portneuf**

Cap-Santé, Deschambault, ville de Donnacona, Grondines, ville de Lac-Sergent, village de Neuville, paroisse de Notre-Dame-de-Portneuf, paroisse de Pointe-aux-Trembles, village de Pont-Rouge, ville de Portneuf, Rivière-à-Pierre, village et paroisse de Saint-Alban, paroisse de Saint-Basile, village de Saint-Basile-Sud, Saint-Casimir, paroisse de Saint-Casimir, paroisse de

Sainte-Christine, Sainte-Jeanne-de-Pont-Rouge, paroisse de Saint-Gilbert, Saint-Léonard-de-Portneuf, village de Saint-Marc-des-Carrières, ville et paroisse de Saint-Raymond, paroisse de Saint-Thuribe, Saint-Ubalde.

#### **REGION 12 — CHAUDIÈRE-APPALACHES**

##### **Regional county municipality of Beauce-Sartigan**

Aubert-Gallion, village de Lac-Poulin, village de La Guadeloupe, village de Linière, paroisse de Notre-Dame-des-Pins, paroisse de Saint-Benoît-Labre, paroisse de Saint-Côme-de-Kennebec, paroisse de Saint-Éphrem-de-Beauce, village de Saint-Éphrem-de-Tring, Saint-Évariste-de-Forsyth, paroisse et village de Saint-Gédéon, ville de Saint-Georges, paroisse de Saint-Georges-Est, paroisse de Saint-Hilaire-de-Dorset, paroisse de Saint-Honoré, paroisse de Saint-Jean-de-la-Lande, paroisse de Saint-Martin, Saint-Philibert, paroisse de Saint-René, Saint-Simon-les-Mines, Saint-Théophile, canton de Shenley.

##### **Regional county municipality of Bellechasse**

Village de Armagh, Honfleur, paroisse de La Durantaye, paroisse de Notre-Dame-Auxiliatrice-de-Buckland, paroisse et village de Saint-Anselme, paroisse de Saint-Cajetan-d'Armagh, village de Saint-Charles, paroisse de Saint-Charles-Borromée, paroisse de Saint-Damien-de-Buckland, Sainte-Claire, paroisse de Saint-Étienne-de-Beaumont, paroisse de Saint-Lazare, paroisse de Saint-Léon-de-Standon, paroisse de Saint-Malachie, paroisse de Saint-Michel, paroisse de Saint-Nazaire-de-Dorchester, paroisse de Saint-Nérée, paroisse de Saint-Philémon, paroisse et village de Saint-Raphaël, paroisse de Saints-Gervais-et-Protas, paroisse et village de Saint-Vallier.

##### **Regional county municipality of Desjardins**

Ville de Lévis-Lauzon, Pintendre, village de Saint-David-de-l'Auberivière, Saint-Henri, paroisse de Saint-Joseph-de-la-Pointe-de-Lévy.

##### **Regional county municipality of L'Amiante**

Village de Beaulac, ville de Black-Lake, ville et paroisse de Disraéli, East-Broughton, village de East-Broughton-Station, canton de Garthby, Irlande, Kinnear's Mills, Pontbriand, Rivière-Blanche, village de Robertsonville, paroisse de Sacré-Coeur-de-Jésus, paroisse de Sacré-Coeur-de-Marie-Partie-Sud, Saint-Adrien-d'Irlande, village de Sainte-Anne-du-Lac, paroisse de Sainte-Clotilde-de-Beauce, paroisse de Sainte-Praxède, Saint-Fortunat, Saint-Jacques-de-Leeds, paroisse de Saint-Jacques-le-Majeur-de-Wolfestown, Saint-Jean-de-Brébeuf, Saint-Joseph-de-Cole-

raine, paroisse de Saint-Julien, Saint-Méthode-de-Frontenac, Saint-Pierre-de-Broughton, ville de Thetford-Mines, canton de Thetford-Partie-Sud.

#### Regional county municipality of L'Islet

Ville de l'Islet, L'Islet-sur-Mer, Saint-Adalbert, Saint-Aubert, paroisse de Saint-Cyrille-de-Lessard, Saint-Damase-de-l'Islet, Sainte-Félicité, paroisse de Sainte-Louise, Sainte-Perpétue, paroisse de Saint-Eugène, Saint-Jean-Port-Joli, Saint-Marcel, Saint-Omer, ville de Saint-Pamphile, paroisse de Saint-Roch-des-Aulnaies, Tourville.

#### Regional county municipality of La Nouvelle-Beauce

Saint-Bernard, paroisse de Saint-Édouard-de-Frampton, paroisse de Sainte-Hénédine, village de Saint-Elzéar, Saint-Elzéar-de-Beauce, paroisse de Sainte-Marguerite, ville de Sainte-Marie, paroisse et village de Saint-Isidore, paroisse des Saints-Anges, village de Scott, Taschereau-Fortier, Vallée-Jonction.

#### Regional county municipality of Les Chutes-de-la-Chaudière

Bernières, ville de Charny, paroisse de Sainte-Hélène-de-Breakeyville, Saint-Étienne-de-Lauzon, ville de Saint-Jean-Chrysostome, paroisse de Saint-Lambert-de-Lauzon, ville de Saint-Nicolas, ville de Saint-Rédempteur, ville de Saint-Romuald.

#### Regional county municipality of Les Etchemins

Ville de Lac-Etchemin, Saint-Benjamin, paroisse de Saint-Camille-de-Lellis, paroisse de Saint-Cyprien, Sainte-Aurélié, paroisse de Sainte-Germaine-du-Lac-Etchemin, paroisse de Sainte-Justine, Sainte-Rose-de-Watford, paroisse de Sainte-Sabine, Saint-Louis-de-Gonzague, paroisse de Saint-Luc, Saint-Magloire-de-Bellechasse, Saint-Prosper, Saint-Zacharie.

#### Regional county municipality of Lotbinière

Village de Laurier-Station, village de Leclercville, Lotbinière, paroisse de Notre-Dame-du-Sacré-Coeur-d'Is-soudun, Saint-Agapit, paroisse de Saint-Antoine-de-Tilly, Saint-Apollinaire, paroisse et village de Sainte-Agathe, paroisse et village de Sainte-Croix, paroisse de Saint-Édouard-de-Lotbinière, paroisse de Sainte-Emmélie, paroisse et village de Saint-Flavien, paroisse de Saint-Gilles, Saint-Janvier-de-Joly, paroisse de Saint-Narcisse-de-Beaurivage, paroisse de Saint-Octave-de-Dosquet, Saint-Patrice-de-Beaurivage, paroisse et village de Saint-Sylvestre, Val-Alain.

#### Regional county municipality of Montmagny

Paroisse de Berthier-sur-Mer, Cap-Saint-Ignace, Lac-Frontière, ville de Montmagny, Notre-Dame-du-Rosaire, paroisse de Saint-Antoine-de-l'Isle-aux-Grues, paroisse de Sainte-Apolline-de-Patton, Sainte-Euphémie-sur-Rivière-du-Sud, Sainte-Lucie-de-Beaugard, paroisse de Saint-Fabien-de-Panet, Saint-François-de-la-Rivière-du-Sud, Saint-Just-de-Bretonnières, Saint-Paul-de-Montminy, paroisse de Saint-Pierre-de-la-Rivière-du-Sud.

#### Regional county municipality of Robert-Cliche

Ville de Beauceville, Saint-Alfred, Saint-François-de-Beauce, Saint-François-Ouest, paroisse de Saint-Frédéric, ville et paroisse de Saint-Joseph-de-Beauce, Saint-Joseph-des-Érables, paroisse de Saint-Jules, paroisse de Saint-Odilon-de-Cranbourne, paroisse de Saint-Séverin, village de Saint-Victor, Saint-Victor-de-Tring, village de Tring-Jonction."

**13.** This Decree comes into force on the fifteenth day which follows the date of its publication in the *Gazette officielle du Québec*.

5982

Gouvernement du Québec

#### O.C. 1394-91, 9 October 1991

An Act respecting collective agreement decrees (R.S.Q., c. D-2)

#### Cartage

— Québec  
— Amendment

CONCERNING the Decree amending the Decree respecting the cartage industry in the Québec region

WHEREAS in accordance with section 8 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), the Government may, by regulation, amend a decree upon the recommendation of the Minister of Labour;

WHEREAS the Decree respecting the cartage industry in the Québec region (R.R.Q., 1981, c. D-2, r. 7) was amended by Order in Council 1115-91 of 7 August 1991;

WHEREAS there is a typing error in the Decree;

WHEREAS in accordance with section 12 of the Regulations Act (R.S.Q., c. R-18.1), the text of the amending Decree attached hereto may be made without having been published as provided in section 8 of this Act if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS in accordance with section 13 of this Act, the reason justifying the absence of prior publication shall be published with the Decree;

WHEREAS in accordance with section 18 of this Act, the text of the amending Decree attached hereto may come into force on the date of its publication in the *Gazette officielle du Québec* if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS in the opinion of the Government, the regional county municipality of Beauce-Sartigan became subject to the Decree as of 12 September 1991 due to an error, it is imperative that the situation be corrected not only immediately but retroactively to such date, in order to avoid a period of jurisdiction in such territory. Consequently, the urgency due to such circumstance justifies the absence of prior publication and such coming into force:

— the amending Decree attached hereto shall come into force without delay considering the coming into force on 12 September 1991 of the Decree amending the Decree respecting the cartage industry in the Québec region, adopted by Order in Council 1115-91 of 7 August 1991;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Labour:

THAT the Decree amending the Decree respecting the cartage industry in the Québec region, attached hereto, be adopted.

BENOÎT MORIN,  
*Clerk of the Conseil exécutif*

### **Decree amending the Decree respecting the cartage industry in the Québec region**

An Act respecting collective agreement decrees (R.S.Q., c. D-2)

1. The Decree respecting the cartage industry in the Québec region (R.R.Q., 1981, c. D-2, r. 7), amended by Orders in Council 86-82 of 13 January 1982 (Suppl.,

p. 413), 1691-82 of 7 July 1982 (Suppl., p. 416), 1000-84 of 25 April 1984, 639-85 of 27 March 1985, 1338-85 of 26 June 1985, 1569-85 of 31 July 1985, 552-89 of 12 April 1989, 1193-89 of 19 July 1989 and 1115-91 of 7 August 1991, is further amended by striking out, in Region 12 — Chaudière-Appalaches, in Schedule 1, the following regional county municipality and the following municipalities:

“Municipalité régionale de comté de Beauce-Sartigan

Aubert-Gallion, village de Lac-Poulin, village de La Guadeloupe, village de Linière, paroisse de Notre-Dame-des-Pins, paroisse de Saint-Benoît-Labre, paroisse de Saint-Côme-de-Kennebec, paroisse de Saint-Éphrem-de-Beauce, village de Saint-Éphrem-de-Tring, Saint-Évariste-de-Forsyth, paroisse et village de Saint-Gédéon, ville de Saint-Georges, paroisse de Saint-Georges-Est, paroisse de Saint-Hilaire-de-Dorset, paroisse de Saint-Honoré, paroisse de Saint-Jean-de-la-Lande, paroisse de Saint-Martin, Saint-Philibert, paroisse de Saint-René, Saint-Simon-les-Mines, Saint-Théophile, canton de Shenley.”

2. This Decree comes into force on the date of its publication in the *Gazette officielle du Québec* and takes effect as of 12 September 1991.

5972

Gouvernement du Québec

**O.C. 1414-91, 16 October 1991**

Bailiffs Act  
(R.S.Q., c. H-4)

**Tariff of fees and transportation expenses of bailiffs — Amendments**

Tariff of fees and transportation expenses of bailiffs (Amendment)

WHEREAS under subparagraph *k* of section 25 of the Bailiffs Act (R.S.Q., c. H-4), the Government may make regulations to establish, after consulting with the advisory committee, the tariff of bailiff's fees and a tariff of bailiffs' travelling expenses;

WHEREAS the Government made the Tariff of fees and transportation expenses of bailiffs (R.R.Q., 1981, c. H-4, r. 3), amended by Orders in Council 572-82 dated 10 March 1982 (Suppl., p. 733), 1895-82 dated 18 August 1982, 372-84 dated 15 February 1984,

2102-84 dated 19 September 1984, 819-87 dated 27 May 1987 and 110-90 dated 31 January 1990, and whereas it is expedient to further amend it;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Regulation attached to this Order in Council was published on page 1792 in Part 2 of the *Gazette officielle du Québec* of 12 June 1991 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the advisory committee was consulted;

WHEREAS it is expedient to make the Regulation as amended;

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

THAT the Tariff of fees and transportation expenses of bailiffs (Amendment), attached to this Order in Council, be made.

BENOÎT MORIN,  
*Clerk of the Conseil exécutif*

### Tariff of fees and transportation expenses of bailiffs (Amendment)

Bailiffs Act  
(R.S.Q., c. H-4, s. 25, subpar. k)

1. The Tariff of fees and transportation expenses of bailiffs (R.R.Q., 1981, c. H-4, r. 3), amended by Orders in Council 572-82 dated 10 March 1982 (Suppl., p. 733), 1895-82 dated 18 August 1982, 372-84 dated 15 February 1984, 2102-84 dated 19 September 1984, 819-87 dated 27 May 1987 and 110-90 dated 31 January 1990, is further amended, in section 1:

(1) by substituting the following for subparagraphs *i* to *vi* of paragraph *a*:

"i. a proceeding that comes under the jurisdiction of the Court of Québec or of a municipal court, a proceeding founded on the Code of Penal Procedure (1987, c. 96) or on the Criminal Code (R.S.C. 1985, c. C-46) where no amount is involved or the amount involved does not exceed \$500;

ii. a proceeding issuing from a person or body having judicial, quasi-judicial or administrative powers.";

(2) by substituting the following for subparagraphs *i* to *vi* of paragraph *b*:

"i. a proceeding that comes under the jurisdiction of the Court of Québec or of a municipal court, a proceeding founded on the Code of Penal Procedure or on the Criminal Code, and not included in Class 1;

ii. a proceeding that comes under the jurisdiction of the Superior Court, the Court of Appeal, the Supreme Court or the Federal Court, or a court of another province or country."

2. The following is substituted for section 5:

"5. The hourly rate to which the bailiff is entitled is that prescribed in section 23 of Schedule 1.

The bailiff is not entitled to the hourly rate while he is travelling."

3. Section 6 is amended by substituting the following for the third paragraph:

"Where an execution is begun before 20:00 and must continue after that time, the bailiff is entitled to time and a half fees for the period of time after 20:00."

4. The following is inserted after section 7.1:

"7.2 For the taking of an official report, the bailiff is entitled to the fees prescribed in section 15.1 of Schedule 1 and to those prescribed for transportation."

5. In section 9, paragraph *c* is deleted.

6. In each of subparagraphs *a*, *b* and *c* of section 10, clause *iii* is deleted.

7. The following is substituted for sections 11.1 and 11.2:

"11.1 For the execution of a writ of seizure of moveable property after judgment, where the property seized is a motor vehicle registered in the defendant's name, the bailiff is entitled:

(a) where a motor vehicle has been immobilized, to the fees prescribed in paragraph *a* of subsection 4 of section 11 of Schedule 1 including the installation and removal of the device, the execution, service, transportation and hourly rate of the bailiff;

(b) where, not less than 24 hours following the immobilization of the vehicle, the latter is towed away, to the fees prescribed in paragraph *a* of subsection 5 of section 11 of Schedule 1 including the installation and

removal of the device, the execution, the services including those of the police service closest to the place where the immobilization took place, transportation, the bailiff's hourly rate and the official report;

(c) where the vehicle has been towed away immediately, to the fees prescribed in paragraph *a* of subsection 6 of section 11 of Schedule 1 including the installation and removal of the device, the execution, services including those of the police service closest to the place where the immobilization took place, transportation, the bailiff's hourly rate and the official report.

**11.2** For each public notice of sale provided for by article 594 of the Code of Civil Procedure, the bailiff is entitled to the fees prescribed in section 16 of Schedule 1."

**8.** Section 12 is amended,

(1) in subsection 1 by substituting the word "minutes" for the word "writ"; and

(2) by adding the following subsection:

"(4) For the prior notice provided for in article 565 of the Code of Civil Procedure, the bailiff is entitled to the fees prescribed for:

(a) drawing up;

(b) service;

(c) transportation."

**9.** Section 13 is amended,

(1) by deleting clause *b* of subsection 1; and

(2) by adding the following clause at the end of subsection 1:

"(d) the opening of doors, if any."

**10.** Section 14 is amended,

(1) by substituting the following for subsection 1:

"(1) If, for the seizure of moveable property, the bailiff goes to the place of the sale and does not proceed with a judicial sale at the place, hour and date set in the notice of sale, he is entitled to the fees prescribed for:

(a) the demand for payment or the minutes for steps taken or for absence;

(b) transportation;

(c) the opening of doors, if any."; and

(2) by substituting the following for that part of subsection 2 which precedes paragraph *a*:

"(2) If, for the seizure of immoveable property, the bailiff goes to the place of the sale and does not proceed with a judicial sale at the place, hour and date set in the public notice, he is entitled to the fees prescribed for:"

**11.** The following is substituted for section 15:

"15. For a sale at auction provided for in a statute, the bailiff is entitled to the fees prescribed in paragraph *a* of section 17 of Schedule 1 for Class 2."

**12.** The following is substituted for section 16.1:

"16.1 Except for transportation fees which may be charged for only one proceeding, case or document, the bailiff is entitled to the fees prescribed in this Tariff for each proceeding, case or document, where several proceedings or other documents concerning different cases involving the same applicant are drawn up, served or executed on the same trip on the same person.

Where the execution entrusted to the bailiff concerns a seizure and the bailiff ascertains that no property is seizable, he is nonetheless entitled to the fees prescribed in section 6 and in subsection 3 of section 11 of Schedule 1 up to a maximum of 2 cases, and to transportation fees for one case only.

**16.2** Except for transportation fees which may be charged for only one case, the bailiff is entitled to the fees prescribed in paragraph *b* of section 8 of Schedule 1 for drawing up the minutes for absence or for steps taken for each different case up to a maximum of two cases, having the same applicant, during the same trip, in respect of the same person.

For the purposes of the first paragraph, the bailiff may not claim the fees prescribed by section 23 of Schedule 1."

**13.** Section 1 of Schedule 1 is amended in the column "Class 1" by substituting the amount "\$6" for the amount "\$4" and in the column "Class 2" by substituting the amount "\$16" for the amount "\$14".

**14.** Section 2 of Schedule 1 is amended in the column "Class 1" by substituting the amount "\$6" for the amount "\$4" and in the column "Class 2" by substituting the amount "\$6" for the amount "\$4".

**15.** Section 3 of Schedule 1 is amended in the column "Class 2" by substituting the amount "\$6" for the amount "\$5".

**16.** Section 4 of Schedule 1 is revoked.

**17.** Section 5 of Schedule 1 is amended,

(1) by striking out the words ", except for a proceeding provided for in section 4"; and

(2) in the column "Class 1" by substituting the amount "\$6" for the amount "\$4" and in the column "Class 2" by substituting the amount "\$6" for the amount "\$4".

**18.** Section 6 of Schedule 1 is amended in the column "Class 1" by substituting the amount "\$6" for the amount "\$4" and in the column "Class 2" by substituting the amount "\$6" for the amount "\$5".

**19.** Section 7 of Schedule 1 is amended in the column "Class 1" by substituting the amount "\$6" for the amount "\$7" and in the column "Class 2" by substituting the amount "\$6" for the amount "\$7".

**20.** The following is substituted for section 8 of Schedule 1:

	Class 1	Class 2
"8. The drawing-up:		

(a) in matters of service, of minutes for absence, for steps taken or for authorization to use a special mode of execution;	\$4	\$4
---	-----	-----

(b) in matters of execution, of minutes for absence, for steps taken or for authorization to use a special mode of execution."	\$9	\$9
--	-----	-----

**21.** The following is substituted for section 9 of Schedule 1:

	Class 1	Class 2
"9. The drawing-up:		

(a) of an affidavit required to support minutes;	\$4	\$4
--	-----	-----

(b) of a report following receipt of an opposition or notice of stay pursuant to a statute or court order."

Class 1	Class 2
\$4	\$4

**22.** Section 10 of Schedule 1 is amended in the column "Class 1" by substituting the amount "\$35" for the amount "\$20" and in the column "Class 2" by substituting the amount "\$55" for the amount "\$41".

**23.** The following is substituted for section 11 of Schedule 1:

	Class 1	Class 2
"11. (1) The demand for payment:		

(a) not followed by seizure or sale of moveable property;	\$27	\$40
---	------	------

(b) not followed by seizure or sale of immovable property.	\$17	\$30
--	------	------

(2) The seizure or verification.	\$35	\$55
----------------------------------	------	------

(3) The <i>nulla bona</i> report in respect of seizable property, including the demand for payment.	\$27	\$40
---	------	------

(4) The operations respecting the installation and removal of a device used to immobilize a motor vehicle:

(a) for the execution of a first writ;	\$110	\$110
--	-------	-------

(b) for any additional writ:

i. the execution;	\$35	\$35
-------------------	------	------

ii. the service.	\$6	\$6
------------------	-----	-----

(5) The operations respecting the immobilization and, not less than 24 hours after that operation, the towing away of a motor vehicle:

(a) for the execution of a first writ;	\$160	\$160
--	-------	-------

	Class 1	Class 2		Class 1	Class 2
(b) for any additional writ:			"15. (1) Execution of a writ of possession.	\$50,	\$50
i. the execution;	\$35	\$35	(2) Execution of a sequestration of a moveable or immovable.	\$50	\$50
ii. the service.	\$6	\$6	(3) The placing or the total or partial removal of seals, under articles 901, 906, 909 and 910 of the Code of Civil Procedure.	\$50	\$50
(6) The operations respecting the immediate towing away of a motor vehicle:					
(a) for the execution of a first writ;	\$130	\$130			
(b) for any additional writ:			§3. Evidence		
i. the execution;	\$35	\$35	"15.1 For the taking of an official report."	\$60	\$60
ii. the service.	\$6	\$6			

**24.** Subsections 1 to 3 of section 12 of Schedule 1 are amended in the column "Class 1" by substituting the amount "\$8" for the amount "\$7" and in the column "Class 2" by substituting the amount "\$15" for the amount "\$14".

**25.** Subsections 1 and 2 of section 13 of Schedule 1 are amended in the column "Class 1" by substituting the amount "\$8" for the amount "\$7" and in the column "Class 2" by substituting the amount "\$15" for the amount "\$14".

**26.** Section 14 of Schedule 1 is amended,

(1) in paragraph *a* by substituting the word "minutes" for the word "writ";

(2) in the column "Class 1" of paragraphs *a*, *b* and *c* by substituting the amount "\$5" for the amount "\$4"; and

(3) by adding the following paragraph:

	Class 1	Class 2
"(d) of a prior notice under article 565 of the Code of Civil Procedure."	\$5	\$7

**27.** The following is substituted for section 15 of Schedule 1:

**28.** Section 17 of Schedule 1 is amended,

(1) in the column "Class 1" of paragraph *a* by substituting the amount "\$35" for the amount "\$20" and in the column "Class 2" of that paragraph by substituting the amount "\$60" for the amount "\$47"; and

(2) in the column "Class 1" of paragraph *b* by substituting the amount "\$65" for the amount "\$54" and in the column "Class 2" of that paragraph by substituting the amount "\$65" for the amount "\$54".

**29.** Section 18 of Schedule 1 is amended by substituting the word "Société" for each occurrence of the word "Régie".

**30.** Section 19 of Schedule 1 is amended in the column "Class 1" by substituting the amount "\$25" for the amount "\$20" and in the column "Class 2" by substituting the amount "\$45" for the amount "\$41".

**31.** Section 20 of Schedule 1 is amended in the column "Class 1" of paragraph *a* by substituting the amount "20¢/km" for the amount "14¢/km", and in the column "Class 2" by substituting the amount "20¢/km" for the amount "14¢/km".

**32.** Section 21 of Schedule 1 is amended in the column "Class 1" by substituting the amount "\$10 per hour" for the amount "\$11 per hour / \$7 minimum", and in the column "Class 2" by substituting the amount "\$10 per hour" for the amount "\$11 per hour / \$7 minimum".

**33.** Section 22 of Schedule 1 is revoked.

**34.** Section 23 of Schedule 1 is amended:

(1) in the column "Class 1" of subsection 1 by substituting the amount "\$45" for the amount "\$24", and in the column "Class 2" by substituting the amount "\$45" for the amount "\$24"; and

(2) in the column "Class 1" of subsection 2 by substituting the amount "\$35" for the amount "\$24", and in the column "Class 2" by substituting the amount "\$35" for the amount "\$24".

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

5973

Gouvernement du Québec

M.O., 1991

**Order of the Minister for Agriculture, Fisheries, Food and Regional Development dated September 27<sup>th</sup>, 1991**

Regulation respecting minimum standards for processing marine products (Amendment)

WHEREAS under section 46 of the Marine Products Processing Act (R.S.Q., c. T-11.01), the Minister for Agriculture, Fisheries, Food and Regional Development may prescribe the minimum processing standards with which an operator must comply in preparing or canning a marine product;

WHEREAS the Minister for Fisheries made the Regulation respecting minimum standards for processing marine products by an Order dated 23 July 1987;

WHEREAS it is expedient to amend the Regulation respecting minimum standards for processing marine products;

WHEREAS under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published under section 8 of that Act if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS under section 18 of that Act, a regulation may come into force on the date of its publication in

the *Gazette officielle du Québec* where the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS under sections 13 and 18 of that Act, the reason justifying the absence of such publication and such coming into force shall be published with the Regulation;

WHEREAS in the opinion of the Minister responsible, the urgency owing to the following circumstances justifies the absence of such publication and such coming into force:

— since the fishing season has already begun, it is expedient to amend the Regulation to enable persons in fisheries, industry and business to benefit, as soon as possible, from the legalization of the marketing of species of marine products covered by this amendment to the standards presently in force;

WHEREAS it is expedient to make the Regulation:

IT IS ORDERED, therefore, that the Regulation respecting minimum standards for processing marine products (Amendment), attached to this Minister's Order, be made.

YVON VALLIÈRES,  
*Minister for Agriculture,  
Fisheries, Food and Regional  
Development*

**Regulation respecting minimum standards for processing marine products (Amendment)**

The Marine Products Processing Act  
(R.S.Q., c. T-11.01, s. 46)

**1.** The Regulation respecting minimum standards for processing marine products, made by the Minister for Fisheries by an Order dated 23 July 1987, and amended by Orders dated 15 April and 29 June 1988 and 12 April 1989, is further amended by substituting the following for section 2:

"2. An operator shall comply with the following minimum processing standards in preparing or canning any of the marine products designated below:

Species of marine product		Minimum processing standards
English Name	Latin Name	
(1) Cod	<i>Gadus Morhua</i>	in fillets or in slabs;
(2) Redfish	<i>Sebastes sp.</i> <i>Sebastes marinus</i> <i>Sebastes fasciatus</i> <i>Sebastes mentelle</i>	in fillets or beheaded, eviscerated and frozen, where it measures 30 centimetres or more before processing;
(3) American plaice	<i>Hippoglossoides platessoides</i>	in fillets or beheaded, eviscerated and frozen; where it measures 32 centimetres or more before processing;
(4) Greenland halibut	<i>Reinhardtius hippoglossoides</i>	in fillets, in slabs, or beheaded, eviscerated and frozen;
(5) Mackerel	<i>Scomber scombrus</i>	frozen, treated to destroy toxic micro-organisms, processed by salting, smoking, pickling, kippering or marinating and packaged in such manner that it remains safe for human consumption for not less than 6 months solely by refrigeration, or refrigerated and packed other than in a bin referred to in section 9.6.1 of the Regulation respecting food (R.R.Q., 1981, c. P-29, r. 1) as amended by the Regulations made by Orders in Council 1055-82 dated 5 May 1982 (Suppl., p. 1044) and 397-88 dated 23 March 1988;
(6) Eel	<i>Anguilla rostrata</i>	frozen;
(7) Soft shell clam	<i>Mya arenaria</i>	meat extracted;
(8) Whelk	<i>Buccinum undatum</i> <i>Neptunea despecta tornata</i>	cooked or frozen;
(9) Pink shrimp	<i>Pandalus sp.</i> <i>Pandalus borealis</i> <i>Pandalus montagui</i>	cooked or frozen;
(10) Snow crab	<i>Chionoecetes opilio</i>	whole and frozen or in sections cooked or frozen;
(11) Lobster	<i>Homarus americanus</i>	cooked or frozen, where not marketed live."

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

## Draft Regulations

---

### Draft Regulation

An Act to amend the Act respecting labour standards and other legislative provisions (1990, c. 73)

#### Suspension of the Application of section 41.1 of the Act

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) that the "Regulation respecting the suspension of the application of section 41.1 of the Act respecting labour standards for certain employees" the text of which appears below, may be made by the Government upon the expiry of the 45 days from this publication.

Any interested person having comments to make is asked to send them in writing before the expiry of the 45-day period to Mr. André Bourbeau, Minister of Manpower, Income Security and Skills Development, 425, rue Saint-Amable, 4<sup>th</sup> floor, Québec (Québec), G1R 4Z1.

ANDRÉ BOURBEAU,  
*Minister of Manpower,  
Income Security and  
Skills Development*

---

### Regulation respecting the suspension of the application of section 41.1 of the Act respecting labour standards for certain employees

An Act to amend the Act respecting labour standards and other legislative provisions (1990, c. 73, s. 82)

1. The application of section 41.1 of the Act respecting labour standards (R.S.Q., c. N-1.1), made by section 13 of Chapter 73 of the statutes of 1990, is suspended for employees working in an establishment whose main activity is the wholesale or retail trade of food products or the storage of such products.

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

5974

### Draft Regulation

Professional Code  
(R.S.Q., c. C-26)

#### Architects — Tariff of fees

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the "Tariff of professional fees of architects", made by the Office des professions du Québec, the text of which appears below, may be submitted for approval by the Government upon the expiry of 45 days following this publication.

Any person having comments to make is asked to transmit them, before the expiry of the 45 days period, to the Chairman of the Office des professions du Québec, complexe de la place Jacques-Cartier, 320, rue Saint-Joseph Est, 1<sup>er</sup> étage, Québec (Québec) G1K 8G5. These comments will be forwarded by the Office to the Minister responsible for the administration of legislation concerning the professions; they may also be forwarded to the professional Corporation concerned as well as to the persons, departments and agencies concerned.

THOMAS J. MULCAIR,  
*Chairman of the Office des  
professions du Québec*

---

## Tariff of professional fees of architects

Professional Code  
(R.S.Q., c. C-26, s. 12, subpar. u, and s. 13)

### DIVISION I APPLICATION

1. This tariff applies unless there is an agreement to the contrary.

### DIVISION II DEFINITIONS

2. In this Regulation:

"agreement": means a contract between the client and a contractor for the purpose of carrying out work; (*marché*)

"architect": means a member of the Ordre des architectes du Québec or the holder of a temporary permit issued by the Order; (*architecte*)

"assignment": means a task entrusted to an architect by the client. A complete assignment includes design of the project and administration of the construction agreement; (*mission*)

"budget": means the sum that the client has available to pay the total cost of the project; (*budget*)

"building": means a structure delimited by outside or common walls; (*bâtiment*)

"carrying out work": means the execution of a project, including supervision thereof; (*exécution des travaux*)

"client": means a natural or legal person on whose behalf the project is studied or built, or the natural person empowered to represent the client for contract purposes and to give directives to the architect; (*maître de l'ouvrage*)

"consultant": means any specialist, such as a consulting engineer or another specialist, whom the client and the architect deem necessary to associate with the architect in order to carry out the assignment; (*conseil*)

"contract": means an accord between the client and the architect for the provision of architecture services; (*contrat*)

"contractor": means any person who makes an agreement with the client for the purpose of carrying out work; (*entrepreneur*)

"disbursement": means any refundable expenditure indicated in the contract; (*débours*)

"program": means a statement of the client's specific needs and requirements concerning the project; (*programme*)

"subcontractor": means a person who contracts with the contractor for the purpose of carrying out part of the work or supplying products designed especially for the project; (*sous-traitant*)

"total cost of the project": means the total expenditure required to carry out the work in full, including the cost of works of art and fixtures necessary for occupancy of the project, the contractor's overhead and profit (or the construction manager's wages) and all applicable taxes. (*coût total de l'ouvrage*)

The total cost of the project does not include the cost of land or of rights of way, or the architect's and consultants' fees and disbursements.

In industrial projects, the total cost of the project does not include the cost of equipment used in manufacturing, treatment or processing, but does include the cost of engineering works related to the building itself.

If the client supplies labour or materials at lower than current prices, or if used materials are employed, the cost is the amount that would have been paid if all materials employed had been purchased new, at market prices, and if all labour had been paid at prevailing rates.

If a contractor notices an error in the amount of his tender and notifies the client of the error before the agreement is signed, and if the client nevertheless requires the contractor to contract for the amount of the erroneous tender, the total cost of the project is the normal cost of the work as established, on the basis of the other tenders received.

If construction is not undertaken, the total cost of the project means the estimated cost at the time the assignment is cancelled.

### DIVISION III FEES

#### 3. Methods of establishing fees

Two methods may be used to establish an architect's fees: the percentage method and the hourly method.

**DIVISION IV  
PERCENTAGE METHOD****4. Percentage method**

The percentage method may be used only for the basic services provided by the architect. The fees depend on the total cost of the project.

**5. Categories of buildings**

Buildings are divided into four categories according to their type. Buildings that do not fall within any category are included in the nearest category.

**6. The categories of buildings are as follows:**

**1<sup>st</sup> category:** Buildings having large open spaces, such as:

- 1° industrial, commercial or agricultural buildings;
- 2° large open garages;
- 3° sheds, warehouses;
- 4° stables, drill halls.

**2<sup>nd</sup> category:** Simple buildings such as:

- 1° commercial buildings;
- 2° elementary schools;
- 3° motels and marinas;
- 4° barracks;
- 5° vehicle maintenance and repair shops;
- 6° distribution outlets;
- 7° apartment buildings or multiple-family buildings having more than three dwellings;
- 8° bare-floor office buildings;
- 9° slaughterhouses;

10° industrial buildings housing mechanical engineering works such as water purification, sedimentation and pumping equipment of thermal power stations;

- 11° enclosed garages;
- 12° stadiums;

13° gymnasiums;

14° indoor skating rinks and arenas;

15° buildings of the 1<sup>st</sup> category that are more complex.

**3<sup>rd</sup> category:** Complex buildings such as:

- 1° administration buildings, including city halls;
- 2° subdivided office buildings;
- 3° banks, courthouses and embassies;
- 4° places of worship;
- 5° funeral homes and crematoriums;

6° studios, buildings housing radio and television transmitters, telephone exchanges and data processing centres;

7° museums, libraries;

8° theatres, concert halls, movie houses, entertainment halls, casinos, clubs;

9° laboratories, hospitals, clinics, dispensaries, orphanages, social centres, homes for the aged, reception centres, community services centres;

10° hotels, restaurants;

11° air terminals, harbour stations, bus or railway stations, metro stations;

12° fire and police stations;

13° teaching institutions other than elementary schools;

14° penal institutions;

15° bathing establishments;

16° industrial slaughterhouses;

17° sports centres including indoor swimming pools;

18° houses that may be in a series, either single-family, detached, semi-detached, or houses in rows of three dwellings or fewer per building;

19° buildings of the 2<sup>nd</sup> category that are more complex.

**4<sup>th</sup> category:** Buildings and specialized works such as:

- 1° houses, residences and private mansions;
- 2° interior decoration of living quarters and exhibition stands;
- 3° public gardens, drives, zoos, aquariums;
- 4° memorials and monuments, crypts;
- 5° restoration of monuments, buildings or interiors;
- 6° exhibition pavilions;
- 7° furniture design;
- 8° buildings of the 3<sup>rd</sup> category that are more complex.

#### **7. Calculation of fees – Schedule of fees**

The fees vary according to the four categories of buildings set out in section 6 and the nine divisions of costs set out in Schedule I.

#### **8. Joint assignment**

If architects who are not associates are entrusted by the client with a joint assignment, the fees shall be increased by 25 %. This increase shall be applied to the actual cost of projects costing under 15 million \$ or to 15 million \$ in the case of projects costing over 15 million \$.

#### **9. Additional architect**

Where the client hires another architect as a consultant, the main architect's fees shall not be reduced.

#### **10. Project manager**

Where the client hires a project manager, the architect's fees shall not be reduced.

#### **11. Renovation, modification, recycling, rearrangement and expansion**

For all renovation, modification, recycling rearrangement or expansion work, the fees for the applicable category shall be increased by 50 %. The same increase applies to the first 200 square metres of floor area for each vertical and each lateral expansion.

#### **12. Separate agreements**

An architect who prepares the documents for the final specifications with a view to carrying out work under more than one construction agreement between the client and the contractor shall be entitled to an increase in fees, which is calculated as follows:

- 1° for 2 agreements, a 5 % increase;
- 2° for 3 agreements, a 9 % increase;
- 3° for 4 agreements, a 12 % increase;
- 4° for additional agreements, an increase of 2 % per agreement.

That increase shall apply to the fees calculated according to the percentage method and indicated in Schedule I for basic services.

#### **13. Cost-plus or construction management agreement**

Where all or part of the work is carried out under a cost-plus or construction management agreement, the architect shall be entitled to a 20 % increase in the fees applicable to such work.

#### **14. Apportionment of fees for a complete assignment**

The fees for a complete assignment shall be apportioned as indicated in Schedule II.

#### **Specific cases and partial assignments**

#### **15. Services during the construction phase only**

Where services are limited to the construction phase and the plans, specifications and detail drawings are supplied by others, the architect shall be entitled to 40 % of the applicable fees.

#### **16. Non-performance of works**

In the case of work planned but not carried out, the architect shall be entitled to fees for services provided in accordance with the client's instructions in addition to fees based on the cost of work performed.

#### **17. Delays during preparation of documents**

In the event of a delay attributable to the client and occurring during the preparation of documents, the architect shall be entitled to compensation.

**18. Delays during work**

If the contractor or the client is responsible for the duration of the work provided for in the agreement being prolonged by more than 20 % the architect shall be entitled to additional fees calculated according to the hourly method described in Division IV.

**19. Additional inspections**

If upon tentative acceptance of the work the architect, because of the contractor's negligence, is obliged to make more inspections than the number provided for in the agreement, he shall be entitled to additional fees calculated according to the hourly method. So as to enable the client to recover such additional fees, the architect must include in the general conditions of the agreement a clause stipulating that the client may withhold from the contractor the fees payable to the architect for the additional inspections made necessary by the contractor's negligence.

**DIVISION V  
HOURLY METHOD****20. Hourly rate method**

Where the percentage method is not appropriate, or where the architect provides additional or partial services, he shall invoice his fees according to the amount of time spent working, which includes the time spent at his office, at the client's premises or elsewhere, or in transit.

**Hourly rate****21. Applied to principals**

The hourly rate for principals shall be 125,00 \$ as of 1 January 1989.

**22. Applied to senior assistants**

The hourly rate for senior assistants shall be 85 % of the hourly rate for principals.

**23. Applied to employees**

The hourly rate invoiced for the architect's employees shall be the cost of their salary plus 150 %. The cost of salary per hour worked equals the employee's annual salary divided by the number of hours worked by the employee during a year, taking into account statutory holidays, sick leave and vacation, plus employer contributions for unemployment insurance, pension plans, and occupational health and safety, as well as all other direct costs paid by the employer.

Any increase in the hourly salary paid to an employee for overtime work shall be added to the amount of his hourly salary. The architect shall inform the client of any increase that he is paying to his employees in this respect and must obtain the client's approval before undertaking overtime work.

**24. Budget for fees**

Where a budget for fees has been agreed upon by the architect and the client, the architect shall, if he foresees an overrun, notify the client when 80 % of the projected fees have been spent.

**25. Special rate**

For expert opinions legal advice or other similar assignments, the architect shall be entitled to the chargeable hourly rate plus 50 %.

**26. Apportionment of work**

The apportionment of hours among the principals, architects and technicians shall be determined in the contract and shall vary according to the type of work.

**Disbursements****27. General disbursements**

All disbursements required for the assignment to be carried out shall be reimbursed, including the cost of printing, long distance telephone calls, telegrams, couriers and other similar expenses.

**Travelling**

**28.** Where the architect travels at the client's request, the client must reimburse the architect for his travel expenses and pay his fees for time spent travelling.

**29.** Where the site of work paid for on a percentage basis is more than 50 km from the architect's office, the client shall reimburse him for his time and travel expenses for that part of the distance that exceeds 50 km.

**30.** The architect's expenses for work carried out and paid for according to the hourly method shall be payable from the time he leaves his office.

**31. Insurance**

The insurance expenses incurred by the architect in carrying out his assignment shall be refundable to him. The refundable expenses correspond to 5 % of the architect's total fees.

**32. Disbursements for the client**

Where, on behalf of the client, the architect makes disbursements for expert opinions, consultation, obtaining permits or other services requested by the client, the client shall reimburse the architect for his costs plus 10 %.

**DIVISION VI  
MULTIPLE USE****33. Group of buildings**

Where a project consists of a group of buildings where one building type is repeated on the same site, at the same time and for the same client, the architect shall, for preparing the specifications of the first building, be entitled to the applicable fees in Schedule I based on the cost of the first building, plus 10 % of the total fees indicated in Schedule I for each additional building.

**34. Modification of documents**

For any modification or change to the documents for the first building, the architect shall be entitled to additional fees calculated according to the hourly method.

**35. During the construction phase**

For the construction phase, the architect shall be entitled to 30 % of the total fees indicated in Schedule I and calculated on the basis of the total cost of the entire project.

**Re-use**

**36.** For any building or group of building, the architect who agrees to the re-use of his specifications shall,

in the case of such re-use, be entitled to 20 % of the total fees indicated in Schedule I and calculated according to the total cost of the project at the time of re-use. Those fees shall be payable when the architect's contract is signed.

**37. Modification of documents**

For any modification made to his documents because of a change of site or other reasons beyond the architect's control, the architect shall be entitled to additional fees calculated according to the hourly method.

**38. During the construction phase**

For the construction phase, the architect shall be entitled to 30 % of the fees applicable to the total cost of the project at the time of re-use. For services provided for a project designed by another architect, the architect shall be entitled to 40 % of the applicable fees.

**DIVISION VII  
CONSULTING FEES**

**39.** Consulting fees shall be in addition to the architect's own fees and shall be reimbursed by the client under the same conditions as the disbursements provided for in section 32, except where the consulting fees are paid directly by the client.

**DIVISION VIII  
FINAL**

**40.** This Tariff applies to any new mandate given to an architect after 27 January 1992.

**41.** This Tariff comes into force on 27 January 1992 and remains in force until 31 December 1992.

**SCHEDULE I****FEES ACCORDING TO THE PERCENTAGE METHOD**

Division	Cost of project	Calculation of fees				
		1 <sup>st</sup> category	2 <sup>nd</sup> category	3 <sup>rd</sup> category	4 <sup>th</sup> category	
1	From 0 to 150 000 \$	4,5 %	5,5 %	6,5 %	10 %	
2	From 150 000 \$ to 300 000 \$	for the first 150 000 \$	6 750 \$	8 250 \$	9 750 \$	15 000 \$
		on amounts, in excess:	4,25 %	5 %	6 %	9 %
3	From 300 000 to 600 000 \$	for the first 300 000 \$	13 125 \$	15 750 \$	18 750 \$	28 500 \$
		on amounts, in excess:	4 %	4,5 %	5,5 %	8 %

Division	Cost of project	Calculation of fees				
		1 <sup>st</sup> category	2 <sup>nd</sup> category	3 <sup>rd</sup> category	4 <sup>th</sup> category	
4	From 600 000 \$ to 1 250 000 \$	for the first 600 000 \$	25 125 \$	29 250 \$	35 250 \$	52 500 \$
		on amounts, in excess:	3,75 %	4 %	5 %	7,25 %
5	From 1 250 000 \$ to 2 500 000 \$	for the first 1 250 000 \$	49 500 \$	55 250 \$	67 750 \$	99 625 \$
		on amounts, in excess:	3,5 %	3,9 %	4,7 %	6,6 %
6	From 2 500 000 \$ to 5 000 000 \$	for the first 2 500 000 \$	93 250 \$	104 000 \$	126 500 \$	182 125 \$
		on amounts, in excess:	3,25 %	3,8 %	4,5 %	6 %
7	From 5 000 000 \$ to 10 000 000 \$	for the first 5 000 000 \$	174 500 \$	199 000 \$	239 000 \$	332 125 \$
		on amounts, in excess:	3 %	3,7 %	4,3 %	5,5 %
8	From 10 000 000 \$ to 50 000 000 \$	for the first 10 000 000 \$	324 500 \$	384 000 \$	454 000 \$	607 125 \$
		on amounts, in excess:	2,75 %	3,6 %	4,25 %	5 %
9	above 50 000 000 \$	for the first 50 000 000 \$	1 424 500 \$	1 824 000 \$	2 154 000 \$	2 607 125 \$
		on amounts, in excess:	2,75 %	3,6 %	4,25 %*	5 %*

\* Percentage to be negotiated. This percentage is considered to be an acceptable minimum. Above 50 000 000 \$, the fees curve no longer descends, and must be adjusted specifically to the project. The percentage should be negotiated by taking into account the complexity of the program, the nature of the project, the time required to carry it out imponderables or unforeseeable aspects of the project.

## SCHEDULE II

### APPORTIONMENT OF FEES FOR A COMPLETE ASSIGNMENT

Phase		Percentage of total fees		Cumulative percentage	Comments
Preliminary specifications	Sketch	15 %	25 %	25 %	If assignment is partial, the fees are calculated by the hour
	Preliminary specifications per se	10 %			
Final specifications		48 %		73 %	Multiple payments may be scheduled in proportion to work completed
Call for tenders		2 %		2 %	
Administration of construction agreement		25 %		100 %	

## Draft Regulation

Professional Code  
(R.S.Q., c. C-26)

### Chartered appraisers — Tariff of fees

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the "Tariff of professional fees of chartered appraisers", made by the Office des professions du Québec, the text of which appears below, may be submitted for approval by the Government upon the expiry of 45 days following this publication.

Any person having comments to make is asked to transmit them, before the expiry of the 45 days period, to the Chairman of the Office des professions du Québec, complexe de la place Jacques-Cartier, 320, rue Saint-Joseph Est, 1<sup>er</sup> étage, Québec (Québec), G1K 8G5. These comments will be forwarded by the Office to the Minister responsible for the administration of legislation concerning the professions; they may also be forwarded to the professional Corporation concerned as well as to the persons, departments and agencies concerned.

THOMAS J. MULCAIR,  
*Chairman of the Office des  
professions du Québec*

## Tariff of professional fees of chartered appraisers

Professional Code  
(R.S.Q., c. C-26, s. 12, 3<sup>rd</sup> par., subpar. u, and s. 13)

1. This Tariff of fees applies unless there is an agreement to the contrary between a chartered appraiser and a client.

### DIVISION I GENERAL TARIFF

2. The fee of a practising chartered appraiser shall be \$75 an hour for any professional service rendered, where the appraiser does not receive a salary.

3. Where the use of technical personnel is required to carry out a specific mandate, a chartered appraiser is entitled, in addition to the fee, to reimbursement of the cost of the wages of the technical personnel assigned specifically to the carrying out of the mandate, plus 125 % of the cost. The cost of the hourly wages of an

employee shall be determined by multiplying the employee's gross wages by 1.3.

### DIVISION II SPECIAL TARIFF FOR EXPROPRIATION PURPOSES

4. In expropriation proceedings, the fees shall be calculated by the percentage method on the basis of the compensation paid by the expropriating party.

5. In a purchase by an expropriating party by mutual agreement rather than expropriation, the fees shall be calculated by the percentage method on the basis of the sum paid by the purchaser.

6. The percentage fees prescribed by sections 4 and 5 shall be calculated according to the rates appearing in the Schedule, and shall include the reimbursement of the cost of wages referred to in section 3.

### DIVISION III APPEARANCE AS EXPERT WITNESS

7. Where a chartered appraiser is recognized as an expert witness by a Court, the appraiser is entitled, in addition to expenses, to the hourly rate increased by 25 % for each appearance or attendance before the Court.

The fees and expenses are recoverable from the party summoning the chartered appraiser, less the portion taxed as court costs.

### DIVISION IV FINAL

8. This Tariff applies to any new mandate entrusted to a chartered appraiser (enter the date of coming into force of the Tariff).

### DIVISION V COMING INTO FORCE

9. This Tariff comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* and remains in force until 31 December 1992.

## A. IMMOVABLE PROPERTY OR RIGHTS

## 1. PROPERTIES WITHOUT BUILDINGS

Amount of compensation	Calculation of fees
Up to \$10 000	\$200
	plus 5 % of the amount
From \$10 000 to \$50 000	\$700 for the first \$10 000
	plus 4 % of the remainder
From \$50 000 to \$100 000	\$2 300 for the first \$50 000
	plus 3 % of the remainder
From \$100 000 to \$200 000	\$3 800 for the first \$100 000
	plus 2 % of the remainder
More than \$200 000	\$5 800 for the first \$200 000
	plus 1 % of the remainder

## 2. PROPERTIES WITH BUILDINGS

Amount of compensation	Calculation of fees
Up to \$20 000	\$350
	plus 5 % of the amount
From \$20 000 to \$70 000	\$1 350 for the first \$20 000
	plus 4 % of the remainder
From \$70 000 to \$120 000	\$3 350 for the first \$70 000
	plus 3 % of the remainder
From \$120 000 to \$220 000	\$4 850 for the first \$120 000
	plus 2 % of the remainder
More than \$220 000	\$6 850 for the first \$220 000
	plus 1 % of the remainder

## B. MOVABLE PROPERTY OR RIGHTS

Amount of compensation	Calculation of fees
Up to \$2 000	\$250
	plus 10 % of the amount

Amount of compensation	Calculation of fees
From \$2 000 to \$7 000	\$450 for the first \$2 000
	plus 9 % of the remainder
From \$7 000 to \$25 000	\$900 for the first \$7 000
	plus 8 % of the remainder
From \$25 000 to \$60 000	\$2 340 for the first \$25 000
	plus 6 % of the remainder
From \$60 000 to \$110 000	\$4 440 for the first \$60 000
	plus 4 % of the remainder
From \$110 000 to \$210 000	\$6 440 for the first \$110 000
	plus 2 % of the remainder
More than \$210 000	\$8 440 for the first \$210 000
	plus 1 % of the remainder

5964

**Draft Regulation**Professional Code  
(R.S.Q., c. C-26)**Dentists****— Other terms and conditions for permits**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the "Regulation respecting other terms and conditions for permits to be issued by the Ordre des dentistes du Québec", made by the Bureau of the Ordre des dentistes du Québec, the text of which appears below, may be submitted to the Government, which may approve it with or without amendment, upon the expiry of 45 days following this publication.

Any person having comments to make is asked to transmit them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Qué-

bec, complexe de la place Jacques-Cartier, 320, rue Saint-Joseph Est, 1<sup>er</sup> étage, Québec (Québec), G1K 8G5. These comments will be forwarded by the Office to the Minister responsible for the administration of legislation concerning the professions; they may also be forwarded to the professional corporation that made the Regulation as well as to the persons, departments and agencies concerned.

THOMAS J. MULCAIR,  
Chairman of the Office  
des professions du Québec

### Regulation respecting other terms and conditions for permits to be issued by the Ordre des dentistes du Québec

Dental Act  
(R.S.Q., c. D-3)

Professional Code  
(R.S.Q., c. C-26, s. 94, par. i)

#### DIVISION I GENERAL

**1.** To obtain a permit from the Ordre des dentistes du Québec, a candidate registered as a regular student in fourth-year dentistry at a Québec university must

(1) pass the examination set by the Ordre des dentistes du Québec and provided for in this Regulation; or

(2) pass the theoretical and clinical examinations of the National Dental Examining Board of Canada.

**2.** To obtain a permit from the Ordre des dentistes du Québec, a person who holds a degree in dentistry awarded by a Québec university but does not meet the requirements of section 1, and the holder of a degree in dentistry awarded by a Canadian university located outside Québec or by a university located in the United States whose faculty or school of dentistry has been certified by the Order, must

(1) pass the theoretical and clinical examinations of the National Dental Examining Board of Canada; or

(2) pass an equivalent examination administered by the Ordre des dentistes du Québec, if the Order holds such an examination.

**3.** To obtain a permit from the Ordre des dentistes du Québec, the holder of a degree in dentistry awarded by

a university located outside Canada or the United States whose faculty of dentistry is listed in the "World Directory of Dental Schools" published by the World Health Organization must

(1) hold a certificate stating that the holder has passed all the examinations administered by the National Dental Examining Board of Canada; or

(2) pass an equivalent examination administered by the Ordre des dentistes du Québec, if the Order holds such an examination.

#### DIVISION II ELIGIBILITY FOR THE EXAMINATION

**4.** A candidate wishing to sit for the examination shall submit an application to that effect in the form prescribed by the Bureau no later than 60 days before the date set for the examination and shall enclose the supporting documents and the sum prescribed by the Bureau.

**5.** A candidate who fails to submit the application within the set deadline will not be allowed to sit for the examination.

#### DIVISION III EXAMINATIONS

**6.** The examination or supplemental examination for which the candidate must sit may be written, oral, clinical or practical, as determined by the Bureau.

**7.** The jury for an oral examination shall be composed of 3 examiners designated by the Bureau or by the Comité des examinateurs. The president of the Order or, failing the president, the chairman of the Committee, may designate examiners to replace examiners unable to act or to assist the examiners if such need arises.

**8.** The examination shall assess the candidate's ability to practise dentistry in an independent manner.

**9.** A candidate may use either French or English during the examination.

**10.** A candidate who plagiarizes, copies, cheats or is otherwise dishonest during an examination shall fail the examination, as shall a candidate who is party to plagiarizing, copying, cheating or any other form of dishonesty. Where such failure occurs, the candidate may not sit the examination for a period of 1 year.

**11.** At least 1 examination session shall be held annually.

**12.** During an oral examination, the questions and answers shall be recorded.

**13.** The examination results shall be awarded according to the following scale:

A - Very good	(90 % - 100 %);
B - Good	(75 % - 90 %);
C - Satisfactory	(60 % - 75 %);
D - Fail	(less than 60 %).

The pass mark for the examination is "C".

**14.** A candidate who fails the examination or part of the examination may request a revision before a jury composed of at least 3 examiners.

**15.** A candidate who fails the examination or part of the examination has the right to sit for a supplemental examination held before a jury composed of 3 examiners, within 60 days following the end of the examination.

**16.** Where a candidate fails the overall examination, the Bureau shall assess the candidate's weaknesses and shall determine whether or not they may be corrected through an additional period of training. The Bureau shall then inform the candidate in writing of its decision.

**17.** A candidate may not sit more than twice for the examination or for a part of the examination that has been failed, unless the Bureau, having assessed the candidate's weaknesses and determined whether or not they may be corrected through an additional period of training, decides that the candidate may sit for the examination again, after completion of such period of additional training as the Bureau may deem necessary.

**18.** A candidate authorized to sit for a supplemental examination shall fill out an application to that effect in the form prescribed by the Bureau. The candidate shall include the prescribed examination fee with the application and, where applicable, an attestation stating that any additional period of training required has been completed according to the prescribed standards.

#### DIVISION IV OTHER TERMS AND PROCEDURES

**19.** A candidate applying for a permit must meet the following requirements:

(1) the candidate shall not suffer from a physical or mental condition that would be incompatible with the practice of the profession.

The Bureau may require that the candidate undergo a medical examination pursuant to sections 48 *et seq.* of the Professional Code (R.S.Q., c. C-26) before it makes a decision;

(2) the candidate shall prove that no more than 5 years have elapsed since the candidate met all the requirements for obtaining the right to practise dentistry;

(3) the candidate shall not have been the object of a final decision of a Canadian Court finding the candidate guilty of an indictable offence which is triable only by way of indictment, and shall not have been the object of a decision of a foreign court finding the candidate guilty of an act which, if committed in Canada, would have been triable only by way of indictment;

(4) where the candidate practises dentistry, the candidate shall provide proof of regular practice in the appropriate jurisdiction, along with proof that the candidate's right to practise has not been cancelled, suspended or restricted.

#### DIVISION V MISCELLANEOUS

**20.** A candidate who has been struck off the roll of the Order and wishes to be reinstated shall pay any disciplinary fines due.

**21.** This Regulation replaces sections 1 to 9 and 12 to 14 of the Regulation respecting admission, practice and recognized specialities in dentistry (R.R.Q., 1981, c. D-3, r. 1).

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

5968

## Draft Regulation

Professional Code  
(R.S.Q., c. C-26)

### Diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional corporations — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the "Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional corporations (Amendment)", the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

Any person having comments to make is asked to transmit them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, complexe de la place Jacques-Cartier, 320, rue Saint-Joseph Est, 1<sup>er</sup> étage, Québec (Québec), G1K 8G5. These comments will be forwarded by the Office to the Minister responsible for the administration of legislation concerning the professions; they may also be forwarded to any professional corporation as well as to the persons, departments and agencies concerned.

THOMAS J. MULCAIR,  
*Chairman of the Office  
des professions du Québec*

### Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional corporations

Professional Code  
(R.S.Q., c. C-26, s. 184, 1<sup>er</sup> par., subpar. a)

1. The Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional corporations, made by Order in Council 1139-83 dated 1 June 1983, replacing the Revised Regulation (R.R.Q., 1981, c. C-26, r. 1) and having effect from 1 August 1982, amended by the Regulations made by Orders in Council 249-83 dated 17 February 1983, 1592-84 dated 4 July 1984, 1645-84 dated 11 July 1984, 2193-84 and 2194-84 dated 3 October 1984, 2755-84 dated 12 December 1984, 672-85 dated 3 April 1985, 268-86 dated

12 March 1986, 737-87 dated 13 May 1987, 866-88 dated 8 June 1988, 890-89 dated 14 June 1989, 1292-89 dated 9 August 1989, 201-90 dated 21 February 1990, 142-91 dated 6 February 1991 and 1231-91 dated 4 September 1991, is further amended by inserting the following after section 1.24:

1.25 The following diplomas awarded by the teaching establishments listed below give access to the permit issued by the Corporation professionnelle des administrateurs agréés du Québec:

(a) Bachelor of Business Administration (B.B.A.), obtained upon completion of the Honours Bachelor of Business Administration program at Bishop's University;

(b) Bachelor of Administration (B.Admin.) and Bachelor of Commerce (B.Comm.), obtained upon completion of the Bachelor of Administration program or the Bachelor of Commerce program at Concordia University;

(c) Bachelier en administration des affaires (B.A.A.), obtained upon completion of one of the following programs at the Université du Québec in Abitibi-Témiscamingue:

- baccalauréat en administration;
- baccalauréat d'enseignement en administration;
- baccalauréat en sciences comptables;

Bachelier en administration des affaires (B.A.A.), obtained upon completion of one of the following programs at the Université du Québec at Chicoutimi:

- baccalauréat en administration;
- baccalauréat d'enseignement en administration;
- baccalauréat en sciences comptables;

Bachelier en administration des affaires (B.A.A.), obtained upon completion of one of the following programs at the Université du Québec at Hull:

- baccalauréat en administration, including the Télé-Université extension program;
- baccalauréat d'enseignement en administration;
- baccalauréat en sciences comptables;

Bachelier en administration des affaires (B.A.A.), obtained upon completion of one of the following programs at the Université du Québec at Rimouski:

- baccalauréat en administration;
- baccalauréat d'enseignement en administration;

Bachelier en administration des affaires (B.A.A.), obtained upon completion of one of the following programs at the Université du Québec at Trois-Rivières:

- baccalauréat en administration;
- baccalauréat d'enseignement en administration;
- baccalauréat en recherche opérationnelle;
- baccalauréat en sciences comptables;

(d) Bachelier en administration des affaires (B.A.A.), obtained upon completion of one of the following programs at the Université du Québec at Montréal:

- baccalauréat en administration;
- baccalauréat en comptabilité de management;
- baccalauréat en gestion et intervention touristiques;
- baccalauréat en sciences comptables;

(e) Bachelor of Commerce (B.Comm.), obtained upon completion of the Bachelor of Commerce program or the Honours Bachelor of Commerce program at McGill University;

(f) Bachelier en administration des affaires (B.A.A.), obtained upon completion of the baccalauréat en administration des affaires program at the École des Hautes Études Commerciales in Montréal;

(g) Bachelier en administration des affaires (B.A.A.), obtained upon completion of the baccalauréat en administration des affaires program at Université Laval;

(h) Bachelier en administration (B.Admin.), obtained upon completion of the baccalauréat en administration program at the Saint-Jean Royal Military College;

(i) Bachelier en administration des affaires (B.A.A.), obtained upon completion of the baccalauréat en administration des affaires program at the Université de Sherbrooke;

(j) Master of Business Administration (M.B.A.) and Master of Science (M.Sc.), obtained upon completion of the Master of Business Administration program or the Master of Science program in Administration at Concordia University;

(k) Maître en administration publique (M.A.P.), obtained upon completion of the maîtrise en administration publique program at the École nationale d'administration publique of the Université du Québec;

Maître en administration des affaires (M.B.A.), obtained upon completion of the maîtrise en administration des affaires program at the Université du Québec at Montréal;

Maître ès arts (M.A.), obtained upon completion of the maîtrise en analyse et gestion urbaines program offered jointly by the Université du Québec at Montréal and the École nationale d'administration publique of the Université du Québec;

Maître ès sciences (M.Sc.), obtained upon completion of the maîtrise en gestion de projet program offered jointly by the Université du Québec in Abitibi-Témiscamingue, the Université du Québec at Chicoutimi, the Université du Québec at Hull, the Université du Québec at Montréal, the Université du Québec at Rimouski and the Université du Québec at Trois-Rivières;

Maître ès sciences (M.Sc.), obtained upon completion of the maîtrise en économie et gestion des systèmes de petite et moyenne dimensions program at the Université du Québec at Trois-Rivières;

Maître ès sciences (M.Sc.), obtained upon completion of the maîtrise en gestion des petites et moyennes organisations program at the Université du Québec at Chicoutimi;

(l) Master of Business Administration (M.B.A.), obtained upon completion of the Master of Business Administration program at McGill University;

(m) Maître en administration des affaires (M.B.A.) and maître ès sciences (M.Sc.), obtained upon completion of the maîtrise en administration des affaires program or the maîtrise en sciences de la gestion program at the École des Hautes Études Commerciales in Montréal;

(n) Maître en administration des affaires (M.B.A.), obtained upon completion of the maîtrise en sciences de l'administration program at Université Laval;

(o) Maître en administration des affaires (M.B.A.), maître ès sciences (M.Sc.) and maître en fiscalité (M.Fisc.), obtained upon completion of the maîtrise en administration des affaires program, the maîtrise en administration program or the maîtrise en fiscalité program at the Université de Sherbrooke;

(p) Doctor of Philosophy (Ph.D.), obtained upon completion of the Doctor of Philosophy program in Administration at Concordia University;

(q) Philosophiae Doctor (Ph.D.), obtained upon completion of the doctorat en administration program at the Université du Québec at Montréal;

(r) Doctor of Philosophy (Ph.D.), obtained upon completion of the Doctor of Philosophy program in Administration at McGill University;

(s) Philosophiae Doctor (Ph.D.), obtained upon completion of the doctorat en administration program at the École des Hautes Études Commerciales in Montréal;

(t) Philosophiae Doctor (Ph.D.), obtained upon completion of the doctorat en sciences de l'administration program at Université Laval;

**2.** Schedule 1 to the Regulation is amended by striking out the words "Corporation professionnelle des administrateurs agréés du Québec".

**3.** This Regulation does not affect the rights of a person who, on (insert the date preceding the date of coming into force of this Regulation), holds a diploma giving access to the permit of the Corporation professionnelle des administrateurs agréés du Québec or is registered in a course giving access to such a diploma.

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

5965

## Draft Regulation

Professional Code  
(R.S.Q., c. C-26)

### Land Surveyors — Tariff of fees

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the "Tariff of professional fees of land surveyors", made by the Office des professions du Québec, the

text of which appears below, may be submitted by the Government upon the expiry of 45 days following this publication.

Any person having comments to make is asked to transmit them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, complexe de la place Jacques-Cartier, 320, rue Saint-Joseph Est, 1<sup>er</sup> étage, Québec (Québec), G1K 8G5. These comments will be forwarded by the Office to the Minister responsible for the administration of legislation concerning the professions; they may also be forwarded to the professional corporation concerned as well as to the persons, departments and agencies concerned.

THOMAS J. MULCAIR,  
Chairman of the Office  
des professions du Québec

## Tariff of professional fees of land surveyors

Professional Code  
(R.S.Q., c. C-26, s. 12, subpar. u, and s. 13)

### DIVISION I GENERAL

**1.** This Tariff applies unless there is an agreement to the contrary between the land surveyor and his client.

Where a land surveyor agrees to an amount other than the amount provided for in this Tariff, he shall so inform his client.

### DIVISION II FEE SCALE

#### **2. Professional fees**

For any professional act, consultation, attendance, supervision, travel or expert opinion, a land surveyor's fees shall be 105 \$ per hour.

For any professional act by a land surveyor, the fees shall be 87 \$ per hour on the basis of a work day of not less than 6 hours.

#### **3. Technical personnel**

In addition to his fees, a land surveyor is entitled to:

1° reimbursement of the cost of wages paid to employees during an operation, plus 150 % of that cost, except in a case described in subparagraph 2°;

the cost of an employee's hourly wages shall be determined by multiplying his gross wages by 1.3;

2° reimbursement of the wages paid, plus 50 %, to any free-lance employee supplementing a regular technical crew comprising 3 members; and

3° reimbursement of all disbursements and expenses incurred on account of the client.

The gross wages are the remuneration paid to the employee before any deductions.

#### 4. Supplementary fees for a vacant site

For any surveying operation carried out on a vacant site whose market value is not less than 8,70 \$ per square foot and where no construction is immediately planned, the following supplementary fees shall be added to the land surveyor's fees:

1° 9,30 \$ per thousand dollars of basic value up to 30 000 \$;

2° 4,65 \$ per thousand dollars of basic value for any amount exceeding 30 000 \$ up to 60 000 \$;

3° 2,33 \$ per thousand dollars of basic value for any amount exceeding 60 000 \$ up to 90 000 \$;

4° 1,16 \$ per thousand dollars of basic value for any amount exceeding 90 000 \$ up to 120 000 \$; and

5° 0,58 \$ per thousand dollars of basic value for any amount exceeding 120 000 \$.

The basic value referred to in this section is equal to the market value of the site exceeding 8,70 \$ per square foot.

#### 5. Supplementary fees for any structure other than a building

For any surveying operation carried out on a structure or a building whose value is more than 700 000 \$, the following supplementary fees shall be added to the land surveyor's fees:

1° 2,79 \$ per thousand dollars of basic value up to 300 000 \$;

2° 1,40 \$ per thousand dollars of basic value for any amount exceeding 300 000 \$ up to 600 000 \$;

3° 0,70 \$ per thousand dollars of basic value for any amount exceeding 600 000 \$ up to 900 000 \$;

4° 0,35 \$ per thousand dollars of basic value for any amount exceeding 900 000 \$ up to 1 200 000 \$; and

5° 0,17 \$ per thousand dollars of basic value for any amount exceeding 1 200 000 \$.

The basic value referred to in this section is the contractual value of the structure when completed.

6. A land surveyor may require the supplementary fees provided for in sections 4 and 5 only once per assignment. Those fees shall be reduced by 50 % where the site on which the surveying operation is conducted has been the subject of a duly registered boundary determination and the boundary markers are still in place.

7. For the use of special electronic instruments such as a distance, angle or azimuth measuring instrument, a computer, a programmable calculator or a word processor, the fees shall be determined on the basis of an hourly rate of 1/4 of 1 % of the price of the instrument when new. The time billed shall be the time during which the instrument is in position or in use, with a minimum of one hour.

### DIVISION III SPECIFIC OPERATIONS

#### 8. Restricted application

Sections 9 to 18 apply only where the fees provided for therein are higher than the fees that would be payable under the fee scale.

#### 9. Staking

For staking, the fees shall be the following:

1° study of titles and searches, 116 \$;

2° establishing property lines and setting markers, 326 \$ for an isolated site and 174 \$ for one site among a number of sites within a single project during a single session; and

3° certificate of staking, 116 \$.

#### 10. Layout

For a layout, the fees shall be the following:

1° for the layout of a single or double-family house on an isolated site, 233 \$ where the site has already

been staked of 174 \$ plus the staking fees if it has not been staked and whether or not staking is included in the mandate;

2° for the layout of adjoining houses, semi-detached houses or row housing, 233 \$ for each detached group of buildings, plus 116 \$ per common wall between two properties if the site has already been staked or 174 \$ for each detached group of buildings plus 116 \$ per common wall.

For any other layout, the fees shall be those provided for in the fee scale.

### 11. Certificate of location

For a certificate of location, the fees shall be 523 \$ for a site which clearly, because it is occupied, has already been surveyed and 628 \$ in all other cases.

Nevertheless, in the case of an immovable under construction in a housing project in which work is being carried out actively, the fees shall be the following:

1° in the case of a site that has already been staked:

a) for study of titles and searches at the cadastral office and the municipality, 122 \$;

b) for the certificate of location, 349 \$ for an isolated house and 233 \$ per housing unit for adjoining houses, semi-detached houses or row housing;

2° in the case of a site that has not been staked, whether or not staking is included in the mandate and whether or not staking is actually carried out, the fees shall be those provided for in subparagraph 1°, plus 192 \$ for setting boundaries.

### 12. Preliminary study and laying out of lots

For preliminary study and laying out of lots, the fees shall be those provided for in the fee scale.

### 13. Cadastral operation

For a cadastral operation, the fees, to which administration fees payable to the Service du cadastre and the municipality are added, shall be the following:

1° for a subdivision or an addition, in the case of the first distinctive cadastral number:

a) without registration of astronomical azimuths or bearings, 349 \$;

b) with registration of astronomical azimuths or bearings, 436 \$;

2° for a substitution, in the case of the first distinctive cadastral number:

a) without registration of astronomical azimuths or bearings, 436 \$;

b) with registration of astronomical azimuths or bearings, 523 \$;

3° for an addition, subdivision or substitution for each subsequent cadastral number shown on the same plan, 174 \$ per number.

### 14. Cadastral operation for co-ownership purposes

Notwithstanding section 13, for a cadastral operation concerning an immovable held in co-ownership, the fees shall be those provided for in the fee scale.

### 15. Reserve for public purposes and expropriation

For work required for preparation of expropriation and reserve plans for public purposes, including study of titles, searches at the cadastral office and elsewhere, field surveys, computations, drafting and setting of markers, the fees shall be those provided for in the fee scale.

Where the parcels of a lot shown on a single plan belong to different owners, that plan shall be considered to be as many different parcel plans as there are owners. In such case, the fees shall be the following:

1° per parcel plan including the technical description of the first parcel of a lot, 174 \$;

2° for the technical description of any other parcel of a lot, 52 \$.

### 16. Cadastral compilation

For the preparation of a cadastral compilation, the fees shall be 10,50 \$ per cadastral number, plus:

1° 7,00 \$ per cadastral number for those in excess of 5 000 up to 10 000 numbers;

2° 3,50 \$ per cadastral number for those in excess of 10 000 numbers.

For the establishment of a basic plan and for the compilation of parts of lots, the fees shall be those provided for in the fee scale.

For the updating of a cadastral compilation plan, the fees shall be 10,50 \$ per cadastral number.

### **17. Certificate of cadastral origin**

For a certificate of cadastral origin, the fees shall be 52 \$ for each comparison between the cadastral plan in force and a cancelled cadastral plan covering the same lot.

### **18. Certificate of identification**

For a certificate of identification, the fees are 87 \$ plus 17 \$ for each subsequent certificate of identification where the verification is made during a single attendance and the immovables are adjoining.

### **19. Technical description**

For the preparation of any technical description, the fees shall be 105 \$ for the first parcel of a lot described and 52 \$ for each subsequent parcel described in the same document. For the plan accompanying the technical description, the fees shall be those provided for in the fee scale.

### **20. Boundary determination**

For a boundary determination, the fees shall be those provided for in the fee scale.

### **21. Appearance and attendance by the land surveyor as a witness or an arbitrator**

For any appearance or attendance as a witness before the court or elsewhere in his capacity as a land surveyor, whether or not as an expert, or as an arbitrator, a land surveyor is entitled to 262 \$ per session, plus his expenses.

Those fees and expenses, after deduction of the part taxed as judicial fees by the court, are recoverable from the party that required the appearance by the land surveyor.

Any attendance or any additional professional work occasioned by an appearance is also recoverable from that same party. In such case, the land surveyor is entitled to the fees provided for in the fee scale.

### **22. Certification**

For the certification of a copy of a document or an extract of a document prepared by a land surveyor or by another land surveyor whose records he keeps, the fees shall be 52 \$.

### **23. Copies**

For the material preparation of a copy, the fees shall correspond to the costs and expenses incurred for the keeping, handling and reproduction of the original document, and for the preparation and sending of the copy, multiplied by three; those fees shall be at least 17 \$.

### **24. Final**

This Tariff applies to any new mandate given to a land surveyor after 1<sup>st</sup> January 1992.

**25.** This Tariff comes into force on 1<sup>st</sup> January 1992 and remains in force until 31 December 1992.

5969

## **Draft Regulation**

An Act respecting the ministère de l'Agriculture, des Pêcheries et de l'Alimentation  
(R.S.Q., c. M-14)

### **Registration of agricultural operations and the reimbursement of real estate taxes and compensations**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the registration of agricultural operations and the reimbursement of real estate taxes and compensations, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

Any person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Agriculture, Fisheries and Food, 200, chemin Sainte-foy, 12<sup>e</sup> étage, Québec (Québec), G1R 4X6.

YVON PICOTTE,  
*Minister of Agriculture,  
Fisheries and Food*

---

## Regulation respecting the registration of agricultural operations and the reimbursement of real estate taxes and compensations

An Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation  
(R.S.Q., c. M-14, ss. 36.12 and 36.15)

### DIVISION I INTERPRETATION

**1.** For the purposes of the Act and of this Regulation, an agricultural operation is an operation uniting in a single economic and accounting unit the capital and basic factors of production used by a person to derive an agricultural product intended for marketing and having an annual agricultural production of a value equal to or greater than the value determined under subparagraph *iv* of paragraph *j* of section 1 of the Farm Producers Act (R.S.Q., c. P-28).

For the purposes of the first paragraph, an agricultural product is any raw or processed product derived from agriculture, horticulture, aviculture or aquaculture, from the wooded portion of an agricultural operation or from the raising of fur-bearing animals, race horses or animals fit for human consumption.

### DIVISION II REGISTRATION OF AGRICULTURAL OPERATIONS

**2.** A person applying for registration of an agricultural operation shall complete the registration slip provided by the Minister.

**3.** The registration slip shall contain the following information:

(1) the applicant's full name and address as well as the corporate name and the address of the head office or main office of the agricultural operation;

(2) the agricultural operation's legal status, the date on which it was acquired or formed, the full name of each partner or shareholder as well as his date of birth, sex, social insurance number and share or interest in the partnership or corporation;

(3) the number of each unit of assessment of the agricultural operation entered on the real estate assessment roll for the year in progress and the owner's name where the unit is leased;

(4) the type of agricultural production, specifying the dominant production, as well as the other activities carried on by the agricultural operation;

(5) an identification and a description of the land owned or used by the agricultural operation and the land left fallow;

(6) the area of each parcel of land in the agricultural operation used for plant production and the type of production;

(7) the animal species raised in the agricultural operation and the number of animals of each species;

(8) the total value of the agricultural products of the agricultural operation that were marketed during the calendar year preceding the period for which the registration applies;

(9) the number of full-time and part-time employees of the agricultural operation and the duration of their employment;

(10) the full name and level of schooling of the candidates to take over the running of the agricultural operation, where applicable.

The registration slip shall be signed by the applicant or by the person authorized to do so and shall contain an attestation that the information provided is true and authorization from the ministère de l'Agriculture, des Pêcheries et de l'Alimentation to make available to or to obtain from various agencies under the authority of the Minister any documents or information relating to the management of the agricultural operation.

**4.** Where the Minister grants the registration, it is valid for a period not exceeding 3 years.

For the first period of application of this Regulation, a registration is valid until 31 March 1993, and thereafter, until 31 March of every third year.

**5.** At the time of registration, the Minister shall issue a registration card in the name of the agricultural operation and that card shall bear a sticker valid until 31 March following the date of issue.

**6.** A holder of a registration card shall obtain a new sticker before 31 March of each year by completing the declaration provided by the Minister.

That annual declaration requires that the holder furnish the changes to the information as well as the attestation and the authorization provided for in section 3.

Upon receipt of a duly completed declaration, the Minister shall issue a new sticker that the holder must affix to his registration card.

**7.** Upon the expiry of the period of validity of an agricultural operation's registration, a person may apply for the renewal thereof by completing the registration slip provided for in section 3 and by furnishing the attestation and the authorization provided for in that section.

**8.** The Minister may require any document or information that he considers necessary where a person applies for registration of an agricultural operation or for renewal thereof and where he submits his declaration in order to obtain a new sticker.

**9.** The Minister may revoke an agricultural operation's registration where it is no longer an agricultural operation within the meaning of section 1. The Revocation takes effect from the date of receipt of a notice from the Minister to that effect.

### DIVISION III REIMBURSEMENT OF REAL ESTATE TAXES AND COMPENSATIONS

**10.** A person applying for a reimbursement of real estate taxes and compensations shall use the form furnished by the Minister.

**11.** An application for a reimbursement shall contain the following information:

(1) the identity of the person required to pay the taxes and compensations;

(2) a statement of the total gross income of the agricultural operation for the calendar year preceding the fiscal year for which a reimbursement of property taxes and compensations is applied for;

(3) the total area situated in an agricultural zone and the non-productive area;

(4) identification of the immovables used for residential, commercial, leisure, recreation or sports purposes, as well as their respective values entered on the assessment roll;

(5) identification of the immovables that the person leases, their value entered on the assessment roll and the owner's signature;

(6) a detailed statement, for each unit of assessment, of the real estate taxes and compensations that qualify;

(7) a detailed statement of the real estate taxes and compensations for each unit of assessment not situated in an agricultural zone;

(8) the amount of the advance on the reimbursement applied for;

(9) the reimbursement applied for.

An application for a reimbursement shall contain an attestation by the applicant that the information provided is true and shall be signed by the applicant and, where applicable, by the owner of an immovable that he rents.

**12.** The person shall attach to his application for reimbursement the originals of the tax accounts for which he is applying for reimbursement and, where applicable, proof of having paid such accounts.

### DIVISION IV TRANSITIONAL AND FINAL

**13.** For the purposes of section 40 of the Act to amend the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation and various legislation (1991, c. 29), an agricultural operation referred to in that section is deemed to be an agricultural operation registered in accordance with this Regulation until 31 March 1993.

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

5975

### Draft Regulation

Professional Code  
(R.S.Q., c. C-26)

#### Town planners

##### — Business of the Bureau and general meetings

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the "Regulation respecting the business of the Bureau and general meetings of the Corporation professionnelle des urbanistes du Québec", made by the Bureau of the Corporation professionnelle des urbanistes du Québec, the text of which appears below, may be submitted to the Government, which may approve it with or without amendment, upon the expiry of 45 days following this publication.

Any person having comments to make is asked to transmit them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, complexe de la place Jacques-Cartier, 320, rue Saint-Joseph Est, 1<sup>er</sup> étage, Québec (Québec), G1K 8G5. These comments will be forwarded by the Office to the Minister responsible for the administration of legislation concerning the professions; they may also be forwarded to the professional corporation that made the Regulation as well as to the persons, departments and agencies concerned.

THOMAS J. MULCAIR,  
Chairman of the Office  
des professions du Québec

### Regulation respecting the business of the Bureau and general meetings of the Corporation professionnelle des urbanistes du Québec

Professional Code  
(R.S.Q., c. C-26, s. 93, par. a, and  
s. 94, pars. a and b)

#### DIVISION I BUREAU

**1.** Where the president is elected by a general vote of the members of the Corporation professionnelle des urbanistes du Québec, the Bureau consists of 9 persons including the president.

Where the president is elected by a vote of the elected directors, the Bureau consists of 8 persons including the president.

**2.** The date, time, place and agenda of a regular meeting of the Bureau shall be determined by the president.

The agenda of a regular meeting may be changed only with the consent of all members of the Bureau taking part in the meeting.

**3.** A special meeting of the Bureau shall be held at the request of the president or of one-quarter of the members of the Bureau and they shall determine the date, time and place of the meeting.

**4.** A regular meeting of the Bureau shall be called by the secretary of the Corporation by means of a notice of meeting sent with the agenda to each member of the Bureau at least 5 days before the date of the meeting.

**5.** A special meeting of the Bureau shall be called by the secretary by means of a verbal notice or of a written notice sent to each member of the Bureau by mail, telegram, cablegram, fax or messenger at least 48 hours before the meeting.

At a special meeting, only the matters for which it was called may be discussed.

**6.** Every notice of a meeting of the Bureau shall indicate the date, time and place of the meeting.

**7.** Notwithstanding sections 4 and 5, a meeting of the Bureau is deemed to be regularly held if all the members are present and waive the notice of meeting or, where they are not present or physically in attendance at the place where the meeting of the Bureau is held, all the members take part in a conference call and waive the notice of meeting.

**8.** The vice-president shall chair a meeting of the Bureau where the president is absent or wishes to take part in the discussion. The Bureau shall designate one of its members to chair a meeting where the president and vice-president are absent or where the vice-president is chairing a meeting and wishes to take part in the discussion.

**9.** The president shall ascertain whether there is a quorum prior to the beginning of each meeting.

**10.** Where the president adjourns a meeting of the Bureau for lack of a quorum, the time of adjournment and the names of the members of the Bureau then present shall be recorded in the minutes.

**11.** The Bureau sits *in camera*. It may, where the majority of the members so desire, hold a public meeting or authorize certain persons to attend or take part in the meeting.

#### DIVISION II DIRECTORS

**12.** At the first meeting of the Bureau immediately following the taking of office of the president or of a director, the first matter on the agenda shall be the swearing in of the new member. The taking of oath or making of the solemn affirmation of discretion shall be done in the form in Schedule II to the Professional Code (R.S.Q., c. C-26).

**13.** Every member of the Bureau may express his opinion in public on matters relating to the business of the Corporation or the practice of the profession, if he informs his audience that the ideas that he is expressing

are his own and are not necessarily shared by the Bureau of the Corporation.

**14.** A member of the Bureau who is in conflict of interest over an issue must reveal the conflict to the Bureau and abstain from voting.

### **DIVISION III ADMINISTRATIVE COMMITTEE**

**15.** The elected members of the Bureau shall elect 3 members of the Bureau to the Administrative Committee from among whom they shall appoint the vice-president and the treasurer of the Corporation.

Another member of the Administrative Committee shall be elected annually by a vote of the members of the Bureau from among the members appointed by the Office des professions du Québec.

Along with the president of the Corporation, those persons shall make up the Administrative Committee.

**16.** A regular sitting of the Administrative Committee shall be called by the secretary by means of a notice of sitting sent with the agenda to each member of the Committee at least 5 days before the date of the sitting.

**17.** A special sitting of the Administrative Committee shall be called by the president or, at his request, by the secretary, by means of a notice given by telephone, telegram, fax or messenger to each member at least 24 hours before the date of the sitting.

At a special sitting, only the matters mentioned in the notice may be discussed.

**18.** A notice of a sitting of the Administrative Committee shall indicate the date, time and place of the sitting.

**19.** Notwithstanding sections 16 and 17, a sitting of the Administrative Committee is deemed to be regularly held if all the members are present and waive the notice of meeting or, where they are not present or physically in attendance at the place where the sitting of the Administrative Committee is held, all the members take part in a conference call and waive the notice of sitting.

**20.** The president shall ascertain whether there is a quorum prior to the beginning of each sitting.

**21.** Whenever the president adjourns a sitting of the Administrative Committee for lack of a quorum, the time of adjournment and the names of the members then present shall be recorded in the minutes.

**22.** Members may take decisions by a means of communication mentioned in section 19.

### **DIVISION IV GENERAL MEETINGS**

**23.** A general meeting shall be held at the date, time and place determined by the Bureau.

**24.** A notice of a general meeting shall include the proposed agenda and indicate the date, time and place of the sitting.

Where the notice of a general meeting is accompanied by documents sent to the members for the purposes of that meeting, the secretary shall ensure that the documents are also sent to the directors appointed under section 78 of the Code.

**25.** The secretary shall call a general meeting by means of a notice of meeting sent by mail at least 30 days before the date of the meeting to each member of the Corporation at the address appearing on the roll.

Before the same deadline, the secretary shall also send the notice of meeting and any other document sent to the members of the Corporation for the purposes of that meeting to each director appointed under section 78 of the Code.

In the case of a special general meeting, the deadline mentioned in the first paragraph shall be at least 5 days.

**26.** In addition to the manner of calling the annual general meeting prescribed in the first paragraph of section 25, the secretary may call the annual general meeting by means of a notice of meeting published or inserted in a publication which the Corporation sends at least 30 days before the date of the meeting to each of its members at the address appearing on the roll. The notice shall measure at least 120 square centimetres and appear under the heading "NOTICE OF ANNUAL GENERAL MEETING".

At least 30 days before the date of the meeting, the secretary shall send a copy of the publication in which the notice of meeting is published or inserted, and any other document sent to the members of the Corporation for the purposes of that meeting, to each director appointed under section 78 of the Code.

**27.** The Bureau shall approve the proposed agenda of a general meeting.

Where a special general meeting is called at the written request of the members of the Corporation pursuant to section 106 of the Code, the proposed

agenda shall include the matters mentioned in the request.

**28.** At a special general meeting, only the matters mentioned in the agenda may be discussed.

**29.** The quorum of a general meeting of the Corporation is 20 members.

**30.** The president shall ascertain whether there is a quorum prior to the beginning of each meeting.

Where a quorum is not reached within 30 minutes following the time mentioned in the notice of meeting, the secretary shall draw up minutes to that effect and record the names of the members then present.

**31.** Decisions shall be taken by a majority of the votes cast.

#### DIVISION V MISCELLANEOUS AND FINAL

**32.** Where none of the rules of procedure in the Code or in this Regulation provides a solution to a particular situation, the rules in *Guide de procédure des assemblées délibérantes*, Secrétariat général, Université de Montréal, 1982, deuxième édition, apply *mutatis mutandis*.

**33.** This Regulation replaces the Regulation respecting the business of the Bureau and general meetings of the Corporation professionnelle des urbanistes du Québec (R.R.Q., 1981, c. C-26, r. 191).

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

5966

### Draft Regulation

Professional Code  
(R.S.Q., c. C-26)

#### Town planners — Professional inspection committee

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the "Regulation respecting the professional inspection committee of the Corporation professionnelle des urbanistes du Québec", made by the Bureau of the Corporation professionnelle des urbanistes du Québec, the text of which appears below, may be submitted to

the Government, which may approve it with or without amendment, upon the expiry of 45 days following this publication.

Any person having comments to make is asked to transmit them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, complexe de la place Jacques-Cartier, 320, rue Saint-Joseph Est, 1<sup>er</sup> étage, Québec (Québec), G1K 8G5. These comments will be forwarded by the Office to the Minister responsible for the administration of legislation concerning the professions; they may also be forwarded to the professional corporation that made the Regulation as well as to the persons, departments and agencies concerned.

THOMAS J. MULCAIR,  
*Chairman of the Office  
des professions du Québec*

### Regulation respecting the professional inspection committee of the Corporation professionnelle des urbanistes du Québec

Professional Code  
(R.S.Q., c. C-26, s. 90)

#### DIVISION I GENERAL

**1.** A professional inspection shall cover the records, books and registers as well as the inquiries, studies and reports kept or prepared by a member of the Corporation professionnelle des urbanistes du Québec in the practice of his profession.

It shall also cover the documents in which the member collaborated in the records, inquiries, studies and reports kept or prepared by his co-workers or by his employer, those that were entrusted to him by a co-worker or an employer, and to any property entrusted to him by a client.

#### DIVISION II PROFESSIONAL INSPECTION COMMITTEE

**2.** The professional inspection committee of the corporation shall consist of three members appointed for a one year term by the Bureau from among the members who have been practising their profession for at least five years.

The members of the committee shall take office after taking the oath or making the solemn affirmation contained in Schedule II to the Professional Code (R.S.Q.,

c. C-26) and shall remain in office until they die, resign, are replaced or are struck off the roll.

**3.** The committee shall sit on the date and at the time and place fixed by it or by its chairman.

**4.** The Bureau of the Corporation shall appoint the secretary of the committee.

**5.** The office of the committee shall be located at the corporate seat of the corporation, and all the minutes, reports and other documents of the committee shall be kept there.

**6.** Subject to section 9, only the members of the committee, the secretary of the committee, the office staff assigned to the committee by the secretary of the corporation and the president of the Corporation shall have access to the records, books and registers of the committee.

Before taking office, the secretary of the committee and the members of the office staff shall take the oath or make the solemn affirmation contained in Schedule II to the Code.

### **DIVISION III DRAWING UP OF A PROFESSIONAL RECORD**

**7.** As its activities progress, the committee shall draw up and keep up-to-date a professional record for each member of the Corporation who is the subject of an inspection.

**8.** The professional record shall contain a summary of the member's academic qualifications and experience as well as all the documents pertaining to an inspection of which he was the subject.

**9.** A member is entitled to consult his professional record and to obtain a copy thereof. The consultation shall be held at the committee's office in the presence of a person designated by the committee.

### **DIVISION IV GENERAL SUPERVISION OF THE PRACTICE OF THE PROFESSION**

**10.** The committee shall supervise the practice of the profession in accordance with the program established by it.

**11.** Each year, the Bureau shall have the committee's general supervision program published in the bulletin of the Corporation.

**12.** At least 15 days before the date fixed for the verification by the committee, the committee shall, through its secretary, send the member in question, by registered mail, a notice in accordance with the form in Schedule I.

**13.** If the member cannot receive the committee on the prescribed date, he must, upon receipt of the notice, inform the secretary of the committee and decide on another date with him.

**14.** When the committee ascertains that the member was unable to take cognizance of the notice, it shall fix a new date for the verification and notify the member in writing thereof.

**15.** The committee must, if required to do so, produce a certificate attesting to its capacity and signed by its secretary.

**16.** A member who is the subject of a verification may be present or may be represented by a mandatary.

**17.** The committee shall draw up an account of the verification within 15 days of the date of the end of its verification.

### **DIVISION V SPECIAL INQUIRY INTO THE PROFESSIONAL COMPETENCE OF A MEMBER**

**18.** A member of the committee who makes a special inquiry on his own initiative into the professional competence of a member shall indicate in his professional record the reasons warranting such inquiry.

**19.** At least five clear days before the date of the special inquiry, the committee shall, through its secretary, send to the member in question, by registered or certified mail, a notice in accordance with the form in Schedule II.

Where the sending of a notice to the member could jeopardize the object for which a special inquiry is to be held, the committee may make the inquiry without such notice.

**20.** The committee may order the member, his employer, his representative or employee to give it access to the records, books, registers and other items covered by section 1.

**21.** Where his records are held by a third party, a member must, upon the request of the committee, authorize the latter to take cognizance or a copy thereof.

**22.** The committee may request that a person who makes a declaration to it relative to an inquiry attest such declaration under oath or by solemn affirmation.

**23.** Where a member refuses to receive the committee, he shall immediately notify the Bureau thereof.

**24.** The committee shall draw up a report within 30 days after termination of an inquiry.

**25.** Sections 15 and 16 apply, *mutatis mutandis*, to an inquiry held under this Division.

**DIVISION VI**  
**RECOMMENDATIONS OF THE COMMITTEE**  
**FOLLOWING A SPECIAL INQUIRY INTO THE**  
**PROFESSIONAL COMPETENCE OF A MEMBER**

**26.** Where the committee, after study of its report, has reason to believe that it is not expedient to recommend to the Bureau that any of the measures prescribed by section 113 of the Code be taken, it shall notify the Bureau and the member in question within 30 days following its decision.

**27.** Where the committee, after study of its report, has reason to believe that it is expedient to recommend to the Bureau that any of the measures prescribed by section 113 of the Code be taken, it shall notify the secretary of the Bureau and the member in question within the same time limit and must permit him to be heard.

**28.** In the case provided for in section 27, the committee shall summon the member and send him, by registered or certified mail, 21 days before the date fixed for the hearing, the following information and documents:

(1) a notice specifying the date, time and place of the hearing;

(2) a statement of the facts and reasons that justify summoning him before the committee;

(3) a copy of the report made by the committee concerning him.

**29.** At the hearing, a member may be represented by an advocate.

**30.** The committee shall administer the oath or receive the solemn affirmation of the member and the witnesses through a commissioner for oaths.

**31.** The hearing shall be held *in camera* unless the committee, at the request of the member, considers that

it is in the public interest that it not be held in that manner.

**32.** The committee may proceed *ex parte* if the member does not appear on the date and at the time and place prescribed.

**33.** The depositions shall be recorded at the request of the member or of the committee.

**34.** In its recommendations concerning a member, the committee shall take into account the type of professional activities in which the member is generally engaged.

**35.** The recommendations of the committee shall be made by a majority vote of its members within 60 days after the end of the hearing. The recommendations shall include the reasons therefor, shall be signed by the members of the committee who concurred in them, and shall be sent to the Bureau and to the member in question without delay.

**DIVISION VIII**  
**MISCELLANEOUS AND FINAL**

**36.** The secretary of the committee shall keep a register in which are entered in chronological order the date of each verification or special inquiry, the address where it is made, the name of the member in question and the name of the person who made the verification or inquiry.

**37.** The annual report of the committee provided for in section 115 of the Code shall be submitted to the Bureau prior to 1 April of each year.

**38.** This Regulation replaces the Regulation respecting the procedure of the professional inspection committee of town planners (R.R.Q., 1981, c. C-26, r. 198).

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

**SCHEDULE I**  
(s. 12)

**CORPORATION PROFESSIONNELLE DES**  
**URBANISTES DU QUÉBEC**

**NOTICE OF VERIFICATION**

Notice is given that, within the framework of the program for general supervision of the practice of the profession, the professional inspection committee will

examine and verify your records, books, registers and other items referred to in section 1 of the Regulation respecting the professional inspection committee of the Corporation professionnelle des urbanistes du Québec, on ..... 19 .....  
 at ..... o'clock.

For that purpose, Mr. or Ms. .... will visit you on .....

Signed at .....  
 on ..... 19.....

The professional inspection committee

---

Secretary of the committee

**SCHEDULE II**

(s. 19)

**CORPORATION PROFESSIONNELLE DES URBANISTES DU QUÉBEC**

**NOTICE OF SPECIAL INQUIRY**

Notice is given that, at the request of the Bureau (or on its own initiative), the committee will make a special inquiry into your professional competence, on ..... 19 .....  
 at ..... o'clock.

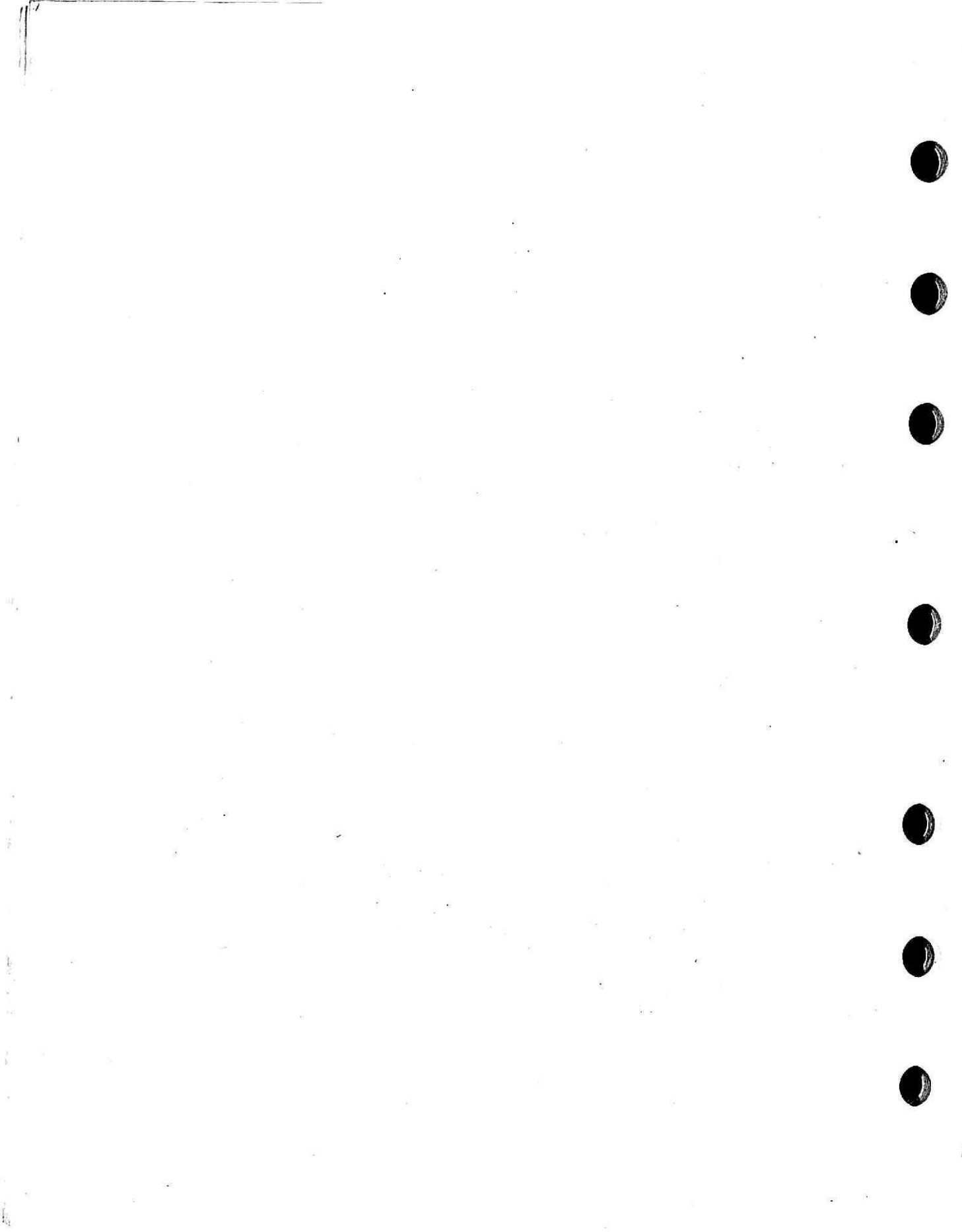
For that purpose, Mr. or Ms. .... will visit you on .....

Signed at .....  
 on ..... 19.....

The professional inspection committee

---

Secretary of the committee



---

## Erratum

---

Taxation Act  
(R.S.Q., c. I-3)

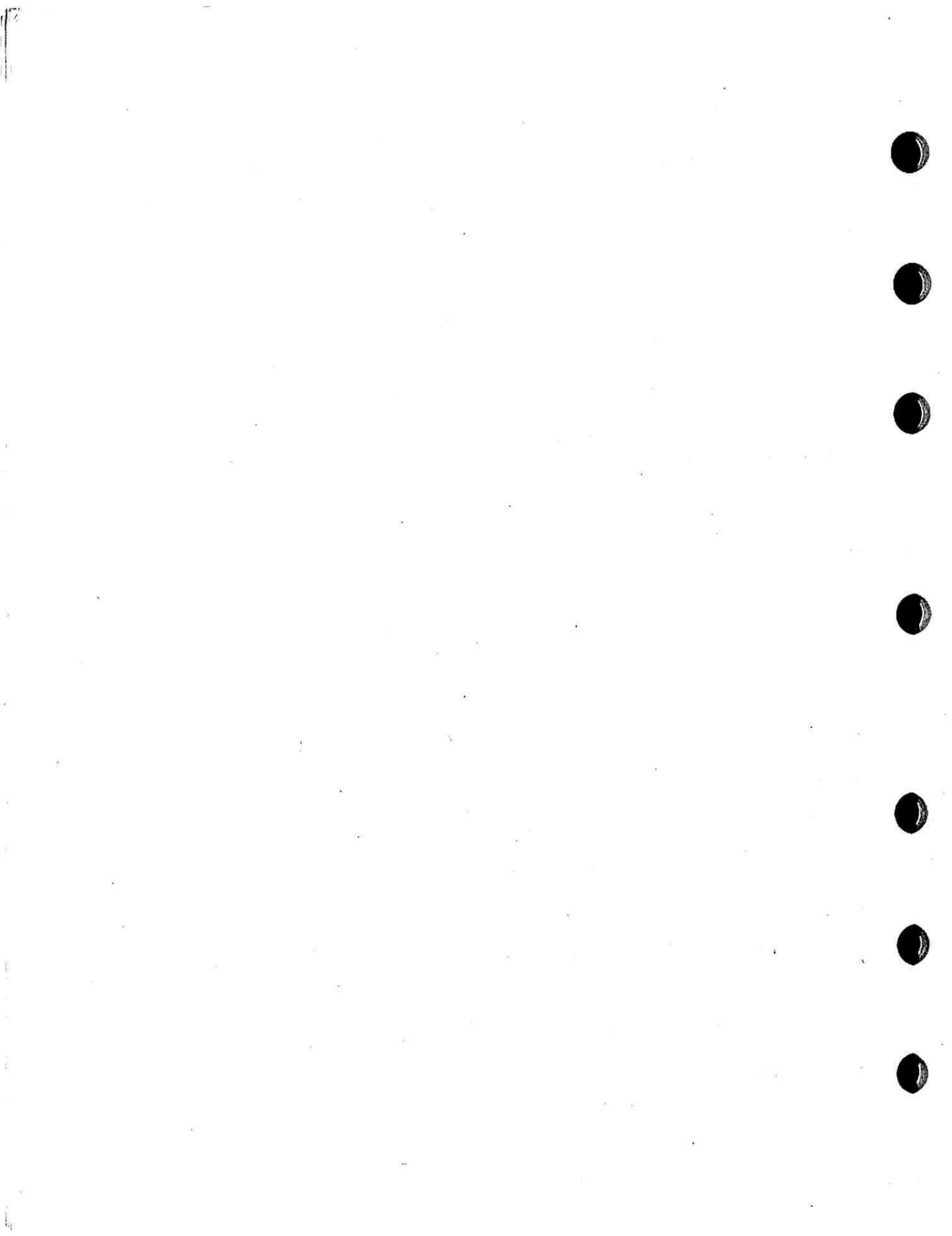
**Regulation**  
— **Amendments**  
— **Erratum**

*Gazette officielle du Québec*, Laws and Regulations,  
Part 2, Volume 123, No. 31 dated 31 July 1991

Regulation respecting the Taxation Act (Amendment)  
(O.C. 1025-91 dated 17 July 1991)

On page 2922, in the third line of section 1015R10 introduced by paragraph *c* of section 7 of the amending Regulation, "section 707 and 708" should read "section 707 or 708".

5983



## Index Statutory Instruments

Abbreviations: A: Abrogated, N: New, M: Modified

Regulations — Statutes	Page	Comments
Agriculture, Fisheries, Food and Regional Development — Order of the Minister — Regulation respecting minimum standards for processing marine products .....	4071	M
Architects — Tariff of fees .....	4093	Draft
(Professional Code, R.S.Q., c. C-26)		
Automobile — Mauricie — Levy .....	4058	M
(An Act respecting collective agreement decrees, R.S.Q., c. D-2)		
Bailiffs Act — Tariff of fees and transportation expenses of bailiffs .....	4066	M
(R.S.Q., c. H-4)		
Bar — Code of Ethics .....	4051	M
(An Act respecting the Barreau du Québec, R.S.Q., c. B-1)		
Barreau du Québec, An Act respecting the... — Bar — Code of Ethics .....	4051	M
(R.S.Q., c. B-1)		
Cartage — Québec .....	4059	M
(An Act respecting collective agreement decrees, R.S.Q., c. D-2)		
Cartage — Québec .....	4065	M
(An Act respecting collective agreement decrees, R.S.Q., c. D-2)		
Chartered appraisers — Tariff of fees .....	4080	Draft
(Professional Code, R.S.Q., c. C-26)		
Collective agreement decrees, An Act respecting... — Automobile — Mauricie — Levy .....	4058	M
(R.S.Q., c. D-2)		
Collective agreement decrees, An Act respecting... — Cartage — Québec .....	4059	M
(R.S.Q., c. D-2)		
Collective agreement decrees, An Act respecting... — Cartage — Québec .....	4065	M
(R.S.Q., c. D-2)		
Collective agreement decrees, An Act respecting... — Security guards .....	4057	M
(R.S.Q., c. D-2)		
Dentists — Other terms and conditions for permits .....	4081	Draft
(Professional Code, R.S.Q., c. C-26)		
Denturologists — Code of Ethics .....	4053	M
(Professional Code, R.S.Q., c. C-26)		
Diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional Corporations .....	4084	Draft
(Professional Code, R.S.Q., c. C-26)		
Farm income stabilization insurance, An Act respecting — Feeder calf producers and Feeder cattle and slaughter cattle producers — Scheme .....	4047	M
(R.S.Q., c. A-31)		
Farm income stabilization insurance, An Act respecting... — Piglet Producers — Scheme .....	4050	M
(R.S.Q., c. A-31)		

Feeder calf producers — Scheme .....	4047	M
(An Act respecting farm income stabilization insurance, R.S.Q., c. A-31)		
Feeder cattle and slaughter cattle producers — Scheme .....	4047	M
(An Act respecting farm income stabilization income, R.S.Q., c. A-31)		
Government and Public Employees Retirement Plan, An Act respecting the... — Amendment to Schedule I to the Act.....	4049	M
(R.S.Q., c. R-10)		
Health services and social services, An Act respecting... — Organization and Management Establishments .....	4049	M
(R.S.Q., c. S-5)		
Highway Safety Code — Mechanical inspection and safety standards for road vehicles.....	4055	M
(R.S.Q., c. C-24.2)		
Labour standards and other legislative provisions, An Act to amend the Act res- pecting... — Suspension of the Application of section 41.1 of the Act .....	4073	Draft
(1990, c. 73)		
Land Surveyors — Tariff of fees .....	4086	Draft
(Professional Code, R.S.Q., c. C-26)		
Marine products — Regulation respecting minimum standards for processing.....	4071	M
Mechanical inspection and safety standards for road vehicles.....	4055	M
(Highway Safety Code, R.S.Q., c. C-24.2)		
Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, An Act respecting the... — Registration of agricultural operations and the reimbursement of real estate taxes and compensations.....	4089	Draft
(R.S.Q., c. M-14)		
Organization and Management of Establishments .....	4049	M
(An Act respecting health services and social services, R.S.Q., c. S-5)		
Piglet Producers — Scheme .....	4050	M
(An Act respecting farm income stabilization insurance, R.S.Q., c. A-31)		
Professional Code — Architects — Tariff of fees.....	4073	Draft
(R.S.Q., c. C-26)		
Professional Code — Bar — Code of Ethics .....	4051	M
(R.S.Q., c. C-26)		
Professional Code — Chartered appraisers — Tariff of fees .....	4080	Draft
(R.S.Q., c. C-26)		
Professional Code — Dentists — Other terms and conditions for permits .....	4081	Draft
(R.S.Q., c. C-26)		
Professional Code — Denturologists — Code of Ethics.....	4053	M
(R.S.Q., c. C-26)		
Professional Code — Diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional Corporation.....	4084	Draft
(R.S.Q., c. C-26)		
Professional Code — Land Surveyors — Tariff of fees .....	4086	Draft
(R.S.Q., c. C-26)		

Professional Code — Town planners — Business of the Bureau and general meetings..... (R.S.Q., c. C-26)	4091	Draft
Professional Code — Town planners — Professional inspection committee .....	4094	Draft
Registration of agricultural operations and the reimbursement of real estate taxes and compensations .....	4089	Draft
(An Act respecting the ministère de l'Agriculture, des Pêcheries et de l'Alimentation, R.S.Q., c. M-14)		
Security guards .....	4057	M
(An Act respecting collective agreement decrees, R.S.Q., c. D-2)		
Tariff of fees and transportation expenses of bailiffs .....	4066	M
(Bailiffs Act, R.S.Q., c. H-4)		
Taxation Act — Regulation.....	4099	Erratum
(R.S.Q., c. I-3)		
Tobacco Tax Act, An Act to amend the... — Coming into force of certain provisions.....	4045	
(1991, c. 16)		
Town planners — Business of the Bureau and general meetings.....	4091	Draft
(Professional Code, R.S.Q., c. C-26)		
Town planners — Professional inspection committee.....	4094	Draft
(Professional Code, R.S.Q., c. C-26)		

**AVIS**

**PAGE BLANCHE**

**NON NUMÉROTÉE**

**MAIS INCLUSE**

**DANS LA PAGINATION**



Port de retour garanti  
Gazette officielle du Québec  
1279, boulevard Charest ouest  
Québec  
G1N 4K7

ISSN 0703-5721

---

