



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 128

**An Act to enact the Money-Services
Businesses Act and to amend various
legislative provisions mainly concerning
special funds and the financial sector**

Introduction

**Introduced by
Mr. Raymond Bachand
Minister of Finance**

**Québec Official Publisher
2010**

EXPLANATORY NOTES

First, this bill enacts the Money-Services Businesses Act. The new Act requires that persons operating automated teller machines or offering such services as currency exchange, funds transfer, the issue or redemption of travellers' cheques, money orders or bank drafts, or cheque cashing, obtain a licence from Québec's financial markets authority, the Autorité des marchés financiers, and disclose information about their directors, officers and associates and certain types of lenders they deal with. Persons already governed by certain other laws are not, however, subject to the requirements of the new Act.

The new Act confers the responsibility of its administration and enforcement to the Authority. It also gives police forces certain powers, including, in the case of the Sûreté du Québec, the power to issue security clearance reports. These reports essentially consist in criminal background checks on the key figures in a money-services business and will provide the Authority with all the information it needs to decide whether or not to issue a licence.

Next, the Financial Administration Act is amended and other legislative provisions are adjusted accordingly to ensure that income paid into, expenditures paid out of and investments made by special funds are subject to parliamentary scrutiny.

Other amendments relate to the financial sector. More specifically,

(1) the Act respecting financial services cooperatives is amended to require that the annual report of the Mouvement des caisses Desjardins include a statement of the remuneration paid to the Mouvement's five most highly remunerated officers, and to allow the Mouvement to comply with new international accounting standards;

(2) the Act respecting the distribution of financial products and services is amended to allow other persons besides the Authority to ask the decision and review board, the Bureau de décision et de révision, to impose a sanction on a representative, a firm or an independent partnership for a breach of that Act, to give the Board new powers to make orders, and to modify the composition of the

*board of directors of the damage insurance chamber, the *Chambre de l'assurance de dommages*;*

*(3) the *Derivatives Act* is amended to provide for better regulation of qualified persons; and*

*(4) the *Securities Act* is amended to allow an insider who has privileged information to trade in securities if the transactions are necessary in order to fulfill a contractual obligation, to prescribe that fraudulent trading in securities is an offence and to provide that whistleblowers incur no civil liability.*

In addition,

*(1) the *Real Estate Brokerage Act* is amended to allow brokers acting on behalf of an agency to engage in brokerage activities within a business corporation;*

*(2) the *Act respecting the Institut de la statistique du Québec* is amended to allow the Minister of Finance to delegate the power to sign certain agreements to the director general of the statistics institute for the purposes of that Act;*

*(3) the *Act respecting the Société des alcools du Québec* is amended to allow the SAQ to acquire or constitute subsidiaries, subject to the Government's authorization;*

*(4) the *Business Corporations Act* is amended to make various technical adjustments; and*

*(5) the *Act respecting the legal publicity of enterprises* is amended to make trusts carrying on a commercial enterprise in Québec subject to the registration requirement, and to make terminological and technical amendments for greater consistency.*

Last, consequential amendments are made to a number of Acts and transitional provisions are provided.

LEGISLATION AMENDED BY THIS BILL:

- Financial Administration Act (R.S.Q., chapter A-6.001);
- Act respecting assistance for victims of crime (R.S.Q., chapter A-13.2);
- Automobile Insurance Act (R.S.Q., chapter A-25);

- Act respecting the Autorité des marchés financiers (R.S.Q., chapter A-33.2);
- Act to affirm the collective nature of water resources and provide for increased water resource protection (R.S.Q., chapter C-6.2);
- Act respecting international financial centres (R.S.Q., chapter C-8.3);
- Highway Safety Code (R.S.Q., chapter C-24.2);
- Labour Code (R.S.Q., chapter C-27);
- Act respecting financial services cooperatives (R.S.Q., chapter C-67.3);
- Real Estate Brokerage Act (R.S.Q., chapter C-73.2);
- Act respecting the distribution of financial products and services (R.S.Q., chapter D-9.2);
- Act to establish a caregiver support fund (R.S.Q., chapter F-3.2.1.1);
- Act respecting the government air service fund (R.S.Q., chapter F-3.2.2);
- Act to establish the Fund for the promotion of a healthy lifestyle (R.S.Q., chapter F-4.0021);
- Act to establish an early childhood development fund (R.S.Q., chapter F-4.0022);
- Act to establish the Sports and Physical Activity Development Fund (R.S.Q., chapter F-4.003);
- Forest Act (R.S.Q., chapter F-4.1);
- Act respecting Immobilière SHQ (R.S.Q., chapter I-0.3);
- Act respecting the Institut de la statistique du Québec (R.S.Q., chapter I-13.011);
- Derivatives Act (R.S.Q., chapter I-14.01);
- Act respecting administrative justice (R.S.Q., chapter J-3);

- Act to combat poverty and social exclusion (R.S.Q., chapter L-7);
- Mining Act (R.S.Q., chapter M-13.1);
- Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (R.S.Q., chapter M-14);
- Act respecting the Ministère de l’Éducation, du Loisir et du Sport (R.S.Q., chapter M-15);
- Act respecting the Ministère de l’Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail (R.S.Q., chapter M-15.001);
- Act respecting the Ministère de la Culture et des Communications (R.S.Q., chapter M-17.1);
- Act respecting the Ministère de la Justice (R.S.Q., chapter M-19);
- Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., chapter M-19.2);
- Act respecting the Ministère de la Sécurité publique (R.S.Q., chapter M-19.3);
- Act respecting the Ministère des Affaires municipales, des Régions et de l’Occupation du territoire (R.S.Q., chapter M-22.1);
- Act respecting the Ministère des Finances (R.S.Q., chapter M-24.01);
- Act respecting the Ministère des Relations internationales (R.S.Q., chapter M-25.1.1);
- Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., chapter M-25.2);
- Act respecting the Ministère des Transports (R.S.Q., chapter M-28);
- Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30);
- Act respecting the Ministère du Développement durable, de l’Environnement et des Parcs (R.S.Q., chapter M-30.001);

- Act respecting the Ministère du Tourisme (R.S.Q., chapter M-31.2);
- Act respecting labour standards (R.S.Q., chapter N-1.1);
- Act to facilitate the payment of support (R.S.Q., chapter P-2.2);
- Act respecting transport infrastructure partnerships (R.S.Q., chapter P-9.001);
- Act respecting the protection of personal information in the private sector (R.S.Q., chapter P-39.1);
- Environment Quality Act (R.S.Q., chapter Q-2);
- Act to reduce the debt and establish the Generations Fund (R.S.Q., chapter R-2.2.0.1);
- Act to promote the reform of the cadastre in Québec (R.S.Q., chapter R-3.1);
- Act respecting the Régie de l’assurance maladie du Québec (R.S.Q., chapter R-5);
- Act respecting the Régie de l’énergie (R.S.Q., chapter R-6.01);
- Act respecting the Société d’habitation du Québec (R.S.Q., chapter S-8);
- Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13);
- Act respecting the Société des loteries du Québec (R.S.Q., chapter S-13.1);
- Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01);
- Act respecting the Québec sales tax (R.S.Q., chapter T-0.1);
- Fuel Tax Act (R.S.Q., chapter T-1);
- Transport Act (R.S.Q., chapter T-12);
- Securities Act (R.S.Q., chapter V-1.1);

- Act respecting assistance and compensation for victims of crime (1993, chapter 54);
- Act to establish the Disaster Assistance Fund for certain areas affected by the torrential rains of 19 and 20 July 1996 (1996, chapter 45);
- Act to establish a fund in respect of the ice storm of 5 to 9 January 1998 (1998, chapter 9);
- Act to amend the Act respecting the Autorité des marchés financiers and other legislative provisions (2008, chapter 7);
- Act respecting the boundaries of the waters in the domain of the State and the protection of wetlands along part of the Richelieu River (2009, chapter 31);
- Business Corporations Act (2009, chapter 52);
- Act respecting the legal publicity of enterprises (2010, chapter 7);
- Act concerning Parc national du Mont-Orford (2010, chapter 9);
- Act respecting the Agence du revenu du Québec (*insert the year and chapter number of the Act*).

LEGISLATION REPEALED BY THIS BILL:

- Act respecting the caisses d’entraide économique (R.S.Q., chapter C-3);
- Act respecting certain caisses d’entraide économique (R.S.Q., chapter C-3.1);
- Act to establish the special local activities financing fund (R.S.Q., chapter F-4.01);
- Act respecting the disclosure of the compensation received by the executive officers of certain legal persons (R.S.Q., chapter I-8.01);
- Act respecting the sociétés d’entraide économique (R.S.Q., chapter S-25.1).

LEGISLATION ENACTED BY THIS BILL:

- Money-Services Businesses Act (*insert the year and chapter number of the Act*).

Bill 128

AN ACT TO ENACT THE MONEY-SERVICES BUSINESSES ACT AND TO AMEND VARIOUS LEGISLATIVE PROVISIONS MAINLY CONCERNING SPECIAL FUNDS AND THE FINANCIAL SECTOR

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

MONEY-SERVICES BUSINESSES ACT

1. The Money-Services Businesses Act, the text of which appears in Schedule I, is enacted.

CHAPTER II

SPECIAL FUNDS

FINANCIAL ADMINISTRATION ACT

2. Section 5 of the Financial Administration Act (R.S.Q., chapter A-6.001) is amended by adding the following paragraph at the end:

“The Consolidated Revenue Fund comprises a general fund and special funds.”

3. The Act is amended by inserting the following sections after section 5:

“**5.1.** A special fund is a fund established by an Act to provide for certain financial commitments of a department or a budget-funded body.

The following funds are also special funds:

(1) the Generations Fund established by section 2 of the Act to reduce the debt and establish the Generations Fund (chapter R-2.2.0.1);

(2) the Financing Fund established by section 24 of the Act respecting the Ministère des Finances (chapter M-24.01);

(3) the fund of the Administrative Tribunal of Québec referred to in section 97 of the Act respecting administrative justice (chapter J-3);

(4) the fund of the Bureau de décision et de révision referred to in section 114 of the Act respecting the Autorité des marchés financiers (chapter A-33.2);

(5) the fund of the Commission des relations du travail referred to in section 137.62 of the Labour Code (R.S.Q., chapter C-27);

(6) the fund relating to fiscal administration established by section 48 of the Act respecting the Agence du revenu du Québec (*insert the year and chapter number of that Act*).

“5.2. Despite any legislative provision to the contrary, a sum taken out of the Consolidated Revenue Fund is debited from the general fund; a sum paid into the Consolidated Revenue Fund is credited to the general fund.

“5.3. Transferring a sum credited to the general fund to a special fund requires an appropriation to that end, unless the transfer is otherwise authorized by law.

Transferring a sum credited to one special fund to another special fund or to the general fund must be authorized by law.

“5.4. Despite section 5, if money credited to a special fund must, by law, be deposited in trust with the minister or body responsible for the fund, that money does not form part of the Consolidated Revenue Fund; it must be deposited in a separate account designated by the Minister of Finance.”

4. Section 9 of the Act is amended by adding the following paragraph at the end:

“All charges, expenses and costs attributable to the management of a fund comprised in the Consolidated Revenue Fund and the collection of money credited to that fund are debited from it.”

5. The Act is amended by inserting the following section after section 10:

“10.1. In the event of a deficiency in the general fund, the money required for the following purposes may be debited from the special funds comprised in the Consolidated Revenue Fund:

(1) repayment of the loans and other debts that constitute a charge against the Consolidated Revenue Fund under section 10;

(2) execution of a guarantee given by the Government, under a legislative provision providing that the money required for execution is to be taken out of the Consolidated Revenue Fund; and

(3) execution of a judgment against the State that has become *res judicata*.”

6. Section 16 of the Act is amended by replacing the third paragraph by the following paragraph:

“The Minister may effect a transfer between any of the funds comprised in the Consolidated Revenue Fund for the purposes of a transaction referred to in the first paragraph.”

7. Section 34 of the Act is amended by striking out “or, where applicable, into a special fund”.

8. The Act is amended by replacing Chapter V, comprising sections 46 to 57, by the following:

“CHAPTER V

“PROVISIONS APPLICABLE TO ALL SPECIAL FUNDS

“46. Chapter IV of the Public Administration Act (chapter A-6.01), except sections 44, 51, 52 and 57, does not apply to a department or a budget-funded body with regard to expenses or investments for which money is debited from a special fund.

“47. The Minister shall submit a special funds budget proposal to the Government for each fiscal year, jointly with the Chair of the Conseil du trésor.

For each special fund, the budget proposal must include separate estimates of

- (1) the revenue of the fund;
- (2) the money borrowed or advanced under section 53 or 54;
- (3) the expenses of the fund;
- (4) the investments of the fund; and
- (5) the fund’s accrued surplus or deficit.

The estimates for a special fund are prepared jointly by the minister or body responsible for it, the Minister of Finance and the Chair of the Conseil du trésor.

“48. The expense and investment estimates in the special funds budget must be submitted to Parliament for approval. The budget proposal is tabled together with the estimates in the National Assembly.

The estimates for the special funds are examined by the National Assembly within the framework of the examination of the appropriations.

An Appropriation Act may approve the expense and investment estimates.

[[**“49.** Once the expense and investment estimates for a special fund have been approved, the minister or body responsible for the fund is authorized to take the money credited to it out of the Consolidated Revenue Fund, for the purposes of the fund.]]

“50. An authorization under section 49 to take money out of the Consolidated Revenue Fund is valid only for the fiscal year to which the expense and investment estimates for a special fund, approved by the National Assembly, pertain.

“51. The minister or body responsible for the special fund shall keep the books of account of the special fund and record the financial commitments for which sums are debited from it. That minister or body shall also ensure that such commitments and the payments arising from them do not exceed and are consistent with the available balances.

“52. The amount by which a special fund’s expenses and investments for a fiscal year exceed the approved expenses and investments for the fund for the fiscal year is charged against the fund’s approved expenses and investments in the budget for the following fiscal year.

“53. The minister or body responsible for a special fund may borrow from the Minister of Finance money credited to the Financing Fund established under the Act respecting the Ministère des Finances (chapter M-24.01).

An amount transferred to a fund by means of such a loan is repayable out of that fund.

The Minister of Finance is authorized to transfer the amount of the loan between funds.

“54. The Minister may, with the authorization of the Government and on the conditions it determines, advance to a special fund money credited to the general fund.

Conversely, the Minister may advance to the general fund, on the conditions the Minister determines, any money credited to a special fund that is not required for its operation.

An advance made to a fund is repayable out of that fund.

The Minister of Finance is authorized to transfer the amount of the advance between funds.

“55. The remuneration and expenses pertaining to the employee benefits and other conditions of employment of the persons assigned, in accordance

with the Public Service Act (chapter F-3.1.1), to activities related to a special fund may be debited from that fund.

“56. The Government shall determine the nature of the activities or property financed by a special fund and the costs that may be debited from it; the Conseil du trésor shall determine the manner in which the fund is to be managed.”

9. Section 86 of the Act is amended by striking out “established in the Act to reduce the debt and establish the Generations Fund (chapter R-2.2.0.1)” in paragraph 1.1.

ACT RESPECTING ASSISTANCE FOR VICTIMS OF CRIME

10. The Act respecting assistance for victims of crime (R.S.Q., chapter A-13.2) is amended by replacing the heading of Chapter IV by the following heading:

“CRIME VICTIMS ASSISTANCE FUND”.

11. Section 11 of the Act is amended by replacing “Fonds d’aide aux victimes d’actes criminels” by “Crime Victims Assistance Fund”.

12. Section 12 of the Act is amended

(1) by replacing the introductory clause by the following:

“12. The following are credited to the Fund:”;

(2) by replacing “paid into it by” and “paid by” in paragraph 1 by “transferred to it by” and by replacing “paid pursuant to an Act” in that paragraph by “that, pursuant to an Act, are paid into or transferred to it out of the sums credited to another fund in the Consolidated Revenue Fund”;

(3) by replacing paragraph 3 by the following paragraph:

“(3) advances made to it by the Minister of Finance under section 54 of the Financial Administration Act (chapter A-6.001).”

13. Section 13 of the Act is amended by replacing “The consolidated revenue fund is liable for the sums payable by the assistance fund” by “The Minister of Justice shall transfer the sums payable by the Fund” and by adding “out of the sums credited to the general fund” at the end.

14. Section 14 of the Act is repealed.

15. Section 15 of the Act is amended by replacing “shall be taken out of the funds provided for in section 12 or out of the funds provided for in article 8.1 of the Code of Penal Procedure (chapter C-25.1)” in the third paragraph by

“are taken out of the funds provided for in article 8.1 of the Code of Penal Procedure (chapter C-25.1) or debited from the assistance fund”.

16. Section 16 of the Act is amended

(1) by replacing “taken out of the assistance fund” in the introductory clause by “debited from the Fund”;

(2) by striking out “, including the remuneration and costs attached to social benefits and other conditions of employment of public servants designated, in accordance with the Public Service Act (chapter F-3.1.1), by the Minister of Justice and assigned to the Bureau” in paragraph 2.

17. Section 17 of the Act is replaced by the following section:

“**17.** Despite section 53 of the Financial Administration Act (chapter A-6.001), the Minister may not, as the person responsible for the Fund, borrow from the Minister of Finance sums credited to the Financing Fund established under the Act respecting the Ministère des Finances (chapter M-24.01).”

18. Section 18 of the Act is repealed.

19. Section 19 of the Act is replaced by the following section:

“**19.** Section 56 of the Financial Administration Act (chapter A-6.001) does not apply to the Fund.”

ACT RESPECTING THE AUTORITÉ DES MARCHÉS FINANCIERS

20. Section 110 of the Act respecting the Autorité des marchés financiers (R.S.Q., chapter A-33.2) is amended by adding the following paragraphs at the end:

“The budgetary estimates for the board present, with respect to the fund of the board, the elements listed in subparagraphs 1 to 5 of the second paragraph of section 47 of the Financial Administration Act (chapter A-6.001) and, if applicable, the excess amount referred to in section 52 of that Act.

The third paragraph of section 47 of the Financial Administration Act does not apply to the fund of the board.

The budgetary estimates for the board, once approved by the Government, are sent to the Minister of Finance who includes the elements relating to the fund of the board in the special funds budget.”

21. Section 114 of the Act is amended

(1) by replacing “shall be taken out of” in the first paragraph by “are debited from”;

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

“(3) the sums transferred to it by the Minister of Finance under the first paragraph of section 54 of the Financial Administration Act (chapter A-6.001).”

22. Section 115 of the Act is replaced by the following section:

“**115.** Section 53, the second paragraph of section 54 and sections 55 and 56 of the Financial Administration Act (chapter A-6.001) do not apply to the fund of the board.”

ACT TO AFFIRM THE COLLECTIVE NATURE OF WATER
RESOURCES AND PROVIDE FOR INCREASED WATER RESOURCE
PROTECTION

23. Section 10 of the Act to affirm the collective nature of water resources and provide for increased water resource protection (R.S.Q., chapter C-6.2) is amended by replacing “paid into” by “credited to”.

ACT RESPECTING INTERNATIONAL FINANCIAL CENTRES

24. The Act respecting international financial centres (R.S.Q., chapter C-8.3) is amended by replacing the heading of Division II of Chapter IV by the following heading:

“IFC MONTRÉAL FUND”.

25. Section 37 of the Act is amended by replacing “Fonds du centre financier de Montréal” by “IFC Montréal Fund”.

26. Section 38 of the Act is repealed.

27. Section 39 of the Act is amended

(1) by replacing “The fund shall be made up of the following sums, except interest” in the introductory clause by “The following sums are credited to the Fund, exclusive of the interest earned”;

(2) by replacing “paid into” in paragraph 2 by “transferred to”;

(3) by replacing paragraph 3 by the following paragraph:

“(3) the sums transferred to it by the Minister of Finance under sections 53 and 54 of the Financial Administration Act (chapter A-6.001);”.

28. Sections 40 to 42 of the Act are repealed.

29. Section 44 of the Act is amended

(1) by replacing “taken out of the fund” in the introductory clause by “debited from the Fund”;

(2) by striking out “, including the payment of the remuneration and expenses pertaining to the employment benefits and other conditions of employment of the persons assigned, in accordance with the Public Service Act (chapter F-3.1.1), to activities related to the fund”.

30. Section 45 of the Act is amended by replacing “paid into the consolidated revenue fund” by “transferred to the general fund”.

31. Sections 46 to 48 of the Act are repealed.

HIGHWAY SAFETY CODE

32. Section 648 of the Highway Safety Code (R.S.Q., chapter C-24.2) is amended

(1) by striking out subparagraphs 1.2, 1.3, 1.4, 8 and 9 of the first paragraph;

(2) by striking out the second paragraph.

33. Section 648.1 of the Code is repealed.

34. Section 648.4 of the Code is amended

(1) by replacing “The Société de l’assurance automobile du Québec shall pay into the Road and Public Transit Infrastructure Fund established by paragraph 1 of section 12.30 of the Act respecting the Ministère des Transports (chapter M-28)” in the introductory clause by “Despite section 648, the Minister of Transport and the Société de l’assurance automobile du Québec shall agree on the dates and terms of transfer to the Consolidated Revenue Fund of”;

(2) by replacing the last paragraph by the following paragraph:

“The sums paid into the Consolidated Revenue Fund under the first paragraph are credited to the Road and Public Transit Infrastructure Fund established by paragraph 1 of section 12.30 of the Act respecting the Ministère des Transports (chapter M-28).”

LABOUR CODE

35. Section 137.59 of the Labour Code (R.S.Q., chapter C-27) is amended by adding the following paragraphs at the end:

“The budgetary estimates of the Commission present, with respect to the fund of the Commission, the elements listed in subparagraphs 1 to 5 of the second paragraph of section 47 of the Financial Administration Act (chapter A-6.001) and, if applicable, the excess amount referred to in section 52 of that Act.

Despite the third paragraph of section 47 of the Financial Administration Act, the budgetary estimates of the Commission need not be prepared jointly with the Minister of Finance and the Chair of the Conseil du trésor.

The budgetary estimates of the Commission, once approved by the Government, are sent to the Minister of Finance who includes the elements relating to the fund of the Commission in the special funds budget.”

36. Section 137.62 of the Code is amended

(1) by replacing “taken out of” in the first paragraph by “debited from”;

(2) in the second paragraph,

(a) by replacing “paid” in subparagraph 1 by “transferred to it”;

(b) by striking out “and by the Minister of Employment and Social Solidarity for the purposes of section 41.1 of the Act respecting manpower vocational training and qualification (chapter F-5)” in subparagraph 2.1;

(c) by inserting the following subparagraph after subparagraph 2.1:

“(2.2) the sums transferred to it by the Minister of Employment and Social Solidarity for the purposes of section 41.1 of the Act respecting manpower vocational training and qualification (chapter F-5);”;

(3) by adding the following subparagraph after subparagraph 3:

“(4) the sums transferred to it by the Minister of Finance under the first paragraph of section 54 of the Financial Administration Act (chapter A-6.001).”

37. Section 137.63 of the Code is replaced by the following section:

“137.63. Section 53, the second paragraph of section 54 and sections 55 and 56 of the Financial Administration Act (chapter A-6.001) do not apply to the fund of the Commission.”

ACT TO ESTABLISH A CAREGIVER SUPPORT FUND

38. Section 3 of the Act to establish a caregiver support fund (R.S.Q., chapter F-3.2.1.1) is repealed.

39. Section 4 of the Act is amended

(1) by replacing the introductory clause by the following:

“**4.** The following are credited to the Fund.”;

(2) by replacing “paid into” in paragraphs 1 and 2 by “transferred to”;

(3) by replacing paragraph 4 by the following paragraph:

“(4) the sums transferred to it by the Minister of Finance under sections 53 and 54 of the Financial Administration Act (chapter A-6.001);”.

40. Section 5 of the Act is repealed.

41. Section 6 of the Act is amended by replacing “pays into the fund” by “transfers to the Fund, out of the sums credited to the general fund.”.

42. Sections 7 and 8 of the Act are repealed.

43. Section 9 of the Act is amended, in the first paragraph,

(1) by replacing “taken out of the fund” in the introductory clause by “debited from the Fund”;

(2) by striking out subparagraph 2.

44. Sections 13 to 15 of the Act are repealed.

45. Section 18 of the Act is amended by replacing “paid into the consolidated revenue fund” in the second paragraph by “transferred to the general fund”.

ACT RESPECTING THE GOVERNMENT AIR SERVICE FUND

46. Section 13 of the Act respecting the government air service fund (R.S.Q., chapter F-3.2.2) is repealed.

47. Section 14 of the Act is amended

(1) by replacing “The fund shall be constituted of the following sums, except interest” in the introductory clause by “The following sums are credited to the Fund, exclusive of the interest earned”;

(2) by replacing paragraph 2 by the following paragraph:

“(2) the sums transferred to it by the Minister of Finance under sections 53 and 54 of the Financial Administration Act (chapter A-6.001);”;

(3) by replacing “paid” in paragraph 3 by “transferred to it”.

48. Sections 15 to 17 of the Act are repealed.

49. Section 18 of the Act is amended by replacing “shall be paid into the consolidated revenue fund” by “are transferred to the general fund”.

50. Sections 19 to 21 of the Act are repealed.

51. Section 21.1 of the Act is amended by replacing “taken out of the sums constituting” by “debited from”.

52. Section 21.2 of the Act is amended

(1) by replacing “transaction referred to in section 16 of the Financial Administration Act (chapter A-6.001) between the special fund and the consolidated revenue fund” in the first paragraph by “transfer between the special fund and the Consolidated Revenue Fund for the purposes of a transaction referred to in the first paragraph of section 16 of the Financial Administration Act (chapter A-6.001)”;

(2) by replacing “transaction” in the second paragraph by “transfer”.

ACT TO ESTABLISH THE FUND FOR THE PROMOTION OF A HEALTHY LIFESTYLE

53. Section 2 of the Act to establish the Fund for the promotion of a healthy lifestyle (R.S.Q., chapter F-4.0021) is repealed.

54. Section 3 of the Act is amended

(1) by replacing the introductory clause by the following:

“3. The following are credited to the Fund:”;

(2) by replacing “paid into” in paragraphs 1 and 2 by “transferred to”;

(3) by replacing paragraph 4 by the following paragraph:

“(4) the sums transferred to the Fund by the Minister of Finance under sections 53 and 54 of the Financial Administration Act (chapter A-6.001);”.

55. Section 4 of the Act is repealed.

56. Section 5 of the Act is amended by replacing “pays into the Fund” by “transfers to the Fund, out of the sums credited to the general fund,”.

57. Sections 6 and 7 of the Act are repealed.

58. Section 8 of the Act is amended, in the first paragraph,

(1) by replacing “taken out of” in the introductory clause by “debited from”;

(2) by striking out subparagraph 2.

59. Sections 9 to 11 of the Act are repealed.

60. Section 14 of the Act is amended by replacing “paid into the consolidated revenue fund” in the second paragraph by “transferred to the general fund”.

ACT TO ESTABLISH AN EARLY CHILDHOOD DEVELOPMENT FUND

61. Section 3 of the Act to establish an early childhood development fund (R.S.Q., chapter F-4.0022) is repealed.

62. Section 4 of the Act is amended

(1) by replacing the introductory clause by the following:

“**4.** The following are credited to the Fund:”;

(2) by replacing “paid into” in paragraphs 1 and 2 by “transferred to”;

(3) by replacing paragraph 4 by the following paragraph:

“(4) the sums transferred to it by the Minister of Finance under sections 53 and 54 of the Financial Administration Act (chapter A-6.001);”.

63. Section 5 of the Act is repealed.

64. Section 6 of the Act is amended by replacing “pays into the fund” by “transfers to the Fund, out of the sums credited to the general fund,”.

65. Sections 7 and 8 of the Act are repealed.

66. Section 9 of the Act is amended, in the first paragraph,

(1) by replacing “taken out of the fund” in the introductory clause by “debited from the Fund”;

(2) by striking out subparagraph 2.

67. Sections 13 to 15 of the Act are repealed.

68. Section 22 of the Act is amended by replacing “paid into the consolidated revenue fund” in the second paragraph by “transferred to the general fund”.

ACT TO ESTABLISH THE SPORTS AND PHYSICAL ACTIVITY DEVELOPMENT FUND

69. Section 2 of the Act to establish the Sports and Physical Activity Development Fund (R.S.Q., chapter F-4.003) is amended by replacing “sets the date on which the Fund is to begin to operate and determines its assets and liabilities. It also determines the nature of the activities to be financed by the Fund, the nature of the costs that may be charged to it and” by “determines, in addition to the elements it determines under section 56 of the Financial Administration Act (chapter A-6.001),”.

70. Section 3 of the Act is amended

(1) by replacing the introductory clause by the following:

“3. The following are credited to the Fund:”;

(2) by replacing “paid into” in paragraphs 1 and 2 by “transferred to”;

(3) by replacing paragraph 4 by the following paragraph:

“(4) the sums transferred to the Fund by the Minister of Finance under sections 53 and 54 of the Financial Administration Act (chapter A-6.001);”.

71. Section 4 of the Act is repealed.

72. Section 5 of the Act is amended by replacing “pays into the Fund” by “transfers to the Fund, out of the sums credited to the general fund,”.

73. Sections 6 to 11 of the Act are repealed.

74. Section 15 of the Act is amended by replacing “paid into the consolidated revenue fund” in the second paragraph by “transferred to the general fund”.

ACT TO ESTABLISH THE SPECIAL LOCAL ACTIVITIES FINANCING FUND

75. The Act to establish the special local activities financing fund (R.S.Q., chapter F-4.01) is repealed.

FOREST ACT

76. Section 73.5 of the Forest Act (R.S.Q., chapter F-4.1) is amended by replacing “pay them into” by “credit them to”.

77. Section 92.0.2 of the Act is amended by replacing “pay them into” in the fourth paragraph by “credit them to”.

78. Section 92.0.11 of the Act is amended by replacing “pay them into” in the fourth paragraph by “credit them to”.

79. Section 170.2 of the Act is amended by replacing “paid” in the second paragraph by “collected”.

80. Section 170.3 of the Act is repealed.

81. Section 170.4 of the Act is amended

(1) by replacing the introductory clause by the following:

“**170.4.** The following are credited to the Fund.”;

(2) by replacing “paid into the fund” in paragraph 1 by “collected”;

(3) by replacing “paid into” in paragraph 2 by “transferred to”;

(4) by replacing paragraph 2.1 by the following paragraph:

“(2.1) the sums transferred to the Fund by the Minister of Finance under sections 53 and 54 of the Financial Administration Act (chapter A-6.001);”;

(5) by replacing “paid into the fund” in paragraph 3 by “transferred to the Fund”.

82. Section 170.5 of the Act is repealed.

83. Section 170.5.1 of the Act is amended

(1) by replacing “payment into” in the introductory clause by “transfer to”;

(2) by replacing “paid into the fund” in paragraph 1 by “transferred to the Fund”;

(3) by replacing “paid into the fund” in paragraph 2 by “transferred to the Fund”.

84. Sections 170.5.2 to 170.6 of the Act are repealed.

85. Section 170.7 of the Act is amended by replacing “paid to the consolidated revenue fund” by “transferred to the general fund”.

86. Sections 170.8 to 170.11 of the Act are repealed.

ACT RESPECTING ADMINISTRATIVE JUSTICE

87. Section 94 of the Act respecting administrative justice (R.S.Q., chapter J-3) is amended by adding the following paragraphs at the end:

“The budgetary estimates for the Tribunal must include, with respect to the fund of the Administrative Tribunal of Québec, the elements listed in subparagraphs 1 to 5 of the second paragraph of section 47 of the Financial Administration Act (chapter A-6.001) and any excess amount referred to in section 52 of that Act.

Despite the third paragraph of section 47 of the Financial Administration Act, the budgetary estimates for the Tribunal need not be prepared jointly with the Minister of Finance and the Chair of the Conseil du trésor.

The budgetary estimates for the Tribunal, once approved by the Government, are sent to the Minister of Finance who includes the elements relating to the fund of the Tribunal in the special funds budget.”

88. Section 97 of the Act is amended

(1) by replacing “taken out of” in the first paragraph by “debited from”;

(2) in the second paragraph,

(a) by replacing “paid into” in subparagraph 1 by “transferred to”;

(b) by replacing subparagraph 2 by the following subparagraph:

“(2) the sums paid into it by the Commission de la santé et de la sécurité du travail, the Régie des rentes du Québec and the Société de l’assurance automobile du Québec and the sums transferred to it by the Minister responsible for the administration of the Individual and Family Assistance Act (chapter A-13.1.1); the amount and manner of payment or transfer are determined, for each, by the Government;”;

(3) by adding the following subparagraph after subparagraph 3 of the second paragraph:

“(4) the sums transferred to it by the Minister of Finance under the first paragraph of section 54 of the Financial Administration Act (chapter A-6.001).”

89. Section 98 of the Act is replaced by the following section:

“98. Section 53, the second paragraph of section 54 and sections 55 and 56 of the Financial Administration Act (chapter A-6.001) do not apply to the fund of the Tribunal.”

ACT TO COMBAT POVERTY AND SOCIAL EXCLUSION

90. The Act to combat poverty and social exclusion (R.S.Q., chapter L-7) is amended by replacing the heading of Chapter VI by the following heading:

“QUÉBEC FUND FOR SOCIAL INITIATIVES”.

91. Section 46 of the Act is amended by replacing “Fonds québécois d’initiatives sociales” by “Québec Fund for Social Initiatives”.

92. Section 47 of the Act is repealed.

93. Section 48 of the Act is amended

(1) by replacing the introductory clause by the following:

“**48.** The following are credited to the Fund:”;

(2) by replacing paragraph 1 by the following paragraph:

“(1) the sums transferred to the Fund by the Minister of Finance under sections 53 and 54 of the Financial Administration Act (chapter A-6.001);”;

(3) by replacing “paid into the fund” in paragraph 2 by “transferred to the Fund”;

(4) by replacing “the revenues provided for that purpose by the Government or any contribution determined by the Government” in paragraph 4 by “the sums transferred to the Fund by the Government out of the sums credited to the general fund”.

94. Sections 49 to 51 of the Act are repealed.

95. Section 52 of the Act is amended

(1) by replacing “shall be paid out of the fund” in the introductory clause by “are debited from the Fund”;

(2) by striking out paragraph 4.

96. Sections 53 to 55 of the Act are repealed.

97. Section 57 of the Act is amended by replacing “paid into the consolidated revenue fund” by “transferred to the general fund”.

MINING ACT

98. Section 305.7 of the Mining Act (R.S.Q., chapter M-13.1) is repealed.

99. Section 305.8 of the Act is amended

(1) by replacing the introductory clause by the following:

“305.8. The following are credited to the Fund:”;

(2) by replacing “paid” in paragraph 1 by “transferred to the fund out of the sums credited to the general fund”;

(3) by replacing “paid into the fund” in paragraph 2 by “transferred to the Fund”;

(4) by replacing paragraph 3 by the following paragraph:

“(3) the sums transferred to the Fund by the Minister of Finance under sections 53 and 54 of the Financial Administration Act (chapter A-6.001);”.

100. Sections 305.9 to 305.13 of the Act are repealed.

101. Section 305.14 of the Act is amended by replacing “paid into the consolidated revenue fund” by “transferred to the general fund”.

102. Sections 305.15 and 305.16 of the Act are repealed.

ACT RESPECTING THE MINISTÈRE DE L’AGRICULTURE, DES PÊCHERIES ET DE L’ALIMENTATION

103. Section 21.2 of the Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (R.S.Q., chapter M-14) is repealed.

104. Section 21.3 of the Act is amended

(1) by replacing “The fund shall be made up of the following sums, except interest” in the introductory clause by “The following are credited to the Fund, exclusive of the interest earned”;

(2) by replacing “paid” in paragraph 1 by “transferred to the Fund”;

(3) by replacing paragraph 3 by the following paragraph:

“(3) the sums transferred to the Fund by the Minister of Finance under section 53 of the Financial Administration Act (chapter A-6.001);”;

(4) by replacing “paid” in paragraph 4 by “transferred to the Fund”.

105. Section 21.4 of the Act is repealed.

106. Section 21.5 of the Act is replaced by the following section:

“21.5. Despite section 53 of the Financial Administration Act (chapter A-6.001), the Minister may not, as the person responsible for the Fund, borrow from the Minister of Finance sums credited to the Financing Fund established under the Act respecting the Ministère des Finances (chapter M-24.01).”

107. Section 21.6 of the Act is amended by replacing “The Minister shall pay sums out of the fund” by “The sums the Minister pays” and by adding “are debited from the Fund” at the end.

108. Section 21.9 of the Act is amended by replacing “shall be paid into the consolidated revenue fund” by “are transferred to the general fund”.

109. Sections 21.10 to 21.12 of the Act are repealed.

ACT RESPECTING THE MINISTÈRE DE L'ÉDUCATION, DU LOISIR ET DU SPORT

110. Sections 13.1 to 13.10 of the Act respecting the Ministère de l'Éducation, du Loisir et du Sport (R.S.Q., chapter M-15) are repealed.

ACT RESPECTING THE MINISTÈRE DE L'EMPLOI ET DE LA SOLIDARITÉ SOCIALE AND THE COMMISSION DES PARTENAIRES DU MARCHÉ DU TRAVAIL

111. Section 59 of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail (R.S.Q., chapter M-15.001) is repealed.

112. Section 60 of the Act is amended, in the first paragraph,

(1) by replacing the introductory clause by the following:

“60. The following are credited to the Fund:”;

(2) by replacing subparagraph 3 by the following subparagraph:

“(3) the sums transferred to the Fund by the Minister of Finance under sections 53 and 54 of the Financial Administration Act (chapter A-6.001);”.

113. Sections 61 to 64 of the Act are repealed.

114. Section 65 of the Act is amended by replacing “shall be paid into the consolidated revenue fund” by “are transferred to the general fund”.

115. Sections 66 to 68 of the Act are repealed.

ACT RESPECTING THE MINISTÈRE DE LA CULTURE
ET DES COMMUNICATIONS

116. Section 22.2 of the Act respecting the Ministère de la Culture et des Communications (R.S.Q., chapter M-17.1) is repealed.

117. Section 22.3 of the Act is amended

(1) by replacing the introductory clause by the following:

“**22.3.** The following are credited to the Fund.”;

(2) by replacing “paid into” in paragraphs 1 and 2 by “transferred to”;

(3) by replacing paragraph 4 by the following paragraph:

“(4) the sums transferred to it by the Minister of Finance under sections 53 and 54 of the Financial Administration Act (chapter A-6.001);”;

(4) by replacing “making up” in paragraph 5 by “credited to”.

118. Section 22.4 of the Act is repealed.

119. Section 22.5 of the Act is amended by replacing “pays into the Fund” by “transfers to the Fund, out of the sums credited to the general fund,”.

120. Sections 22.6 to 22.11 of the Act are repealed.

121. Section 22.12 of the Act is amended by replacing “paid into the consolidated revenue fund” in the second paragraph by “transferred to the general fund”.

ACT RESPECTING THE MINISTÈRE DE LA JUSTICE

122. Section 32.1 of the Act respecting the Ministère de la Justice (R.S.Q., chapter M-19) is amended by striking out the second paragraph.

123. Section 32.2 of the Act is amended

(1) by replacing “The fund shall be constituted of the following sums, except interest” in the introductory clause by “The following sums are credited to the Fund, exclusive of the interest earned”;

(2) by replacing paragraphs 2 and 3 by the following paragraphs:

“(2) the sums transferred to it by the Minister of Justice out of the appropriations allocated for that purpose by Parliament;

“(3) the sums transferred to it by the Minister of Finance under sections 53 and 54 of the Financial Administration Act (chapter A-6.001).”

124. Sections 32.3 to 32.6 of the Act are repealed.

125. Section 32.7 of the Act is amended by replacing “shall be paid into the consolidated revenue fund” by “are transferred to the general fund”.

126. Sections 32.8 to 32.10 of the Act are repealed.

ACT RESPECTING THE MINISTÈRE DE LA SANTÉ ET DES SERVICES SOCIAUX

127. Section 11.3 of the Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., chapter M-19.2) is amended

(1) by replacing the introductory clause by the following:

“**11.3.** The following are credited to the Fund.”;

(2) by replacing paragraph 2 by the following paragraph:

“(2) the money transferred to it by the Minister of Finance under section 53 of the Financial Administration Act (chapter A-6.001);”;

(3) by replacing “paid into it” in paragraph 3 by “transferred to it”.

128. Section 11.4 of the Act is replaced by the following section:

“**11.4.** Despite section 53 of the Financial Administration Act (chapter A-6.001), the Minister may not, as the person responsible for the Fund, borrow from the Minister of Finance sums credited to the Financing Fund established under the Act respecting the Ministère des Finances (chapter M-24.01).”

129. Section 11.5 of the Act is amended by replacing “taken out of” by “debited from”.

130. Section 11.6 of the Act is repealed.

131. Section 11.7 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

“**11.7.** Section 56 of the Financial Administration Act (chapter A-6.001) does not apply to the Fund.”;

(2) by striking out the second paragraph.

132. Sections 11.8 to 11.10 of the Act are repealed.

ACT RESPECTING THE MINISTÈRE DE LA SÉCURITÉ PUBLIQUE

133. Section 14.2 of the Act respecting the Ministère de la Sécurité publique (R.S.Q., chapter M-19.3) is repealed.

134. Section 14.3 of the Act is amended

(1) by replacing “The fund shall be made up of the following sums” in the introductory clause by “The following sums are credited to the Fund”;

(2) by replacing paragraphs 2 and 3 by the following paragraphs:

“(2) the sums transferred to the Fund by the Minister of Finance under sections 53 and 54 of the Financial Administration Act (chapter A-6.001);

“(3) the sums transferred to the Fund by the Minister of Public Security out of the appropriations granted for that purpose by Parliament.”

135. Sections 14.4 to 14.7 of the Act are repealed.

136. Section 14.8 of the Act is amended by replacing “shall be paid into the consolidated revenue fund” by “are transferred to the general fund”.

137. Sections 14.9 to 14.11 of the Act are repealed.

ACT RESPECTING THE MINISTÈRE DES AFFAIRES MUNICIPALES, DES RÉGIONS ET DE L'OCCUPATION DU TERRITOIRE

138. Section 21.19 of the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (R.S.Q., chapter M-22.1) is repealed.

139. Section 21.20 of the Act is amended

(1) by replacing the introductory clause by the following:

“**21.20.** The following are credited to the Fund:”;

(2) by replacing “paid into the fund” in paragraph 1 by “transferred to the Fund”;

(3) by replacing paragraph 2 by the following paragraph:

“(2) the sums transferred to the Fund by the Minister of Finance under sections 53 and 54 of the Financial Administration Act (chapter A-6.001);”;

(4) by striking out paragraph 3.

140. Sections 21.21 to 21.23 and 21.24 of the Act are repealed.

141. Section 21.25 of the Act is amended by replacing “shall be paid into the consolidated revenue fund” by “is transferred to the general fund”.

142. Sections 21.26 to 21.28 of the Act are repealed.

ACT RESPECTING THE MINISTÈRE DES FINANCES

143. Section 25 of the Act respecting the Ministère des Finances (R.S.Q., chapter M-24.01) is amended by striking out “the nature of the financial services financed by the fund, the nature of the costs that may be charged to the fund, and”.

144. Section 27 of the Act is amended

(1) by replacing “The fund shall be made up of the following sums” in the introductory clause by “The following are credited to the Fund”;

(2) by replacing “paid” in paragraph 2 by “transferred to the Fund”, and in paragraph 3 by “made to the Fund”.

145. Section 28 of the Act is repealed.

146. Sections 29 and 30 of the Act are replaced by the following sections:

“29. The Minister, as the person responsible for the Financing Fund, may grant loans, on the terms and in the manner the Minister determines, to the bodies, enterprises and special funds referred to in section 24, up to the balance of the Fund.

[[The money lent is taken out of the Consolidated Revenue Fund, except when a loan is granted to a special fund. In that case, the Minister is authorized to transfer to the special fund sums credited to the Financing Fund.]]

“30. Despite section 54 of the Financial Administration Act (chapter A-6.001), the Minister may not advance to the Fund sums credited to the general fund except for the purposes described in section 25 or 29 of this Act.

The Government’s authorization for an advance for the purposes of section 29 specifies when the advances are to be transferred to the Fund and the costs reimbursable out of the advance or chargeable in computing the applicable rates of interest.

If the sums advanced are borrowed under a borrowing plan, the Minister shall determine the amount of each advance and when it is transferred to the

Fund, within the limits specified in the order authorizing the advance and made in the context of the borrowing plan.”

[[**147.** Section 31 of the Act is amended by replacing “out of the fund” by “out of the Consolidated Revenue Fund”.]]

148. Section 32 of the Act is repealed.

149. Section 34 of the Act is amended

(1) by replacing “taken out of the fund” in the introductory clause by “debited from the Fund”;

(2) by striking out “, including the payment of the remuneration and expenses pertaining to employee benefits and other conditions of employment of the public servants assigned, in accordance with the Public Service Act (chapter F-3.1.1), to activities related to the fund” in paragraph 2;

(3) by replacing “manager of the fund” in paragraph 3 by “person responsible for the Fund”;

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

“Sections 47 to 52 of the Financial Administration Act (chapter A-6.001) do not apply to financial commitments resulting from financial services provided under section 25, a loan granted under section 29 or a transaction entered into under section 31.”

150. Sections 36 to 38 of the Act are repealed.

ACT RESPECTING THE MINISTÈRE DES RELATIONS INTERNATIONALES

151. Chapter V.1 of the Act respecting the Ministère des Relations internationales (R.S.Q., chapter M-25.1.1), comprising sections 35.1 to 35.11, is repealed.

ACT RESPECTING THE MINISTÈRE DES RESSOURCES NATURELLES ET DE LA FAUNE

152. Section 17.3 of the Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., chapter M-25.2) is amended

(1) by replacing “The fund shall be constituted of the following sums except interest” in the introductory clause by “The following sums are credited to the Fund, exclusive of the interest earned”;

(2) by replacing paragraph 2 by the following paragraph:

“(2) the sums transferred to the Fund by the Minister of Finance under sections 53 and 54 of the Financial Administration Act (chapter A-6.001);”;

(3) by replacing “paid” in paragraph 3 by “transferred to the Fund”.

153. Sections 17.5 to 17.6 of the Act are repealed.

154. Section 17.7 of the Act is amended by replacing “shall be paid into the consolidated revenue fund” by “are transferred to the general fund”.

155. Sections 17.8 to 17.12 of the Act are repealed.

156. Section 17.12.2 of the Act is amended

(1) by replacing the introductory clause by the following:

“**17.12.2.** The following are credited to the Fund:”;

(2) by replacing “paid into it” in paragraph 2 by “transferred to the Fund”;

(3) by replacing paragraph 3 by the following paragraph:

“(3) the sums transferred to the Fund by the Minister of Finance under sections 53 and 54 of the Financial Administration Act (chapter A-6.001);”.

157. Section 17.12.3 of the Act is amended by adding the following paragraph at the end:

“Section 56 of the Financial Administration Act (chapter A-6.001) does not apply to the Fund.”

158. Sections 17.12.4 to 17.12.8 of the Act are repealed.

159. Section 17.12.9 of the Act is amended by replacing “shall be paid into the fund” by “are transferred to the Fund”.

160. Sections 17.12.10 and 17.12.11 of the Act are repealed.

161. Section 17.12.13 of the Act, enacted by section 313 of chapter 3 of the statutes of 2010, is amended by striking out “, its assets and liabilities and the nature of the expenses chargeable to it”.

162. Section 17.12.14 of the Act, enacted by section 313 of chapter 3 of the statutes of 2010, is amended

(1) by replacing “The fund is made up of the following sums” in the introductory clause by “The following sums are credited to the Fund”;

(2) by replacing “paid into the fund” in paragraph 1 by “transferred to the Fund”;

(3) by replacing “paid into the fund” in paragraph 2 by “credited to the Fund”;

(4) by replacing paragraph 9 by the following paragraph:

“(9) the sums transferred to the Fund by the Minister of Finance under sections 53 and 54 of the Financial Administration Act (chapter A-6.001);”;

(5) by striking out paragraph 10;

(6) by replacing “making up the fund” in paragraph 12 by “credited to the Fund”.

163. Section 17.12.15 of the Act, enacted by section 313 of chapter 3 of the statutes of 2010, is amended by replacing “payment of part of the following sums into the fund” by “transfer of part of the following sums to the Fund out of the sums credited to the general fund”.

164. Sections 17.12.16 to 17.12.18 of the Act, enacted by section 313 of chapter 3 of the statutes of 2010, are repealed.

165. Section 17.12.19 of the Act, enacted by section 313 of chapter 3 of the statutes of 2010, is amended by replacing “paid into the consolidated revenue fund” by “transferred to the Consolidated Revenue Fund”.

166. Sections 17.12.20 to 17.12.23 of the Act, enacted by section 313 of chapter 3 of the statutes of 2010, are repealed.

ACT RESPECTING THE MINISTÈRE DES TRANSPORTS

167. Section 12.30 of the Act respecting the Ministère des Transports (R.S.Q., chapter M-28) is amended by adding the following subparagraph after subparagraph *e* of paragraph 1:

“(f) the public transit services of the public bodies listed in section 88.7 of the Transport Act and present in the territory of the Communauté métropolitaine de Québec;”.

168. Section 12.31 of the Act is repealed.

169. Section 12.31.1 of the Act is amended by replacing “The” by “Despite section 56 of the Financial Administration Act (chapter A-6.001), the”.

170. Section 12.32 of the Act is amended

(1) by replacing “The fund shall be made up of the following sums, except interest” in the introductory clause by “The following are credited to the Fund, exclusive of the interest earned”;

(2) by replacing “paid” in paragraph 1 by “transferred to it”;

(3) by replacing paragraph 2 by the following paragraph:

“(2) the sums transferred to it by the Minister of Finance under sections 53 and 54 of the Financial Administration Act (chapter A-6.001);”;

(4) by replacing “paid” in paragraph 2.3 by “transferred to it”;

(5) by replacing paragraph 2.9 by the following paragraph:

“(2.9) the sums transferred to it by the Minister of Finance under section 12.32.3; and”.

171. The Act is amended by inserting the following section after section 12.32.2:

“12.32.3. The Minister of Finance transfers to the Fund, out of the sums credited to the general fund, the part of the fines collected under section 509.2 of the Highway Safety Code (chapter C-24.2) determined by the Government, on the recommendation of the Minister of Transport, to reimburse the partner, if warranted, for the amount of the tolls and fees paid under the Act respecting transport infrastructure partnerships (chapter P-9.001).

The Minister of Transport shall determine the intervals and other terms of the transfers.”

172. Sections 12.33 to 12.39 of the Act are repealed.

173. Section 12.39.1 of the Act is amended

(1) by replacing “The fund is made up of the following” in the introductory clause by “The following are credited to the Fund”;

(2) by replacing paragraphs 1 and 1.1 by the following paragraphs:

“(1) fines collected under section 315.4 of the Highway Safety Code (chapter C-24.2);

“(1.1) fines collected under sections 509, 516 and 516.1 of the Code in the case of an offence evidenced by a photograph taken by a photo radar device or a red light camera system, except fines that belong to a municipality in accordance with an agreement under the second paragraph of section 597.1 of the Code;

“(1.2) costs awarded in proceedings that lead to the imposition of a fine referred to in paragraph 1 or 1.1;”;

(3) by replacing “paid” in paragraph 2 by “transferred to the Fund”;

(4) by replacing paragraph 3 by the following paragraph:

“(3) sums transferred to the Fund by the Minister of Finance under sections 53 and 54 of the Financial Administration Act (chapter A-6.001);”.

174. Section 12.39.2 of the Act is amended

(1) by striking out the first paragraph;

(2) by replacing “making up the fund” in the second paragraph by “credited to the Fund”.

175. Section 12.40 of the Act is amended

(1) by replacing “The fund shall be made up of the following sums, except interest” in the introductory clause by “The following are credited to the Fund, exclusive of the interest earned”;

(2) by replacing “paid” in paragraph 2 by “transferred to the Fund”;

(3) by replacing paragraph 3 by the following paragraph:

“(3) the sums transferred to the Fund by the Minister of Finance under sections 53 and 54 of the Financial Administration Act (chapter A-6.001);”.

176. Section 12.41 of the Act is amended by striking out the second paragraph.

177. Section 12.42 of the Act is amended by replacing “shall be paid into the consolidated revenue fund” by “are transferred to the general fund”.

ACT RESPECTING THE MINISTÈRE DU CONSEIL EXÉCUTIF

178. Section 3.31 of the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30) is repealed.

179. Section 3.33 of the Act is amended

(1) by replacing “The fund shall be made up of the following sums, except interest” in the introductory clause by “The following are credited to the Fund, exclusive of the interest earned”;

(2) by replacing paragraph 3 by the following paragraph:

“(3) the advances made to the Fund by the Minister of Finance under section 53 of the Financial Administration Act (chapter A-6.001);”;

(3) by replacing “paid into the fund” in paragraph 4 by “transferred to the Fund”.

180. Section 3.34 of the Act is repealed.

181. Section 3.35 of the Act is replaced by the following section:

“3.35. Despite section 53 of the Financial Administration Act (chapter A-6.001), the Minister may not, as the person responsible for the Fund, borrow from the Minister of Finance sums credited to the Financing Fund established under the Act respecting the Ministère des Finances (chapter M-24.01).”

182. Section 3.37 of the Act is replaced by the following section:

“3.37. The sums required for the payment of the sums referred to in section 3.36 are debited from the Fund.”

183. Sections 3.38 to 3.40 of the Act are repealed.

ACT RESPECTING THE MINISTÈRE DU DÉVELOPPEMENT DURABLE, DE L'ENVIRONNEMENT ET DES PARCS

184. Section 15.3 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (R.S.Q., chapter M-30.001) is repealed.

185. Section 15.4 of the Act is amended

(1) by replacing the introductory clause by the following:

“15.4. The following are credited to the Fund:”;

(2) by replacing paragraph 1 by the following paragraph:

“(1) the sums transferred to the Fund by the Minister of Finance under sections 53 and 54 of the Financial Administration Act (chapter A-6.001);”;

(3) by replacing “paid into” in paragraph 3 by “transferred to”;

(4) by replacing “paid” in paragraph 3.1 by “collected”;

(5) by replacing “the revenue allocated to that purpose by the Government, and any contribution determined by the Government” in paragraph 4 by “the sums transferred to the Fund by the Government out of those credited to the general fund”;

(6) by replacing “making up” in paragraph 9 by “credited to”.

186. Sections 15.5 to 15.11 of the Act are repealed.

ACT RESPECTING THE MINISTÈRE DU TOURISME

187. Section 19 of the Act respecting the Ministère du Tourisme (R.S.Q., chapter M-31.2) is amended by inserting “and Chapter V of the Financial Administration Act (chapter A-6.001)” after “this chapter”.

188. Section 20 of the Act is amended by striking out “determines the assets and liabilities of the fund. It also determines the nature of the activities that may be financed by the fund and the nature of the costs that may be charged to the fund. Moreover, the Government”.

189. Section 21 of the Act is amended

(1) by replacing the introductory clause by the following:

“**21.** The following are credited to the Fund.”;

(2) by replacing “paid into the fund” in paragraph 2 by “transferred to the Fund”;

(3) by replacing paragraph 4 by the following paragraph:

“(4) the sums transferred to the Fund by the Minister of Finance under sections 53 and 54 of the Financial Administration Act (chapter A-6.001);”;

(4) by replacing “paid into the fund” in paragraph 5 by “transferred to the Fund”;

(5) by replacing paragraph 6 by the following paragraph:

“(6) the sums the Minister of Revenue transfers to the Fund out of those credited to the general fund, which correspond to the part of the proceeds of the Québec sales tax determined by the Government, on the dates the Government determines; and”.

190. Sections 22 to 24 and 26 of the Act are repealed.

191. Section 27 of the Act is amended by replacing “paid into the consolidated revenue fund” by “transferred to the general fund”.

192. Sections 28 to 30 of the Act are repealed.

ACT RESPECTING LABOUR STANDARDS

193. Section 141.1 of the Act respecting labour standards (R.S.Q., chapter N-1.1) is amended by replacing “paid into the labour market development fund” in the second paragraph by “credited to the Labour Market Development Fund”.

ACT TO FACILITATE THE PAYMENT OF SUPPORT

194. Section 38 of the Act to facilitate the payment of support (R.S.Q., chapter P-2.2), amended by section 140 of the Act respecting the Agence du revenu du Québec (*insert the year and chapter number of that Act*), is again amended

- (1) by replacing “paid into” in the introductory clause by “credited to”;
- (2) by striking out paragraph 4;
- (3) by replacing paragraph 5 by the following paragraph:

“(5) the advances made to the Fund by the Minister of Finance under section 54 of the Financial Administration Act (chapter A-6.001);”;

- (4) by replacing “paid into” in paragraph 6 by “transferred to”;
- (5) by adding the following paragraph at the end:

“The sums referred to in the first paragraph are deposited in trust with the Agence du revenu du Québec.”

195. Section 39 of the Act is amended by replacing “taken out of” at the end of the first paragraph by “debited from”.

196. Section 40 of the Act is repealed.

197. Section 41 of the Act is replaced by the following section:

“**41.** Section 53, the second paragraph of section 54 and section 55 of the Financial Administration Act (chapter A-6.001) do not apply to the Fund.”

198. Section 43 of the Act, replaced by section 142 of the Act respecting the Agence du revenu du Québec (*insert the year and chapter number of that Act*), is again replaced by the following section:

“**43.** Despite paragraph 5 of section 4 of the Act respecting the Ministère des Finances (chapter M-24.01), the sums credited to the Fund are managed by the Agence du revenu du Québec.”

199. Sections 44 and 45 of the Act are repealed.

ACT RESPECTING TRANSPORT INFRASTRUCTURE PARTNERSHIPS

200. Section 16 of the Act respecting transport infrastructure partnerships (R.S.Q., chapter P-9.001) is amended by replacing “paid into” in the second paragraph by “credited to”.

201. Section 16.1 of the Act is amended by replacing “for payment into” by “, to be paid into the Consolidated Revenue Fund and credited to”.

ENVIRONMENT QUALITY ACT

202. Section 31 of the Environment Quality Act (R.S.Q., chapter Q-2) is amended

- (1) by replacing “paid into” in the second paragraph by “credited to”;
- (2) by replacing “paid into” in the sixth paragraph by “credited to”.

203. Section 46.16 of the Act is amended by replacing “paid into” by “credited to”.

204. Section 46.17 of the Act is amended by replacing “paid into” in the second paragraph by “credited to”.

ACT TO REDUCE THE DEBT AND ESTABLISH THE GENERATIONS FUND

205. Section 3 of the Act to reduce the debt and establish the Generations Fund (R.S.Q., chapter R-2.2.0.1) is amended,

- (1) in the first paragraph,
 - (a) by replacing the introductory clause by the following:

“3. The following are credited to the Fund.”;
 - (b) by replacing “paid into it” in subparagraph 3 by “credited to”;
 - (c) by replacing “paid into it” in subparagraph 5.1 by “transferred to the Fund”;
 - (d) by replacing “pays into” in subparagraph 6 by “credits to”;
 - (e) by replacing “making up” in subparagraph 7 by “credited to”;
- (2) by replacing “paid into” in the third paragraph by “credited to”.

206. Section 4 of the Act is replaced by the following section:

“4. The Government may, on the conditions it determines and on the recommendation of the Minister, order that a part, which it fixes, of any sum that would otherwise be credited to the general fund be credited to the Fund.”

207. Section 4.1 of the Act is amended by replacing “pay sums into the Fund. The sums are taken out of the consolidated revenue fund” by “transfer to the Fund sums credited to the general fund”.

208. Section 5 of the Act is amended

(1) by replacing “making up the Fund are credited to the Minister, who must deposit them” in the first paragraph by “credited to the Fund are deposited in the name of the Minister”;

(2) by replacing “charged to” in the second paragraph by “debited from”;

(3) by striking out the third paragraph.

209. Sections 7 and 8 of the Act are replaced by the following sections:

“7. The Minister may debit from the Fund any sum the Minister takes out of the Consolidated Revenue Fund, under section 10 of the Financial Administration Act (chapter A-6.001), to repay the gross debt.

“8. Sections 47 to 56 of the Financial Administration Act (chapter A-6.001) do not apply to the Fund.”

210. Sections 9 and 10 of the Act are repealed.

ACT TO PROMOTE THE REFORM OF THE CADASTRE IN QUÉBEC

211. Section 8.1 of the Act to promote the reform of the cadastre in Québec (R.S.Q., chapter R-3.1) is amended by replacing “paid into the land information fund” in the fourth paragraph by “credited to the Land Information Fund”.

ACT RESPECTING THE RÉGIE DE L’ASSURANCE MALADIE DU QUÉBEC

212. The Act respecting the Régie de l’assurance maladie du Québec (R.S.Q., chapter R-5) is amended by replacing the heading of Division II of Chapter IV by the following heading:

“HEALTH SERVICES FUND”.

213. Section 39 of the Act is amended

(1) by replacing “remit the contributions contemplated in sections 34 and 34.1.1 to the health services fund” in the first paragraph by “transfer the

contributions referred to in sections 34 and 34.1.1 to the Health Services Fund, out of the sums credited to the general fund”;

(2) by replacing “paid into the health services fund” in the second paragraph by “credited to the Health Services Fund”.

214. Section 40 of the Act is amended by striking out the second paragraph.

ACT RESPECTING THE RÉGIE DE L'ÉNERGIE

215. Section 85.38 of the Act respecting the Régie de l'énergie (R.S.Q., chapter R-6.01) is amended, in the second paragraph,

(1) by replacing “deposit them in” by “credit them to”;

(2) by inserting “crédit du” after “au” in the French text.

ACT RESPECTING THE SOCIÉTÉ DES LOTERIES DU QUÉBEC

216. Section 22.1 of the Act respecting the Société des loteries du Québec (R.S.Q., chapter S-13.1) is amended, in the first paragraph,

(1) by replacing “assistance fund for independent community action established under Division III.1 of the Act respecting the Ministère du Conseil exécutif (chapter M-30)” by “Consolidated Revenue Fund” and “the State” by “State”;

(2) by inserting “; the amounts paid into the Consolidated Revenue Fund are credited to the Assistance Fund for Independent Community Action established under Division III.1 of the Act respecting the Ministère du Conseil exécutif (chapter M-30)” after “determined by the Government”.

ACT RESPECTING THE QUÉBEC SALES TAX

217. Section 540.1 of the Act respecting the Québec sales tax (R.S.Q., chapter T-0.1) is amended

(1) by replacing “pay to the horse-racing industry fund established by Division IV.1 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (chapter M-14)” in the first paragraph by “transfer to the Horse-Racing Industry Fund established by Division IV.1 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (chapter M-14), out of the sums credited to the general fund,”;

(2) by replacing “payments” in the second paragraph by “transfers”.

218. Section 541.33 of the Act is amended

(1) by replacing “pay into the tourism partnership fund established by the Act to establish a Tourism Partnership Fund (1996, chapter 72)” in the first paragraph by “transfer to the Tourism Partnership Fund established by the Act to establish the Tourism Partnership Fund (1996, chapter 72), out of the sums credited to the general fund,”;

(2) by replacing “payments” in the second paragraph by “transfers”.

FUEL TAX ACT

219. Section 55.1.1 of the Fuel Tax Act (R.S.Q., chapter T-1) is amended

(1) by replacing “pay into the Road and Public Transit Infrastructure Fund, established by paragraph 1 of section 12.30 of the Act respecting the Ministère des Transports (chapter M-28)” in the introductory clause by “transfer to the Road and Public Transit Infrastructure Fund established by paragraph 1 of section 12.30 of the Act respecting the Ministère des Transports (chapter M-28), out of the sums credited to the general fund”;

(2) by replacing “payments” in the second paragraph by “transfers”.

TRANSPORT ACT

220. Section 88.4 of the Transport Act (R.S.Q., chapter T-12) is amended, in the first paragraph,

(1) by replacing “Road and Public Transit Infrastructure Fund established by paragraph 1 of section 12.30 of the Act respecting the Ministère des Transports (chapter M-28)” by “Consolidated Revenue Fund”;

(2) by inserting “; the contributions paid into the Consolidated Revenue Fund are credited to the Road and Public Transit Infrastructure Fund established by paragraph 1 of section 12.30 of the Act respecting the Ministère des Transports (chapter M-28)” after “Minister of Transport”.

221. Section 88.5 of the Act is amended

(1) by replacing “paid into” by “credited to”;

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

[[“Despite section 49 of the Financial Administration Act (chapter A-6.001), the amounts required for payments under this section are taken out of the Consolidated Revenue Fund. Such payments must nevertheless be included, in accordance with section 47 of that Act, in the estimates for the Road and Public Transit Infrastructure Fund.”]]

222. Section 88.8 of the Act, enacted by section 50 of chapter 20 of the statutes of 2010, is amended

- (1) by replacing “paid into” in the first paragraph by “credited to”;
- (2) by adding the following paragraph at the end:

[[“Despite section 49 of the Financial Administration Act (chapter A-6.001), the sums required for payments under this section are taken out of the Consolidated Revenue Fund. Such payments must nevertheless be included, in accordance with section 47 of that Act, in the estimates for the Road and Public Transit Infrastructure Fund established by paragraph 1 of section 12.30 of the Act respecting the Ministère des Transports (chapter M-28).”]]

ACT RESPECTING ASSISTANCE AND COMPENSATION FOR VICTIMS OF CRIME

223. The Act respecting assistance and compensation for victims of crime (1993, chapter 54) is amended by replacing the heading of Chapter III by the following heading:

“CRIME VICTIMS ASSISTANCE AND COMPENSATION FUND”.

224. Section 170 of the Act is amended by replacing “Fonds d’aide aux victimes d’actes criminels” by “Crime Victims Assistance and Compensation Fund”.

225. Section 171 of the Act, amended by section 54 of chapter 77 of the statutes of 1999, is again amended

(1) by replacing “The Fonds is made up of the following amounts, except interest” in the introductory clause by “The following amounts are credited to the Fund, exclusive of the interest earned”;

(2) by replacing “paid into it” in paragraph 4 by “transferred to the Fund”;

(3) by replacing “paid into it” in paragraph 5 by “transferred to it to further the achievement of the objects of the Fund”;

(4) by replacing paragraph 6 by the following paragraph:

“(6) the sums transferred to it by the Minister of Finance under sections 53 and 54 of the Financial Administration Act (chapter A-6.001);”;

(5) by replacing “pay into” in paragraph 7 by “transfer to”.

226. Section 172 of the Act is amended

(1) by replacing “shall be taken out of the Fonds” in the introductory clause by “are debited from the Fund”;

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

“Section 56 of the Financial Administration Act (R.S.Q., chapter A-6.001) does not apply to the Fund.”

227. Section 173 of the Act is amended

(1) by replacing “periodically pay into the Fonds” in the first paragraph by “periodically transfer to the Fund, out of the sums credited to the general fund.”;

(2) by replacing “the Fonds are paid into the consolidated revenue fund” in the second paragraph by “the Fund are transferred to the general fund”.

228. Sections 174 to 178 of the Act are repealed.

ACT TO ESTABLISH THE DISASTER ASSISTANCE FUND
FOR CERTAIN AREAS AFFECTED BY THE TORRENTIAL RAINS
OF 19 AND 20 JULY 1996

229. Section 3 of the Act to establish the Disaster Assistance Fund for certain areas affected by the torrential rains of 19 and 20 July 1996 (1996, chapter 45) is amended

(1) by replacing the introductory clause by the following:

“**3.** The following are credited to the Fund.”;

(2) by replacing paragraph 2 by the following paragraph:

“(2) the sums transferred to the Fund by the Minister of Finance under sections 53 and 54 of the Financial Administration Act (R.S.Q., chapter A-6.001);”;

(3) by replacing “paid” in paragraph 4 by “transferred to the Fund”;

(4) by replacing “the revenues dedicated for that purpose by the Government or any other contribution it determines” in paragraph 6 by “the sums transferred to the Fund by the Government out of those credited to the general fund”.

230. Section 4 of the Act is amended

(1) by replacing “shall be paid out of” in the introductory clause by “are debited from”;

(2) by striking out paragraph 4.

231. Section 5 of the Act is amended by replacing “The” by “Despite section 56 of the Financial Administration Act (R.S.Q., chapter A-6.001), the”.

232. Sections 6 to 11 of the Act are repealed.

233. Section 14 of the Act is amended by replacing “shall be paid into the consolidated revenue fund” in the second paragraph by “are transferred to the general fund”.

ACT TO ESTABLISH A FUND IN RESPECT OF THE ICE STORM OF 5 TO 9 JANUARY 1998

234. Section 2 of the Act to establish a fund in respect of the ice storm of 5 to 9 January 1998 (1998, chapter 9) is amended

(1) by replacing the introductory clause by the following:

“**2.** The following are credited to the Fund.”;

(2) by replacing paragraph 2 by the following paragraph:

“(2) the sums transferred to the Fund by the Minister of Finance under sections 53 and 54 of the Financial Administration Act (R.S.Q., chapter A-6.001).”

235. Section 4 of the Act is amended

(1) by replacing “taken out of” in the introductory clause by “debited from”;

(2) by striking out paragraph 4.

236. Sections 5 to 11 of the Act are repealed.

237. Section 13 of the Act is amended by replacing “shall be paid into the consolidated revenue fund” in the second paragraph by “are transferred to the general fund”.

ACT RESPECTING THE BOUNDARIES OF THE WATERS IN THE DOMAIN OF THE STATE AND THE PROTECTION OF WETLANDS ALONG PART OF THE RICHELIEU RIVER

238. Section 28 of the Act respecting the boundaries of the waters in the domain of the State and the protection of wetlands along part of the Richelieu River (2009, chapter 31) is amended by replacing “deposited in” in the first paragraph by “credited to”.

ACT CONCERNING PARC NATIONAL DU MONT-ORFORD

239. Section 3 of the Act concerning Parc national du Mont-Orford (2010, chapter 9) is amended by replacing “paid into” by “credited to”.

ACT RESPECTING THE AGENCE DU REVENU DU QUÉBEC

240. Section 47 of the Act respecting the Agence du revenu du Québec (*insert the year and chapter number of that Act*) is amended by inserting the following paragraph after paragraph 3:

“(3.1) the fees collected under the Act to facilitate the payment of support (R.S.Q., chapter P-2.2);”.

241. Section 49 of the Act is replaced by the following section:

“**49.** On the joint recommendation of the Minister and the Minister of Finance, the Agency transfers to the Fund, out of the sums credited to the general fund, part of the sums collected for the Minister under the Taxation Act (R.S.Q., chapter I-3), to the extent, on the dates and in the manner determined by the Government.”

242. Sections 51 to 55 of the Act are repealed.

243. Section 71 of the Act is replaced by the following section:

“**71.** The Public Administration Act (R.S.Q., chapter A-6.01), except section 37 of that Act, does not apply to the Agency.”

244. Section 88 of the Act is amended by replacing “; subject to paragraph *b* of section 97.2, the amounts collected under such a fiscal law shall form part of the consolidated revenue fund” in the first paragraph by “, subject to paragraph *b* of section 97.2”.

CHAPTER III

LEGISLATIVE AMENDMENTS MAINLY CONCERNING THE FINANCIAL SECTOR

DIVISION I

FINANCIAL SECTOR

ACT RESPECTING THE AUTORITÉ DES MARCHÉS FINANCIERS

245. Section 19.2 of the Act respecting the Autorité des marchés financiers (R.S.Q., chapter A-33.2) is amended by inserting “the Business Corporations Act (2009, chapter 52),” after “Winding-up Act (chapter L-4),” in paragraph 9.

246. The Act is amended by inserting the following section after section 19.5:

“19.5.1. A motion by the Authority for the appointment of a receiver must be served on the defendant at least 10 days prior to its presentation. The motion is heard and decided by preference.

The motion is contested orally on the day of its presentation. The parties may adduce detailed affidavits in evidence to establish all the facts necessary to support their allegations. The affidavits and all documents referred to must be served on the other party at least two clear juridical days before the day of presentation of the motion.”

247. Section 19.6 of the Act is amended

(1) by replacing “may hear the motion” in the first paragraph by “shall hear the motion without delay”;

(2) by replacing “, on the condition that the Court give the defendant the opportunity to be heard within 10 days.” at the end of the first paragraph by “. The defendant has 10 days after an order is rendered to file a notice of contestation with the Court.”

248. Section 19.14 of the Act is amended by replacing “this chapter” by “section 19.1”.

249. The Act is amended by inserting the following sections after section 19.15:

“19.15.1. The receiver may, at any time during the receivership mandate, request the approval of fees and expenses by filing with the Superior Court a summary statement of the fees and expenses, together with a notice to the Authority.

“19.15.2. Only the Authority may oppose the request and must do so by filing a notice of opposition with the Superior Court, together with a notice to the receiver, within 30 days after the notice referred to in section 19.15.1 is sent.

The receiver shall request the Superior Court, within the 10 days after a notice of opposition is filed, to set a hearing date and shall give the Authority notice of the date.

The Superior Court shall hear the parties’ oral arguments on the notice of opposition on the day of the hearing and shall then proceed to the taxation of the fees and expenses.”

250. The Act is amended by inserting the following section after section 25.1:

“25.2. The Authority may, in cases that are not expressly provided for in this Act or an Act referred to in section 7, require the use of a medium or technology it specifies for completing a formality under any of those Acts. It shall determine such requirements as to the form of documents and the manner in which they are to be sent as are necessary to allow the use of that medium or technology.

In the cases described in the first paragraph, signature requirements for technology-based documents sent to the Authority, including what may stand in lieu of a signature, are also determined by the Authority.”

251. Section 38.2 of the Act is amended

(1) by replacing “the second paragraph of section 115 and section” in the first paragraph by “sections 115.2 and”;

(2) by inserting “paragraph 7 of section 115.9 of the Act respecting the distribution of financial products and services,” after “under” in the second paragraph.

252. Section 72 of the Act is amended by adding “, except the Securities Act (chapter V-1.1)” at the end of the first paragraph.

253. Section 93 of the Act is amended by inserting the following paragraph after the first paragraph:

“The board shall exercise its discretion in the public interest.”

254. Section 115.9 of the Act is amended by replacing the second paragraph by the following paragraph:

“In such a case, the person concerned has 15 days after the decision is rendered to file a notice of contestation with the board.”

255. Section 115.12 of the Act is amended by replacing “The board may file an authentic copy of each of its decisions at the office of the clerk of the Superior Court of the district in which the residence or domicile of the person concerned is situated” in the first paragraph by “The board or any interested person may file an authentic copy of a decision of the board with the Superior Court in the district in which the residence or domicile of the person who is the subject of the decision is situated”.

256. Schedule 1 to the Act is amended by striking out “An Act respecting the caisses d’entraide économique (chapter C-3)”, “An Act respecting certain caisses d’entraide économique (chapter C-3.1)”, “An Act respecting the disclosure of the compensation received by the executive officers of certain legal persons (chapter I-8.01)” and “An Act respecting the sociétés d’entraide économique (chapter S-25.1)”.

ACT RESPECTING THE CAISSES D'ENTRAIDE ÉCONOMIQUE

257. The Act respecting the caisses d'entraide économique (R.S.Q., chapter C-3) is repealed.

ACT RESPECTING CERTAIN CAISSES D'ENTRAIDE ÉCONOMIQUE

258. The Act respecting certain caisses d'entraide économique (R.S.Q., chapter C-3.1) is repealed.

ACT RESPECTING FINANCIAL SERVICES COOPERATIVES

259. Section 63 of the Act respecting financial services cooperatives (R.S.Q., chapter C-67.3) is amended by adding “or on those issued by the federation to a member referred to in subparagraph 4 of the first paragraph of section 46” at the end.

260. Section 87 of the Act is amended

(1) by inserting the following paragraph after the first paragraph:

“The following may also be allocated to the reserve, as determined by by-law of the federation:

(1) any asset or liability that is unrealized, is subject to market fluctuations and, according to the applicable accounting principles and standards, would otherwise be added to the surplus earnings to be allocated;

(2) the variation in the value of the assets and liabilities described in subparagraph 1, determined according to the applicable accounting principles;

(3) any other element, with the authorization of the Authority.”;

(2) in the second paragraph,

(a) by replacing “cette caisse” in the portion before paragraph 1 in the French text by “la caisse”;

(b) by adding the following subparagraph after subparagraph 2:

“(3) the realization of any element allocated to the reserve.”

261. The Act is amended by inserting the following section after section 87:

“87.1. A federation may, by by-law, establish a reserve to which the elements referred to in the second paragraph of section 87 are to be allocated.

The federation may draw upon the reserve to increase the surplus earnings it may apportion after realizing an element allocated to the reserve.”

262. Section 227 of the Act is amended

(1) by inserting the following paragraph after paragraph 2:

“(2.1) the director general of the credit union;”;

(2) by striking out “, save that the director general of the credit union can be a member of the board of directors” in paragraph 3.

263. Section 253.1 of the Act is amended by striking out “, excluding the director general of the credit union” in the first paragraph.

264. Section 364 of the Act is amended by adding the following paragraph at the end:

“For the purposes of subparagraph 3 of the first paragraph, a service may be developed or provided by a legal person or partnership controlled by the federation.”

265. Section 365 of the Act is amended by replacing “paragraph 3” by “subparagraph 3 of the first paragraph”.

266. Section 366 of the Act is amended by inserting “or, if applicable, a legal person or partnership controlled by the federation” after the first occurrence of “the federation”.

267. Section 420 of the Act is amended by inserting the following paragraph after the first paragraph:

“The fund may also be used to purchase capital shares or investment shares already issued by the federation to a member described in subparagraph 4 of the first paragraph of section 46. Shares so purchased cannot be resold except to a member described in that subparagraph.”

268. Section 424 of the Act is amended by adding the following subparagraph after subparagraph 5 of the first paragraph:

“(6) a statement of the compensation, bonuses and any other form of remuneration received by the group’s five most highly compensated officers.”

269. Section 690 of the Act is amended by inserting the following sentence after the first sentence of the second paragraph: “It may identify itself under the name “Desjardins Financial Group” for advertising purposes within Québec provided its French name is markedly predominant in the advertisement.”

ACT RESPECTING THE DISTRIBUTION OF FINANCIAL PRODUCTS AND SERVICES

270. Section 115 of the Act respecting the distribution of financial products and services (R.S.Q., chapter D-9.2) and section 115.1 of the Act, enacted by section 76 of chapter 7 of the statutes of 2008, are replaced by the following sections:

“115. If it is brought to the knowledge of the Bureau de décision et de révision that a firm, any of its directors or officers, or a representative has, by an act or omission, contravened or aided in the contravention of a provision of this Act or the regulations, or that it is necessary in order to protect the public, the Bureau may, once the facts have been established, cancel, revoke or suspend the firm’s or the representative’s registration or certificate or subject it to restrictions or conditions. The Bureau may also, in all cases, impose an administrative penalty not exceeding \$2,000,000 for each contravention.

For the purposes of the first paragraph, before making a request under section 93 of the Act respecting the Autorité des marchés financiers (chapter A-33.2), an interested person must notify the Authority and obtain confirmation from the Authority that it does not itself intend to make such a request. The Authority must inform the interested person in writing of its decision within 10 days after being notified.

“115.1. The Bureau de décision et de révision may prohibit a person from acting as a director or officer of a firm on the grounds set out in article 329 of the Civil Code or when a sanction has been imposed on the person under this Act, the Derivatives Act (chapter I-14.01) or the Securities Act (chapter V-1.1).

The prohibition imposed by the Bureau may not exceed five years.

The Bureau may, at the request of the person concerned, lift the prohibition on such conditions as it considers appropriate.

“115.2. If a firm fails to comply with section 81, 82, 83 or 103.1 or to file documents as required, the Authority may suspend the firm’s registration, subject it to restrictions or conditions or impose an administrative monetary penalty not exceeding \$5,000 for each contravention. The Authority may cancel the registration of a firm that fails to comply with section 82 or, for the second or subsequent time, fails to comply with section 81, 83 or 103.1.

For the purposes of the first paragraph, the Authority may determine, by regulation, the amounts that may be imposed as a penalty for failure to file

documents as required under this Act or the regulations, as well as the conditions subject to which a penalty may be imposed.

“115.3. The Authority may, for the purposes or in the course of an investigation, request the Bureau de décision et de révision

(1) to order the representative or firm or any other person or entity actually or potentially under investigation not to dispose of funds, securities or other property in their possession;

(2) to order the representative or firm or any other person or entity actually or potentially under investigation to refrain from withdrawing funds, securities or other property on deposit with or under the control or in the safekeeping of another person; or

(3) to order any other person or entity not to dispose of funds, securities or other property referred to in subparagraph 2.

An order issued under the first paragraph is effective for a renewable period of 120 days as of the time the party concerned is notified.

The party concerned must be given at least 15 days' notice of any hearing during which the Bureau de décision et de révision is to consider an extension. The Bureau may order the extension if the representative, firm, other person or entity does not request to be heard or fails to establish that the reasons for the initial order have ceased to exist.

“115.4. If the person or entity named in an order under subparagraph 3 of the first paragraph of section 115.3 has put a safety deposit box at the disposal of a representative, firm or other person or entity or has allowed the use of a safety deposit box, the person or entity must immediately notify the Authority.

On the Authority's request, the person or entity named in the order must open the safety deposit box in the presence of an agent of the Authority, draw up an inventory of the contents in triplicate, and give one copy to the Authority and another to the representative, firm, other person or entity under investigation.

“115.5. An order issued under section 115.3 that names a Canadian financial institution applies only to the agencies or branches specified.

“115.6. An order issued under section 115.3 also applies to funds, securities and other property received after the order becomes effective.

“115.7. The representative, the firm and any person or entity directly affected by an order issued under section 115.3, if in doubt as to the application of the order to particular funds, securities or other property, may apply to the Bureau de décision et de révision for clarification.

“115.8. The Authority may publish an order issued under section 115.3 in the register of personal and movable real rights.

“115.9. Following a failure to comply with an obligation under this Act, the Authority may request the Bureau de décision et de révision to issue one or more of the following orders in order to remedy the situation or deprive a representative, a firm or other person or entity of the profit realized as a result of the non-compliance:

(1) an order requiring a representative or firm or any other person or entity to comply with

(a) any provision of this Act;

(b) any decision of the Authority under this Act; or

(c) any regulation, rule or policy of a self-regulating organization, or any decision rendered by the self-regulatory organization on the basis of such a regulation, rule or policy;

(2) an order directing a representative or firm or any other person or entity to submit to a review of practices and procedures and institute such changes as may be directed by the Authority;

(3) an order rescinding any insurance- or annuity-related transaction entered into by a representative or firm or any other person or entity, and directing the representative, firm, other person or entity to refund any part of the money paid on entering into the transaction;

(4) an order directing a representative or firm or any other person or entity to produce compliant financial statements or an accounting in such a form as may be determined by the Bureau;

(5) an order directing a legal person to hold a shareholders’ meeting;

(6) an order directing a representative or firm or any other person or entity to rectify a register or other record;

(7) an order directing a representative or firm or any other person or entity to disgorge to the Authority amounts obtained as a result of the non-compliance.”

271. Section 146.1 of the Act is amended by replacing “The first paragraph of section 115 applies” and “The second paragraph of that section” by “Sections 115, 115.1 and 115.3 to 115.9 apply” and “Section 115.2”, respectively.

272. Section 228 of the Act is amended by replacing “presented to the compensation fund” in paragraph 4 by “referred to in section 274.1 that is submitted to the Authority”.

273. Section 288 of the Act is amended by replacing “, two of whom shall be appointed by the Minister to represent the general public for a term of three years” in the first paragraph by “eight of whom shall be from the industry, and five of whom shall be independent directors”.

274. Section 289 of the Act is amended by adding “, in accordance with the eligibility requirements set out in its internal management by-law” at the end of the first paragraph.

275. Section 290 of the Act is replaced by the following sections:

“290. The board members of the *Chambre de l’assurance de dommages* shall be elected by all damage insurance agents, damage insurance brokers and claims adjusters, in accordance with the rules prescribed by the internal management by-law of the Chamber. Board members from the industry shall be elected from among the officers of insurers and firms registered in the damage insurance and claims adjustment sectors.

“290.1. The board members in office draw up a list of candidates for the next election. They determine whether a candidate qualifies as an independent director on the basis of the following criteria:

(1) the candidate has not, in the last three years, held employment or an office in the damage insurance industry or provided services to the Chamber or to an enterprise carrying on business in the damage insurance industry;

(2) none of the candidate’s immediate family members have worked in the damage insurance industry or for the Chamber in the last three years; and

(3) the candidate has no direct or indirect relationships or interests of a financial, commercial or professional nature which are likely to interfere with the quality of his or her decisions.”

276. Section 293 of the Act is amended

(1) by replacing “Each member” by “Every member of the *Chambre de la sécurité financière*”;

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

“Every member of the *Chambre de l’assurance de dommages* is entitled to vote.”

277. Section 294 of the Act is replaced by the following section:

“294. In the case of representatives in insurance of persons and mutual fund dealer representatives, the election shall be held by region according to regional delimitations defined by by-law of the Chambre de la sécurité financière.

In all other cases, the election shall be held in accordance with the rules determined by the internal management by-law of the Chamber concerned.”

278. Section 295 of the Act is amended by replacing the first paragraph by the following paragraphs:

“295. The Chambre de la sécurité financière shall send notice of the poll to its members. It shall draw up the list of candidates, send it to the members and compile the votes.

The Chambre de l’assurance de dommages shall send notice of the poll to its members along with the list of candidates. It shall subsequently compile the votes.”

279. Section 299 of the Act is amended by replacing “a Chamber” by “the Chambre de la sécurité financière”.

280. Section 300 of the Act is amended

(1) by inserting “In the case of the Chambre de la sécurité financière,” at the beginning of the second paragraph;

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

“In the case of the Chambre de l’assurance de dommages, a vacancy shall be filled in accordance with the rules prescribed by its internal management by-law.”

281. Section 379 of the Act is amended by inserting the following paragraph after the first paragraph:

“However, a decision under which a penalty is to be imposed may not be appealed until the penalty has been imposed.”

ACT RESPECTING IMMOBILIÈRE SHQ

282. Section 27 of the Act respecting Immobilière SHQ (R.S.Q., chapter I-0.3) is amended by striking out “the Act respecting the sociétés d’entraide économique (chapter S-25.1),”.

ACT RESPECTING THE DISCLOSURE OF THE COMPENSATION
RECEIVED BY THE EXECUTIVE OFFICERS OF CERTAIN LEGAL
PERSONS

283. The Act respecting the disclosure of the compensation received by the executive officers of certain legal persons (R.S.Q., chapter I-8.01) is repealed.

DERIVATIVES ACT

284. Section 3 of the Derivatives Act (R.S.Q., chapter I-14.01) is amended

(1) by inserting “the business of” after “engage in” in the portion before paragraph 1 of the definition of “dealer”;

(2) by inserting “, a contract for difference” after “a futures contract” in the definition of “derivative”.

285. Section 7 of the Act is amended by replacing “in the case of over-the-counter derivatives activities or transactions involving accredited counterparties only” in the first paragraph by “to activities or transactions in over-the-counter derivatives involving accredited counterparties only”.

286. Section 22 of the Act is amended by inserting “of an amendment to its operating rules” after “self-certification” in the second paragraph.

287. Section 82 of the Act is amended by replacing “the derivative authorized by the Authority” in the second paragraph by “the marketing of the derivative authorized by the Authority, subject to the conditions prescribed by regulation”.

288. The Act is amended by inserting the following sections after section 82:

“**82.1.** A qualified person must maintain a corporate and organizational structure enabling the person to carry on activities effectively and must have adequate human, financial and technological resources to that end.

“**82.2.** A qualified person must have adequate business policies and procedures in place and appropriate governance practices, especially as regards the independence of directors and the auditing of financial statements.

“**82.3.** A qualified person must take the necessary measures to ensure the security and reliability of the person’s transactions and activities.

“**82.4.** A qualified person must offer derivatives to the public through a dealer, or register with the Authority as a dealer.

“82.5. A qualified person must notify the Authority, in accordance with the rules prescribed by regulation, of any change in the information submitted when applying for qualification.

“82.6. A qualified person must notify the Authority and the person’s counterparties, including those waiting to trade in a derivative, within the time prescribed by regulation, of any change that may affect the trading of a derivative or existing transactions in a derivative.

“82.7. A qualified person is responsible for the property entrusted to the person by the person’s counterparties, and must segregate the counterparties’ property from the person’s own property and maintain separate accounting records.”

289. Section 83 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

“83. A qualified person must, before marketing a derivative, obtain the authorization of the Authority. The Authority may refuse to give, or impose restrictions or conditions on, its authorization if it considers it necessary for the protection of the public.”;

(2) by replacing “A derivative is authorized” in the second paragraph by “The marketing of a derivative is authorized”.

290. The Act is amended by inserting the following section after section 83:

“83.1. If the Board considers that a qualified person is not in compliance with this Act, the Board may revoke or suspend the rights granted to the person by qualification, or impose restrictions or conditions on the exercise of those rights.”

291. Section 90 of the Act is amended by inserting the following subparagraph after subparagraph 7 of the first paragraph:

“(7.1) a qualified person;”.

292. Section 105 of the Act is amended by inserting “15 days” before “notice” in the first paragraph.

293. Section 115 of the Act is amended by replacing the second paragraph by the following paragraph:

“The Authority may also inspect the affairs of a regulated entity or a qualified person to verify compliance with this Act or with any decision of the Authority, or to verify the manner in which the entity or person exercises the functions and powers delegated by the Authority, if any.”

294. Section 115.1 of the Act is amended by replacing “or adviser” by “, adviser or qualified person” and by replacing “, at the dealer’s or adviser’s expense, to conduct” by “to conduct, at their expense,”.

295. Section 134 of the Act is amended

(1) by replacing “that a dealer, an adviser, a representative, a market participant, a recognized regulated entity, a qualified person or a person granted an exemption under this Act has failed to comply with” in the first paragraph by “that a person has, by an act or omission, contravened or aided in the contravention of” and by replacing both occurrences of “offender” in that paragraph by “person”;

(2) by striking out the second paragraph;

(3) by adding “for each contravention” at the end of the third paragraph.

296. The Act is amended by inserting the following section after section 135:

“135.1. The Board may prohibit a person from acting as a director or officer of a regulated entity, dealer, adviser or qualified person on the grounds set out in article 329 of the Civil Code or if a penalty has been imposed on the person under this Act, the Act respecting the distribution of financial products and services (chapter D-9.2) or the Securities Act (chapter V-1.1).

The prohibition may not exceed five years.

The Board may, at the request of the person concerned, lift the prohibition on such conditions as it considers appropriate.”

297. Section 148 of the Act is amended by adding the following paragraph after paragraph 5:

“(6) to provide false documents or information, or access to false documents or information, to the Authority or a staff member of the Authority in the course of activities governed by this Act.”

298. Section 152 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

“152. A person who, by any means, makes a misrepresentation

(1) about the offering or trading of a derivative,

(2) in the risk information document or in any other information required to be given to the customer under section 70, or

(3) in any document sent or a register kept in accordance with this Act,
is guilty of an offence.”;

(2) by striking out “and section 153” in the second paragraph.

299. Section 153 of the Act is repealed.

300. Section 154 of the Act is amended by replacing “qu’une prime” in the French text by “d’une prime”.

301. Section 155 of the Act is amended by inserting “or who has not had the derivative authorized as required under section 82 or 83” after “section 82”.

302. Section 157 of the Act is amended by inserting “or does not have the derivative authorized as required under section 82 or 83” after “section 82”.

303. Section 175 of the Act is amended, in the first paragraph,

(1) by inserting the following subparagraph after subparagraph 21:

“(21.1) prescribe the conditions subject to which the Authority may authorize the marketing of a derivative for the purposes of section 82 or 83;”;

(2) by inserting the following subparagraph after subparagraph 22:

“(22.1) make rules governing the activities of qualified persons;”.

ACT RESPECTING THE PROTECTION OF PERSONAL INFORMATION IN THE PRIVATE SECTOR

304. Section 97 of the Act respecting the protection of personal information in the private sector (R.S.Q., chapter P-39.1) is amended by inserting “and, if applicable, a legal person or partnership controlled by the federation,” after “the federation of which they are members” in the first paragraph.

ACT RESPECTING THE SOCIÉTÉ D’HABITATION DU QUÉBEC

305. Section 90.1 of the Act respecting the Société d’habitation du Québec (R.S.Q., chapter S-8) is amended by striking out “the Act respecting the sociétés d’entraide économique (chapter S-25.1),”.

ACT RESPECTING THE SOCIÉTÉS D’ENTRAIDE ÉCONOMIQUE

306. The Act respecting the sociétés d’entraide économique (R.S.Q., chapter S-25.1) is repealed.

ACT RESPECTING TRUST COMPANIES AND SAVINGS COMPANIES

307. Section 3 of the Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01) is amended by striking out “, by the Act respecting the sociétés d’entraide économique (chapter S-25.1),”.

SECURITIES ACT

308. Section 169.1 of the Securities Act (R.S.Q., chapter V-1.1) is amended by replacing “shall publish” in the second paragraph by “may publish”.

309. Section 171.1 of the Act is amended, in the first paragraph,

(1) by inserting “66,” after “Sections”;

(2) by striking out “recognized”.

310. Section 187 of the Act is amended, in the first paragraph,

(1) by replacing “except in the following cases” in the portion before subparagraph 1 by “except if he can prove that”, by replacing “avails himself” in subparagraph 2 by “is availing himself” and by adding “or” at the end of that subparagraph;

(2) by adding the following subparagraph after subparagraph 2:

“(3) he is complying with a contractual obligation entered into before he became aware of the information, in accordance with conditions that are set down in writing.”

311. Section 188 of the Act is amended by inserting “necessary” before “course of business” in paragraph 2.

312. Section 195 of the Act is amended by adding the following paragraph after paragraph 5:

“(6) to provide false documents or information to the Authority or a member of the personnel of the Authority in the course of activities governed by this Act or the regulations.”

313. Section 197 of the Act is amended by striking out subparagraph 4 of the first paragraph.

314. The Act is amended by inserting the following section after section 199:

“199.1. A person who directly or indirectly engages or participates in any transaction or series of transactions in securities or any trading method relating to a transaction in securities, or in any act, practice or course of conduct

is guilty of an offence if the person knows, or ought reasonably to know, that the transaction, series of transactions, trading method, act, practice or course of conduct

(1) creates or contributes to a misleading appearance of trading activity in a security, or establishes or contributes to establishing an artificial price for a security; or

(2) constitutes a fraud on any person.”

315. Section 253 of the Act is amended by replacing “a bank or an authorized foreign bank listed in Schedule I, II or III to the Bank Act (Statutes of Canada, 1991, chapter 46), a loan and investment society or trust company” by “a Canadian financial institution”.

316. Section 273.1 of the Act is amended

(1) by replacing “that a reporting issuer, an issuer having made a distribution pursuant to a prospectus exemption under section 43 or prescribed by regulation, or a person registered pursuant to section 148 or 149, has failed to comply with” in the first paragraph by “that a person has, by an act or omission, contravened, or aided in the contravention of,”;

(2) by striking out the second paragraph;

(3) by adding “for each contravention” at the end of the third paragraph.

317. Section 273.3 of the Act is amended by adding “, the Act respecting the distribution of financial products and services (chapter D-9.2) or the Derivatives Act (chapter I-14.01)” at the end of the first paragraph.

318. The Act is amended by inserting the following section after section 283:

“**283.0.1.** No person of good faith who discloses a failure to comply with this Act or the regulations to the Authority is subject to any civil liability for doing so.”

319. Section 308.2.1 of the Act is amended

(1) by inserting “or designated” after “deemed to be recognized” and “is recognized” in paragraph 3;

(2) by striking out “to carry on the activity” in paragraph 3.

320. Section 323.5 of the Act is repealed.

321. Section 331.1 of the Act is amended

(1) by replacing “a self-regulatory organization or” in paragraph 10 by “a self-regulatory organization that is recognized under the law or recognized by another authority within the meaning of section 305.1, or a”;

(2) by inserting “, designated” after “deemed, under paragraphs 2 and 3 of section 308.2.1, to be recognized” and “is recognized” in paragraph 33.7.

322. Section 338 of the Act is amended by striking out the second paragraph.

DIVISION II

OTHER SECTORS

AUTOMOBILE INSURANCE ACT

323. Section 159 of the Automobile Insurance Act (R.S.Q., chapter A-25) is amended by replacing the second paragraph by the following paragraph:

“No person may be a director unless the person is resident in Québec and represents an authorized insurer.”

324. Section 160 of the Act is repealed.

REAL ESTATE BROKERAGE ACT

325. Section 3 of the Real Estate Brokerage Act (R.S.Q., chapter C-73.2) is amended by replacing paragraph 6 by the following paragraph:

“(6) chartered administrators who engage in a brokerage transaction, other than a transaction described in section 23, as an ancillary activity in the course of their real estate management function;”.

326. Section 4 of the Act is amended by replacing “A person” in the fourth paragraph by “Subject to Division IV of Chapter II, a person”.

327. The Act is amended by inserting the following division after Division III of Chapter II:

“DIVISION IV

“BROKERAGE ACTIVITIES WITHIN A BUSINESS CORPORATION

“22.1. A broker acting on behalf of an agency may carry on brokerage activities, in accordance with the terms, conditions and rules set out in the Organization’s regulations, within a business corporation which the broker controls.

The business corporation is solidarily liable with the broker for the performance of the obligations imposed by this Act and for any fault committed by the broker.

“22.2. The civil liability insurance provided by an insurance fund to a broker who carries on brokerage activities within a business corporation must also designate the business corporation as an insured.

If no insurance fund exists, the civil liability insurance the broker must take out, or the security or guarantee in lieu of insurance the broker must give, must also designate the business corporation as an insured.

“22.3. A broker who carries on brokerage activities within a business corporation must ensure that its directors, executive officers and employees comply with this Act.

“22.4. A broker may not invoke decisions or acts of the business corporation within which the broker carries on activities, or its status as a legal person, to justify a contravention of this Act or the regulations or to limit or exclude the broker’s personal responsibility.

“22.5. Subject to special authorizations from the Organization, a broker acting on behalf of an agency may carry on brokerage activities in Québec within a business corporation constituted under an Act other than an Act of the Parliament of Québec if the broker meets all the other conditions prescribed in this chapter.

The personal liability of the broker, including that relating to the obligations of the corporation, continues to be governed by the laws of Québec for all matters concerning brokerage activities carried on in Québec, as if the corporation had been constituted under an Act of the Parliament of Québec.

“22.6. The remuneration relating to the services provided by a broker while carrying on brokerage activities within a business corporation belong to the corporation.”

328. Section 38 of the Act is replaced by the following section:

“38. The Organization may suspend, revoke, or impose restrictions or conditions on a licence if the licence holder or, in the case of a broker, the business corporation within which the broker carries on brokerage activities,

(1) has previously had a licence revoked, suspended or made subject to restrictions or conditions by the discipline committee, by a body in Québec responsible for overseeing and monitoring real estate brokerage, or by such a body in another province or State;

(2) has made an assignment of property or been placed under a receiving order pursuant to the Bankruptcy and Insolvency Act (Revised Statutes of Canada, 1985, chapter B-3);

(3) has previously been convicted by a court of law of an offence or act which, in the Organization's opinion, is brokerage-related, or has pleaded guilty to such an offence or act; or

(4) has been assigned a tutor, curator or adviser.”

329. Section 46 of the Act is amended by striking out “prévoir” in paragraph 10.1 in the French text.

330. Section 52 of the Act is amended

(1) by replacing “establish an insurance fund” in the first paragraph by “establish an insurance fund made up of premiums and the income they generate,”;

(2) by replacing the third paragraph by the following paragraph:

“The provisions of the Act respecting insurance (chapter A-32) that apply to professional orders and insurance funds established under the Professional Code (chapter C-26) apply, with the necessary modifications, to the Organization and to an insurance fund established by it.”

331. Section 58 of the Act is amended by striking out “and various groups in the socioeconomic sector” in the first paragraph.

332. Section 63 of the Act is amended by inserting “, a statement that the broker carries on brokerage activities within a business corporation, the name of the business corporation” after “the name of the agency the broker represents” in the second paragraph.

333. Section 74 of the Act is amended by adding “and, if applicable, those of business corporations within which brokers carry on brokerage activities” at the end.

334. Section 78 of the Act is amended by inserting “, or, if applicable, the establishment of the business corporation within which the broker carries on brokerage activities,” after “concerned” in subparagraph 1 of the first paragraph.

335. Section 88 of the Act is amended by inserting “, the business corporation within which a broker carries on brokerage activities” after “Canadian court finding a broker”.

ACT RESPECTING THE INSTITUT DE LA STATISTIQUE DU QUÉBEC

336. Section 7 of the Act respecting the Institut de la statistique du Québec (R.S.Q., chapter I-13.011) is amended by adding the following paragraph at the end:

“The Minister may give the director general of the Institut written authorization to sign, on the Minister’s behalf, an agreement entered into under this section. The director general’s signature has the same effect as the Minister’s. The authorization may be for a specific agreement or for a class of agreements.”

ACT RESPECTING THE SOCIÉTÉ DES ALCOOLS DU QUÉBEC

337. Section 16 of the Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13) is amended

(1) by inserting “provide services related to its expertise and its experience in buying and selling alcoholic beverages and,” after “it may also”;

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

“The Société may exercise its functions and powers outside Québec, except the retail store sale of alcoholic beverages.”

338. The Act is amended by inserting the following sections after section 19.1:

“19.2. If useful in the pursuit of its mission, the Société may acquire or constitute one or more subsidiaries. The same applies to a subsidiary of the Société.

The acquisition or constitution of a subsidiary by the Société or any of its subsidiaries must be authorized by the Government.

The Government may subject its authorization to the conditions it determines.

“19.3. A legal person or a partnership that is controlled by the Société is a subsidiary of the Société.

A legal person is controlled by the Société if the latter, directly or through legal persons it controls, holds more than 50% of the voting rights attached to all issued and outstanding equity securities of the legal person, or may elect the majority of the directors of the legal person.

A partnership is controlled by the Société if the latter, directly or through legal persons it controls, holds more than 50% of the interests in the partnership, or may elect the majority of the directors of the partnership.”

339. Section 20 of the Act is amended

(1) by replacing “In no case may the Société” in the first paragraph by “Neither the Société nor a subsidiary of the Société may”;

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

“This section does not apply to transactions between the Société and its subsidiaries or between subsidiaries of the Société.

The Government may determine that a provision of the first paragraph applies to the group formed by the Société and its subsidiaries or to one or more members of the group.”

340. Section 20.1 of the Act is replaced by the following section:

“20.1. Neither the Société nor a subsidiary of the Société may acquire equity securities in a legal person or interests in a partnership without the authorization of the Government.

This section does not apply if the Société or subsidiary acquires or holds the shares or interest as a result of the acquisition or constitution of a subsidiary.

The Government may subject its authorization to the conditions it determines.”

ACT TO AMEND THE ACT RESPECTING THE AUTORITÉ DES MARCHÉS FINANCIERS AND OTHER LEGISLATIVE PROVISIONS

341. Section 76 of the Act to amend the Act respecting the Autorité des marchés financiers and other legislative provisions (2008, chapter 7) is repealed.

BUSINESS CORPORATIONS ACT

342. Section 2 of the Business Corporations Act (2009, chapter 52) is amended by replacing “any group of persons or properties, endowed with juridical personality or not” in the definition of “group” by “any legal person, any group of persons or any group of properties”.

343. Section 27 of the Act is amended by striking out the second paragraph.

344. Section 32 of the Act is amended by inserting “mentioned in section 31” after “corporation’s records” in the first paragraph.

345. Section 34 of the Act is amended by replacing “referred to in this section” in the third paragraph by “referred to in the first paragraph”.

346. Section 52 of the Act is amended by adding the following paragraph at the end:

“Par value shares may not be issued for a consideration less than their par value.”

347. Section 65 of the Act is amended

(1) by replacing “that the corporation is constituted under” in the first paragraph by “that the corporation is governed by”;

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

“Furthermore, the existence of a unanimous shareholder agreement must be clearly stated on the share certificates, or, in the case of uncertificated shares, notice of its existence must be given without delay to the shareholder.”

348. Section 66 of the Act is amended by striking out the third paragraph.

349. Section 72 of the Act is amended by replacing “at the time of issue” in paragraph 2 by “immediately before the redemption”.

350. Section 118 of the Act is amended by replacing “articles of amendment” in paragraph 14 by “an amendment to the articles”.

351. Section 120 of the Act is amended by replacing “a director” by “directors”.

352. Section 121 of the Act is amended by replacing “expert competence or” in paragraph 2 by “expert competence and”.

353. Section 148 of the Act is amended by replacing “all the shareholders” by “the shareholders entitled to vote”.

354. Section 160 of the Act is amended by adding the following paragraph at the end:

“Furthermore, the corporation may not indemnify a person referred to in section 159 if the court determines that the person has committed an intentional or gross fault. In such a case, the person must repay to the corporation any moneys advanced.”

355. Section 178 of the Act is amended by replacing “meeting” in the second paragraph by “meetings”.

356. Section 184 of the Act is amended by striking out “secret”.

357. Section 185 of the Act is amended by replacing “that an entry to that effect has been made” by “an entry to that effect” and by replacing “is” by “constitute”.

358. Section 215 of the Act is amended by adding “that restricts, in whole or in part, the powers of the directors” at the end.

359. Section 218 of the Act is amended

(1) by striking out “by its existence being stated or a reference to the agreement being noted on the share certificate or otherwise,” in the second paragraph;

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

“The person is presumed not to have been aware of the unanimous shareholder agreement if its existence is not stated on the share certificate or, in the case of uncertificated shares, if the person was not given notice of its existence.”

360. Section 223 of the Act is amended by striking out “Even” in the first paragraph.

361. Section 281 of the Act is amended by inserting “all” before “cancelled” in subparagraph 3 of the second paragraph.

362. Section 287 of the Act is amended by replacing “that amalgamated” by “who voted for or consented to an amalgamation” and by replacing “des dettes de la société issue de la fusion subsistant” in the French text by “des dettes de cette société subsistant”.

363. Section 289 of the Act is amended by replacing “constituting instrument” in the second paragraph by “incorporation document”.

364. Section 373 of the Act is amended by replacing “there is only one class of shares” in the second paragraph by “all the shares held by the shareholders are of the same class”.

365. The Act is amended by inserting the following section after section 373:

“**373.1.** Despite section 93, non fully paid shares also confer the right to demand a repurchase.”

366. Section 379 of the Act is amended by adding the following paragraphs at the end:

“However, in the case of a shareholder holding non fully paid shares, the corporation must subtract the unpaid portion of the shares from the repurchase

price offered or, if it cannot pay the full repurchase price offered, the maximum amount that it can legally pay for those shares.

The repurchase notice must mention the subtraction and show the amount that can be paid to the shareholder.”

367. Section 445 of the Act is amended

(1) by replacing both occurrences of “affiliate” by “subsidiary”;

(2) by replacing “a corporation or any of its subsidiaries” by “a corporation or a corporation that is one of its subsidiaries”.

368. Section 451 of the Act is amended by replacing “or setting aside” in subparagraph 8 of the first paragraph by “, setting aside or annulling”.

369. Section 513 of the Act is amended by striking out paragraph 3.

370. Section 556 of the Act, and the heading before it, are repealed.

371. The Act is amended by inserting the following section after section 715:

“**715.1.** A company constituted under the Mining Companies Act (R.S.Q., chapter C-47) must, before (*insert the date that is five years after the date of coming into force of section 728*), send articles of continuance to the enterprise registrar in accordance with this Act. Otherwise, it is dissolved as of that date.”

ACT RESPECTING THE LEGAL PUBLICITY OF ENTERPRISES

372. Section 3 of the Act respecting the legal publicity of enterprises (2010, chapter 7) is amended by replacing “who operates a sole proprietorship” in paragraph 2 by “and trusts who operate an enterprise”.

373. The heading of Chapter II of the Act is replaced by the following heading:

“ENTERPRISE REGISTER”.

374. Section 12 of the Act is replaced by the following section:

“**12.** The registrar keeps the enterprise register.”

375. Section 13 of the Act is amended by inserting “fiducie,” after “personne,” in the French text.

376. Section 17 of the Act is amended

(1) by striking out “particularly” in subparagraph 4 of the first paragraph;

(2) by replacing “partnership or group of persons, particularly” in subparagraph 7 of the first paragraph by “trust, partnership or group of persons,”;

(3) by inserting “trust,” after “person,” in subparagraph 8 of the first paragraph and by striking out “particularly” in that subparagraph;

(4) by inserting “or to a trust registered under the name of the settlor, trustee or beneficiary” after “given name” in the third paragraph.

377. Section 18 of the Act is amended by inserting “, trust” after “or any person”.

378. Section 21 of the Act is amended, in the first paragraph,

(1) by inserting “de personnes” after “société” in subparagraph 3 in the French text;

(2) by adding the following subparagraph:

“(8) trusts operating a commercial enterprise in Québec, other than a trust administered by a registered registrant.”

379. Section 25 of the Act is amended by inserting “, trust” after “person”.

380. Section 33 of the Act is amended

(1) by inserting “and by which the registrant is identified, either” after “Québec” in subparagraph 2 of the first paragraph;

(2) by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) the registrant’s juridical form; and”;

(3) by inserting the following subparagraphs after subparagraph 1 of the second paragraph:

“(1.1) the title of and reference to the statute under which the registrant was constituted;

“(1.2) the name of the State, province or territory in which the registrant was constituted;

“(1.3) the registrant’s date of constitution;”;

(4) by replacing subparagraph 3 of the second paragraph by the following subparagraph:

“(3) the date of entry into office and the date of cessation of office of the persons referred to in subparagraphs 2 and 6;”;

(5) by adding the following paragraphs:

“For the purposes of subparagraph 4 of the first paragraph, if not expressly designated in the statute or act by which it was constituted, the domicile of the trust is the location of its principal establishment in Québec.

For the purposes of subparagraph 1.3 of the second paragraph, the date of constitution of a trust is the date on which the trustee, or the first trustee in the case of two or more trustees, accepts the office of trustee.”

381. Section 35 of the Act is amended by striking out paragraph 1.

382. The Act is amended by inserting the following section after section 35:

“**35.1.** The registration declaration of a trust must also contain, if applicable,

(1) the statute, designated in the constituting act, under which it is governed; and

(2) the object pursued by the trust.”

383. Section 36 of the Act is amended by replacing “, in the case of a partnership or legal person constituted in Québec, whose registration has been cancelled ex officio by the registrar” in the second paragraph by “whose registration is cancelled if the cancellation may be revoked under subdivision 3 of Division III”.

384. Sections 41 and 45 of the Act are amended by replacing “35” in the first paragraph by “35.1”.

385. Section 46 of the Act is amended by inserting “or a trust” after “sole proprietorship” in the first paragraph, and by replacing “35” in that paragraph by “35.1”.

386. Sections 47 and 48 of the Act are amended by inserting “or trust” after “legal person” wherever it appears in the first paragraph.

387. Section 49 of the Act is amended by replacing “35” by “35.1”.

388. Section 61 of the Act is amended by inserting “trust,” after “registration of a”.

389. Section 84 of the Act is amended by replacing “who is a legal person” by “who is a legal person or trust”.

390. Section 97 of the Act is amended by replacing “informs the registrant of the cancellation” in the second paragraph by “records the cancellation in the register and informs the registrant”.

391. Section 98 of the Act is amended, in the first paragraph,

(1) by inserting “for identification” after “by the registrant” in subparagraph 2;

(2) by striking out “the registrant’s status as a natural person operating an enterprise or” in subparagraph 3;

(3) by replacing “in subparagraph 2 of the second paragraph of section 33” in subparagraph 7 by “in subparagraphs 6 and 10”;

(4) by inserting “trust or” after “pursued by the” in subparagraph 13;

(5) by striking out “as a legal person” in subparagraph 14;

(6) by adding the following subparagraph after subparagraph 16:

“(17) the statute, designated in the trust deed, under which the trust is governed.”

392. Section 101 of the Act is amended by replacing “by a government department or body for the purposes” in the second paragraph by “in the cases and subject to the conditions”.

393. Section 107 of the Act is amended by replacing “charges prescribed by regulation of the Government” by “fee set out in this Act”.

394. Section 108 of the Act is amended

(1) by inserting “trust,” after “person,” in the first paragraph;

(2) by replacing “a legal person” and “the legal person” in the third paragraph by “a legal person or trust” and “the legal person or trust”, respectively.

395. Section 117 of the Act is amended

(1) by inserting “trust,” after “person,” in the first paragraph;

(2) by inserting “trust,” after “person,” in the fourth paragraph.

396. Section 119 of the Act is amended by inserting “trust,” after “natural person,” in the first paragraph.

397. Section 121 of the Act is amended by replacing “for the purposes” in subparagraph 2 of the third paragraph by “in the cases and subject to the conditions”.

398. Section 149 of the Act is amended by replacing “35” in paragraph 2 by “35.1”.

399. Section 150 of the Act is amended by inserting “trust,” after “person,” in paragraph 3.

400. Section 151 of the Act is amended by striking out “and certifying” in paragraph 4.

401. Section 159 of the Act is amended by replacing “A person guilty of an offence” in the first paragraph by “An offender” and by replacing “in the case of a legal person” in that paragraph by “in other cases”.

402. Section 161 of the Act is amended by inserting “, administrator of the property of others,” after “director,” in the first paragraph.

403. Section 287 of the Act is amended

(1) by striking out paragraph 2;

(2) by inserting the following paragraph after paragraph 4:

“(4.1) the information required under paragraph 6 of section 35;”;

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

“Despite any other provision of this Act, a registrant is required to declare the information required under subparagraph 3 of the second paragraph of section 33 only if the date of entry into office or the date of cessation of office occurs after *(insert the date preceding the date of coming into force of section 33 of chapter 7 of the statutes of 2010).*”

404. Section 299 of the Act is amended by replacing “18” in the second paragraph by “8”.

405. Schedule I to the Act is amended

(1) by inserting “, trust” after “operating for profit” under the heading “Registration declaration”;

(2) by inserting “, trust” after “operating for profit” under the heading “Annual registration fee”.

CHAPTER V

TRANSITIONAL AND FINAL PROVISIONS

406. The special funds established by the Government before 1 April 2011 under section 46 of the Financial Administration Act (R.S.Q., chapter A-6.001) are deemed to have been established by an Act.

The provisions of the Financial Administration Act prevail over those of an order in council establishing such a fund.

407. Any director general who is a member of the board of directors of a credit union may remain in office until his or her term expires.

408. The directors of the *Chambre de l'assurance de dommages* in office on (*insert the date of coming into force of section 273*) remain in office until new directors are elected at the following general meeting of the Chamber. Any vacancy in the board of directors, including in the directorship appointed by the Minister of Finance, occurring between that date and the date of the annual meeting, is filled by the board of directors.

409. Any person exempted from obtaining qualification under section 82 of the Derivatives Act (R.S.Q., chapter I-14.01) must file an application for qualification with the Authority within 30 days after the date of coming into force of section 287 of this Act.

Despite any stipulation to the contrary, the exemption referred to in the first paragraph terminates on the date on which the Authority makes a decision on the application for qualification.

410. In any other Act, including any Act amended by this Act, and in any regulation, by-law or other document, unless the context indicates otherwise and with the necessary modifications, “register of sole proprietorships, partnerships and legal persons” is replaced by “enterprise register”.

411. The provisions of this Act come into force on the date or dates to be set by the Government, except sections 1, 245 to 269, 270 except insofar as it enacts the second paragraph of section 115.2 of the Act respecting the distribution of financial products and services (R.S.Q., chapter D-9.2), 271 to 286, 292 to 300, 304 to 325, 329 to 331 and 336 to 341, which come into force on (*insert the date of assent to this Act*), sections 2 to 243, which come into force on 1 April 2011 and section 244, which comes into force on 31 March 2011.

However, paragraph 1.1 of section 12.39.1 of the Act respecting the Ministère des Transports (R.S.Q., chapter M-28), enacted by paragraph 2 of section 173, is to read as follows until the coming into force of the second paragraph of section 597.1 of the Highway Safety Code (R.S.Q., chapter C-24.2), as enacted by section 73 of chapter 40 of the statutes of 2007:

“(1.1) fines collected under sections 509, 516 and 516.1 of the Code in the case of an offence evidenced by a photograph taken by a photo radar device or a red light camera system;”.

SCHEDULE I
(Section 1)

MONEY-SERVICES BUSINESSES ACT

CHAPTER I
SCOPE AND INTERPRETATION

1. This Act applies to any person or entity who operates a money-services business for remuneration.

The following services are considered to be money services:

- (1) currency exchange;
- (2) funds transfer;
- (3) the issue or redemption of traveller's cheques, money orders or bank drafts;
- (4) cheque cashing; and
- (5) the operation of automated teller machines, including the leasing of a commercial space intended as a location for an automated teller machine if the lessor is responsible for keeping the machine supplied with cash.

2. This Act does not apply to the Gouvernement du Québec or any other government in Canada, to a department or agency of such a government or to a municipality or a metropolitan community or an agency of a municipality or metropolitan community.

Nor does it apply to persons or entities who offer money services as part of their activities if those activities are governed by the Act respecting insurance (R.S.Q., chapter A-32), the Act respecting financial services cooperatives (R.S.Q., chapter C-67.3), the Derivatives Act (R.S.Q., chapter I-14.01), the Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01), the Securities Act (R.S.Q., chapter V-1.1), except persons or entities who are subject to that Act only as reporting issuers, the Bank Act (Statutes of Canada, 1991, chapter 46), the Cooperative Credit Associations Act (Statutes of Canada, 1991, chapter 48), the Canadian Payments Act (Revised Statutes of Canada, 1985, chapter C-21) or the Payment Clearing and Settlement Act (Statutes of Canada, 1996, chapter 6, s. 162, Sch.).

CHAPTER II

LICENCES

DIVISION I

ISSUE

3. A person or entity operating a money-services business for remuneration must hold a licence of the appropriate class.

4. Licences of one or more of the following classes are issued by the Autorité des marchés financiers (the Authority):

- (1) currency exchange;
- (2) funds transfer;
- (3) the issue or redemption of traveller's cheques, money orders or bank drafts;
- (4) cheque cashing; and
- (5) the operation of automated teller machines.

The lessor of a commercial space intended as a location for an automated teller machine must be licensed to operate automated teller machines if the lessor is responsible for keeping the machine supplied with cash.

5. A licence application must be filed together with the fee determined by regulation and filed by the director, officer or partner of the money-services business who is acting as the business's respondent for the purposes of this Act.

The respondent must

- (1) be 18 years of age or over;
- (2) not be under tutorship, curatorship or advisership;
- (3) be domiciled in Québec or have a place of business or a place of work in Québec; and
- (4) meet any other condition set by regulation.

6. When filing a licence application, a money-services business must provide

- (1) a document describing its legal structure together with a list containing the name, date of birth, if applicable, address and telephone number of each

of its officers, directors or partners and branch managers, of any person or entity who directly or indirectly owns or controls the money-services business, of each of its employees working in Québec, stating the employee's functions, and of any other person specified by regulation;

(2) a list containing the name, date of birth, if applicable, address and telephone number of each of its mandataries and of each of their employees whose functions are related to the money services offered on behalf of the money-services business;

(3) a list of the financial institutions with which it deals;

(4) a list containing the name, date of birth, if applicable, address and telephone number of each of its lenders other than the financial institutions referred to in subparagraph 3 and, if a lender is not a natural person, of each of its officers, directors or partners, along with the documents evidencing the loans;

(5) its business plan, its financial statements for the last fiscal year, a list of its establishments and, if applicable, the name of its subsidiaries and the names of its parent company and all subsidiaries of its parent company; and

(6) any other document with respect to any person specified by regulation.

The money-services business must also, for every natural person mentioned in the first paragraph, provide a copy of photo identification issued by a government or a government department or agency and showing the person's name and date of birth.

7. When a money-services business files a licence application, the Authority sends a notice to the Sûreté du Québec and the police force in the local municipal territory where the money-services business plans to offer money services and encloses the information the Sûreté du Québec needs in order to issue a security clearance report.

8. Within 30 days after receiving the notice from the Authority, the Sûreté du Québec sends the Authority a security clearance report for the money-services business and for each of the persons referred to in subparagraphs 1 and 2 of the first paragraph of section 6 who exercise their functions in Québec, except employees of the money-services business whose functions are not related to the money services offered. A security clearance report must also be issued for each of the lenders of the money-services business other than the financial institutions referred to in subparagraph 3 of the first paragraph of section 6, for the parent company of the money-services business, if applicable, and for any other person specified by the Authority.

The security clearance report must state whether or not the person concerned has previous convictions and is of good moral character. For that purpose, it must specify whether there are grounds for the Authority to refuse to issue a licence under paragraph 1 of section 11 that relate to the applicant's moral character, or under paragraph 4 or 5 of that section or under section 13, the first paragraph of section 15 or section 16, to the extent that those provisions do not refer to paragraph 6 of section 11 or to paragraph 1 of section 12.

9. The Sûreté du Québec or a police force may object to the issue of a licence within 30 days after receiving notice of it under section 7. The objection must be filed in writing and include reasons.

Likewise, the Sûreté du Québec or the police force may at any time request that a licence be suspended or revoked.

10. When an objection is filed with the Authority under section 9, the Authority asks the Bureau de décision et de révision established under section 92 of the Act respecting the Autorité des marchés financiers (R.S.Q., chapter A-33.2) to call the interested persons and entities to a hearing.

Not less than 10 days before the hearing is to be held, the Bureau sends the persons and entities a notice, by registered or certified mail or by personal service, of the hearing date, place and time.

Once the hearing has been held, the Bureau addresses its recommendations to the Authority.

DIVISION II

DECISIONS REGARDING LICENCES

11. The Authority refuses to issue a licence to a money-services business if it

(1) does not meet the requirements of this Act and, in particular, is not of good moral character as determined under section 23;

(2) has made an assignment of property or is insolvent or bankrupt;

(3) has had its right to operate revoked by a Canadian or foreign money-services regulator in the last 10 years;

(4) has, in the last 10 years, been convicted of or pleaded guilty to a penal or indictable offence under Part II.1, IV, IX, X, XII, XII.2 or XIII of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) or an offence under the Controlled Drugs and Substances Act (Statutes of Canada, 1996, chapter 19), other than an offence under subsection 1 of section 4 of that Act, unless a pardon has been obtained;

(5) has entered into a contract for the loan of money with a lender, other than a financial institution referred to in subparagraph 3 of the first paragraph of section 6, who or one of whose officers, directors or partners has, in the last 10 years, been convicted of or pleaded guilty to an indictable offence in connection with the activities carried on by the lender, or an indictable offence under sections 467.11 to 467.13 of the Criminal Code, unless a pardon has been obtained; or

(6) has, in the last 10 years, been convicted by a foreign court of or pleaded guilty before a foreign court to an offence which, if committed in Canada, could have resulted in criminal or penal proceedings under any Part of the Criminal Code or of the Act referred to in paragraph 4, unless a pardon has been obtained.

12. The Authority may refuse to issue a licence to a money-services business, if the money-services business

(1) has been convicted of or pleaded guilty to an offence under this Act or an offence under any of the Acts listed in Schedule 1 to the Act respecting the Autorité des marchés financiers or any similar legislation of a Canadian province or territory or of another jurisdiction, a fiscal law, the Corruption of Foreign Public Officials Act (Statutes of Canada, 1998, chapter 34), the Excise Act, 2001 (Statutes of Canada, 2002, chapter 22), subsection 1 of section 4 of the Controlled Drugs and Substances Act (Statutes of Canada, 1996, chapter 19) or the Export and Import Permits Act (Revised Statutes of Canada, 1985, chapter E-19), unless a pardon has been obtained;

(2) has had its right to operate suspended or conditions or restrictions imposed on it by a Canadian or foreign money-services regulator; or

(3) has entered into a contract for the loan of money with a lender, other than a financial institution referred to in subparagraph 3 of the first paragraph of section 6, who or one of whose officers, directors or partners has, in the last 10 years, been convicted of or pleaded guilty to an indictable offence under a fiscal law.

13. The Authority refuses to issue a licence to a money-services business if one of its officers, directors, partners or branch managers, a person or entity who directly or indirectly owns or controls the money-services business or any other person specified by regulation, is in any of the situations described in paragraphs 1 to 4 and 6 of section 11.

14. The Authority may refuse to issue a licence to a money-services business if one of its officers, directors, partners, branch managers or any other person specified by regulation

(1) has made an assignment of property or is an undischarged bankrupt;

(2) is under tutorship, curatorship or advisership;

(3) is not 18 years of age or over;

(4) has been convicted of or pleaded guilty to an offence under any of the Acts referred to in paragraph 1 of section 12, unless a pardon has been obtained;

(5) served in any of those capacities with a money-services business in the 12 months preceding its bankruptcy and the bankruptcy occurred less than three years before the person's appointment;

(6) served in any of those capacities with a money-services business whose right to operate has, in the last three years, been revoked, suspended or made subject to conditions or restrictions by a Canadian or foreign money-services regulator; or

(7) has served in any of those capacities with a money-services business in the 12 months preceding the cessation of its activities if, in the Authority's opinion, the cessation is attributable to unlawful acts or practices.

15. The Authority may refuse to issue a licence to a money-services business if a person or an entity who directly or indirectly owns or controls the money-services business has been convicted of or pleaded guilty to an offence under any of the Acts referred to in paragraph 1 of section 12, unless a pardon has been obtained.

The same applies if that person or entity has directly or indirectly owned or controlled another money-services business in any situation described in paragraphs 5 to 7 of section 14.

16. The Authority may refuse to issue a licence to a money-services business if one of its employees whose functions are related to the money services offered by the money-services business is in a situation described in paragraph 1, 4 or 6 of section 11 or paragraph 1 of section 12.

17. The Authority suspends or revokes the licence of a money-services business on a ground specified in section 11 or 13.

Based on any other grounds specified in this Act, the Authority requests the Bureau de décision et de révision to suspend or revoke the licence of a money-services business. The Authority may also request the Bureau to impose an administrative penalty on the money-services business, which may not exceed \$200,000 for each offence.

18. Before suspending or revoking a licence, the Authority may order the money-services business concerned to take the necessary corrective measures within the time the Authority specifies.

19. Before refusing to issue a licence or suspending or cancelling a licence, the Authority must notify the money-services business concerned in writing

as prescribed by section 5 of the Act respecting administrative justice (R.S.Q., chapter J-3) and allow the business at least 10 days to submit observations and provide additional documents to complete the file.

The Authority may make a decision without complying with that prior obligation if urgent action is required or to prevent irreparable harm. In such a case, the money-services business concerned may, within the time specified in the decision, submit written observations and provide additional documents to the Authority for the purposes of a review of the decision.

20. Notice of a decision to issue or refuse to issue a licence or to suspend, cancel or withdraw a licence must be given to the Ministère du Revenu, the Sûreté du Québec and the police force in the local municipal territory where the money-services business concerned operates.

21. A money-services business whose licence has been suspended by the Authority may have the suspension lifted if it takes the necessary corrective measures within the time specified by the Authority.

If the money-services business fails to take the necessary corrective measures within the time specified, the Authority must revoke the licence.

CHAPTER III

OBLIGATIONS OF MONEY-SERVICES BUSINESSES

DIVISION I

GENERAL OBLIGATIONS

22. A money-services business must pay the fees determined by regulation.

23. A money-services business, and the persons or entities referred to in subparagraph 1, 2 or 4 of the first paragraph of section 6, must be of good moral character and show the integrity needed to carry on their activities and perform their functions.

A lack of good moral character is determined in light of such factors as the connections the persons or entities referred to in the first paragraph maintain with a criminal organization within the meaning of subsection 1 of section 467.1 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) or with any other person or entity who engages in money laundering for criminal activities or in trafficking in a substance included in any of Schedules I to IV to the Controlled Drugs and Substances Act (Statutes of Canada, 1996, chapter 19). It is also determined in light of any other event of such a nature as to affect the validity of the licence or give the Authority cause to act under any of sections 11 to 17.

24. A money-services business must ensure that its officers, directors, partners and employees comply with this Act.

25. A money-services business must notify the Authority without delay of any change likely to affect the validity of its licence or give the Authority cause to act under any of sections 11 to 17.

26. A money-services business must inform the Authority in writing, within the time prescribed by regulation, of any change in the information that it has filed with the Authority, including any change in the lists required under section 6.

27. If a change to be reported under section 25 or under section 26 affects the security clearance report issued for a money-services business or any other person or entity referred to in section 8, a new background check must be conducted so that a new report can be issued. The same applies if the Authority otherwise becomes aware of such a change.

28. A money-services business must verify the identity of its customers, unless it operates automated teller machines.

It must also, as part of its business dealings, verify the identity of its other co-contracting parties, in the cases and in the manner prescribed by regulation.

29. A money-services business must maintain and update the following records and registers:

- (1) a register of the transactions it has conducted containing, among other things, customer identification information;
- (2) the records needed to identify its sources of liquidity;
- (3) an accounting register containing a balance sheet and an income statement;
- (4) a register of accounts and bank reconciliation reports;
- (5) a record containing the name, address and function of each of its officers, directors, partners and employees; and
- (6) any other record or register prescribed by regulation.

The records and registers must be kept in Québec and be readily available to the Authority. If they are held by another person, such as a mandatary or a goods or services provider, who provides a service to the money-services business, they must be available to the Authority as if they were kept at the head office or a place of business of the money-services business.

The records and registers must be maintained in such a manner so as to allow auditing.

30. A money-services business must keep the client information it has on file for six years after the information is gathered.

31. A money-services business must, in the manner prescribed by regulation, notify the Authority of a financial transaction if there is reasonable cause to believe that the transaction or its purpose constitutes an offence under this Act or may give the Authority cause to act under any of sections 11 to 16.

A money-services business who notifies the Authority under the first paragraph does not incur any civil liability as a result.

32. A money-services business or any person or entity who provides a money-services business with goods or services related to the design or operation of systems providing access to funds through automated teller machines or point-of-sale terminals for the purposes of the money-services business's activities must, on the Authority's request and within the time the Authority specifies, provide any information or document the Authority considers relevant for the purposes of this Act.

33. A money-services business must file with the Authority the reports, documents and statements prescribed by this Act, in the form and within the time specified by regulation.

DIVISION II

CESSATION OF ACTIVITIES

34. A money-services business wishing to cease its activities must, at least 15 days before the date of cessation of its activities, apply to the Authority for the withdrawal of its licence.

The Authority may impose such conditions as it may determine on the withdrawal of the licence.

35. A money-services business that ceases its activities or whose licence is revoked must hand its records, books and registers over to the Authority, which determines how it will dispose of them.

However, the records, books and registers may be disposed of otherwise with the authorization of the Authority.

The Authority notifies the Ministère du Revenu, the Sûreté du Québec and the police force in the local municipal territory concerned that the money-services business has ceased its activities. It must also notify them before the money-services business's records, books and registers are disposed of.

CHAPTER IV

FUNCTIONS AND POWERS OF AUTORITÉ DES MARCHÉS FINANCIERS

DIVISION I

GENERAL PROVISIONS

36. The Authority established under section 1 of the Act respecting the Autorité des marchés financiers exercises the functions and powers assigned to it by this Act.

37. The Authority may order a money-services business to direct an auditor designated by the Authority to conduct any audit or review at the money-services business's expense and deliver the audit or review to the Authority as soon as practicable.

38. The Authority may, by an agreement entered into under section 33 of the Act respecting the Autorité des marchés financiers, allow the communication of any personal information to facilitate the administration or enforcement of this Act, of fiscal, criminal or penal legislation or of any similar legislation outside Québec.

39. The Authority may, without the consent of the money-services business or the person or entity concerned, communicate any information, including personal information, to a police force if there is reasonable cause to believe that the money-services business, person or entity has committed or is about to commit a criminal or penal offence under an Act enforceable in or outside Québec in relation to this Act or against the Authority or one of its employees, and that the information is required for the purposes of the investigation.

The Authority may also, without the consent of the money-services business or the person or entity concerned, communicate any information, including personal information, to the Minister of Revenue if there is reasonable cause to believe that the money-services business, person or entity has committed or is about to commit an offence that may have an impact on the administration or enforcement of a fiscal law.

40. In a case not provided for in section 39, the Authority may, with the authorization of a judge of the Court of Québec, communicate any information, including personal information, to a police force without the consent of the person concerned.

The application for authorization must be made in writing and contain a sworn statement that there is reasonable cause to believe that the information may serve to prevent, detect or repress the commission of an indictable offence that has been or is about to be committed against an Act applicable in or outside Québec.

The application and the record pertaining to the hearing are confidential. The clerk of the Court of Québec must take the necessary measures to preserve their confidentiality.

The judge to whom the application for authorization is made shall hear the application outside the presence of the person concerned and in camera. The judge may make any order to preserve the confidentiality of the application, the record and personal information. The record must be sealed and kept in a place not open to the public.

41. In addition to the situations described in section 41.2 or 59 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), a police force may communicate any information to the Authority for the purposes of this Act without the consent of the money-services business, person or entity concerned if the money-services business, person or entity is a member of a criminal organization within the meaning of subsection 1 of section 467.1 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) or participates or has participated in the activities of such a criminal organization, whether or not the money-services business, person or entity has been convicted in relation to such participation.

42. The Authority may, by a motion, apply to a judge of the Superior Court for an injunction in respect of any matter relating to this Act.

The motion for an injunction is a proceeding in itself.

The procedure prescribed in the Code of Civil Procedure (R.S.Q., chapter C-25) applies, except that the Authority cannot be required to give security.

43. The Authority may, on its own initiative and without notice, intervene in any proceeding relating to a provision of this Act.

A motion by the Authority under this section is filed in the district in which the residence or principal establishment of the person or entity concerned is situated or, if the person or entity has no residence or establishment in Québec, in the district of Montréal.

44. The Authority may, on its own initiative or on the request of an interested person, take any steps to ensure compliance with this Act.

It may, in particular, require that the respondent of a money-services business be replaced by a respondent it designates or require changes to any document prepared under this Act.

45. The Authority may make policy statements relating to the administration of this Act.

The policy statements set out how the Authority intends to exercise its discretionary powers for the purposes of this Act.

DIVISION II

INSPECTIONS AND INVESTIGATIONS

46. The Authority may, in accordance with Chapter III of Title I of the Act respecting the Autorité des marchés financiers, inspect the affairs of a money-services business in order to verify compliance with this Act, or conduct an investigation into any matter relating to this Act.

In addition, the Authority may, on its own initiative or on request, conduct an investigation

(1) to repress any contravention of the legislation adopted by another legislative authority to regulate money services; and

(2) within the scope of an agreement entered into under the second paragraph of section 33 of the Act respecting the Autorité des marchés financiers.

47. The Authority or its appointed agent may require any person or entity or the officers, directors, partners or employees of a person or entity to submit to examination under oath.

48. No person called on to testify in the course of an investigation or being examined under oath may refuse to answer or refuse to produce a document on the grounds that the person might, by doing so, be incriminated or exposed to a penalty or to civil proceedings, subject to the Canada Evidence Act (Revised Statutes of Canada, 1985, chapter C-5).

49. The Authority may require the communication or delivery of any document that is relevant to an investigation. It may return documents to those who provided them or otherwise decide how documents are to be disposed of.

A person who has provided documents to the Authority may inspect them or copy them at the person's own expense, by arrangement with the Authority.

50. The Sûreté du Québec or any police force may at any reasonable hour enter an establishment governed by this Act to verify whether the money-services business holds a licence or to verify any other thing that may affect the validity of the licence or give the Authority cause to act under any of sections 11 to 17.

DIVISION III

CONSERVATORY MEASURES

51. The Authority may, for the purposes or in the course of an investigation, request the Bureau de décision et de révision

(1) to order a person or entity not to dispose of funds, securities or other property in their possession; and

(2) to order the person or entity to refrain from withdrawing funds, securities or other property on deposit with or under the control or in the safekeeping of any other person.

Such an order is effective for a renewable period of 120 days from the time the person or entity concerned is notified.

52. The person or entity concerned must be notified at least 15 days before any hearing during which the Bureau de décision et de révision is to consider an application for the renewal of an order under this division. The Bureau may grant the application if the person or entity concerned has not requested to be heard or has failed to establish that the reasons for the initial order have ceased to exist.

53. A person or entity named in an order made under this division who has put a safety deposit box at the disposal of a third person or has allowed a third person to use a safety deposit box must immediately notify the Authority.

On the Authority's request, the person or entity must open the safety deposit box in the presence of an agent of the Authority, draw up an inventory of the contents in triplicate, and give one copy to the Authority and another to the person or entity actually or potentially under investigation.

54. An order made under this division that names a Canadian financial institution applies only to the agencies or branches specified.

55. A person or entity directly affected by an order made under this division, if in doubt as to the application of the order to particular funds, securities or other property, may apply to the Bureau de décision et de révision for clarification.

56. The Authority may publish an order made under this division in the register of personal and movable real rights.

57. In addition to any measure imposed in an order made under this division, the Bureau de décision et de révision may require the person or entity named in the order to repay to the Authority the costs incurred in connection with the inspection or investigation that established non-compliance with a provision of this Act, according to the tariff set by regulation.

58. The Bureau de décision et de révision may prohibit a person from acting as a director or officer of a money-services business on the grounds set out in article 329 of the Civil Code of Québec or if a penalty has been imposed on the person under this Act.

The prohibition imposed by the Bureau de décision et de révision may not exceed five years.

DIVISION IV

MONEY-SERVICES BUSINESS REGISTER

59. The Authority maintains a public register of licence-holding money-services businesses containing the following information concerning each money-services business:

- (1) its name and its licence number;
- (2) the class of the licence it holds; and
- (3) contact information for its head office and each of its establishments.

60. The Authority may require that a money-services business communicate any information needed to maintain the register.

CHAPTER V

REGULATORY POWERS

61. The Authority may make regulations determining

- (1) the fees and tariffs payable for any formality required by this Act and for the services provided by the Authority, and payment terms and time limits;
- (2) the form and content of licence applications;
- (3) the other documents required for the issue of a licence;
- (4) the time limit and procedure for informing the Authority of any change in the information filed with the Authority by a money-services business, including any change to the lists and other documents provided;
- (5) the nature, form and content of the books, registers and records that a money-services business must maintain and rules relating to their preservation, use and destruction;
- (6) which money-services businesses must provide security for the performance of their obligations, and the amount and form of the security;

- (7) time limits for the purposes of this Act;
- (8) the cases and manner in which the identity of a co-contracting party must be verified for the purposes of section 28;
- (9) the manner in which notification of a financial transaction is to be given for the purposes of section 31; and
- (10) the nature, form and content of the reports, documents and statements required to be filed under section 33.

62. A regulation of the Authority under this Act must be submitted for approval to the Minister, who may approve it with or without amendment.

However, a regulation of the Authority under paragraph 1 of section 61 must be submitted for approval to the Government, which may approve it with or without amendment.

A draft of a regulation referred to in the first paragraph may not be submitted for approval and the regulation may not be made before 30 days have elapsed since the publication of the draft in the Authority's bulletin. The regulation comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date specified in the regulation. Sections 4 to 8, 11 and 17 to 19 of the Regulations Act (R.S.Q., chapter R-18.1) do not apply to the regulation.

The Minister may make a regulation referred to in the first paragraph if the Authority fails to make such a regulation within the time determined by the Minister.

The Government may make a regulation referred to in the second paragraph if the Authority fails to make such a regulation within the time determined by the Government.

63. Regulatory provisions made under this chapter may vary according to the class of licence to which they apply.

CHAPTER VI

MISCELLANEOUS PROHIBITIONS

64. No person may make any representation that the Authority has passed upon the merits of a money-services business or its conduct.

65. No person may represent that the person holds a licence under this Act unless the representation is true.

66. No person may act as nominee for another person or for an entity.

CHAPTER VII

PENAL PROVISIONS

67. A person who

(1) in any manner makes a misrepresentation to the Authority or another person or entity when pursuing activities governed by this Act,

(2) hinders or attempts to hinder a person acting on behalf of the Authority,

(3) hinders or attempts to hinder an inspector or an investigator, refuses to provide an inspector or an investigator with information or a document the inspector or investigator is entitled to require or examine, or conceals or destroys a document or property relevant to an inspection or investigation,

(4) acts as nominee, uses the name of another person or an entity who holds a licence or uses that person's or entity's licence number to operate a money-services business,

(5) contravenes a decision of the Authority or the Bureau de décision et de révision,

(6) fails to provide information or documents required under this Act, or

(7) fails to appear after summons, refuses to testify or refuses to communicate or deliver a document or thing required by the Authority or an appointed agent of the Authority, in the course of an investigation or inspection,

is guilty of an offence.

A person who contravenes any subparagraph of the first paragraph is liable to a fine of not less than \$5,000 nor more than \$50,000 in the case of a natural person and not less than \$15,000 nor more than \$200,000 in the case of a legal person or an entity.

68. A person who contravenes any of sections 3, 22 to 35 and 64 to 66 is guilty of an offence and liable to a fine of not less than \$5,000 nor more than \$50,000 in the case of a natural person and not less than \$15,000 nor more than \$200,000 in the case of a legal person or other entity.

If the offender is a money-services business whose licence has been suspended or revoked under section 17, it is liable to an additional fine of not less than \$10,000 nor more than \$100,000.

69. A money-services business that has entered into a contract for the loan of money with a lender, other than a financial institution, who or one of whose officers, directors or partners, in the 10 years preceding the loan, was convicted of or pleaded guilty to an indictable offence in connection with the activities

carried on by the lender or an indictable offence under sections 467.11 to 467.13 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) is guilty of an offence and liable to a fine of not less than \$15,000 nor more than \$150,000 in the case of a natural person and not less than \$45,000 nor more than \$450,000 in the case of a legal person or other entity.

70. A person or entity who helps or, by encouragement, advice or consent or by an authorization or order, induces another person or entity to commit an offence under this Act is guilty of an offence.

A person or entity found guilty under this section is liable to the same penalty as prescribed for the offence committed by the other person or entity.

71. In the case of a second or subsequent offence, the minimum and maximum fines prescribed in this Act are doubled.

72. The contravention of a regulation made under this Act constitutes an offence that is subject to the same provisions as offences under this Act.

73. Penal proceedings for an offence under this Act may be instituted by the Authority.

74. When the Authority takes charge of the prosecution, the fine imposed by the court belongs to the Authority.

75. Penal proceedings for an offence under any of sections 3, 22 to 35 and 67 to 70 are prescribed five years from the date on which the investigation record relating to the offence was opened.

A certificate of the secretary of the Authority stating the date on which the investigation record was opened constitutes conclusive proof of that date in the absence of any evidence to the contrary.

76. The Authority may recover its investigation costs from any person found guilty of an offence under this Act, according to the tariff set by regulation.

The Authority prepares a statement of costs and presents it to a judge of the Court of Québec after giving the interested parties five days' prior notice of the date of presentation.

The judge taxes the costs. The judge's decision may be appealed with leave of a judge of the Court of Appeal.

CHAPTER VIII

ADMINISTRATION OF THE ACT

77. The costs incurred by the Government for the administration of this Act, as determined each year by the Government, are borne by the Authority.

The charges payable for the issue of a security clearance report must be determined by an agreement between the Authority and the Sûreté du Québec, as prescribed by the second paragraph of section 51 of the Police Act (R.S.Q., chapter P-13.1).

78. A document issued by the Authority to attest the issue of a licence, the filing of a document, the time when facts having given rise to proceedings came to the knowledge of the Authority and any other matter relating to the administration of this Act constitutes proof of its content in any proceeding without further proof of the signature or authority of the signatory.

79. The Authority may appoint any expert whose assistance it considers useful for the administration of this Act.

CHAPTER IX

AMENDING PROVISIONS

80. Section 93 of the Act respecting the Autorité des marchés financiers (R.S.Q., chapter A-33.2) is amended by inserting “the Money-Services Businesses Act (*insert the year and chapter number of this Act*),” after “the Act respecting the distribution of financial products and services (chapter D-9.2),” in the first paragraph.

81. Section 94 of the Act is amended by inserting “the Money-Services Businesses Act (*insert the year and chapter number of this Act*),” after “the Act respecting the distribution of financial products and services (chapter D-9.2),”.

82. Section 115.1 of the Act is amended by replacing “or the marketing” by “, regulating money-services businesses or supervising the marketing”.

CHAPTER X

TRANSITIONAL AND FINAL PROVISIONS

83. A person or entity who, on (*insert the date of coming into force of section 3*), operates a money-services business for which a licence is required under this Act must, within six months after that date, file an application for a licence of the appropriate class in accordance with this Act. The person or entity may continue operating their money-services business until the Authority renders a decision on the licence application.

The business plan referred to in subparagraph 5 of the first paragraph of section 6 need not be submitted with the application.

84. Not later than (*insert the date that occurs five years after the coming into force of section 1*) and subsequently every five years, the Minister must

report to the Government on the carrying out of this Act and on the advisability of maintaining or amending it.

The report is tabled in the National Assembly within the next 15 days or, if the Assembly is not sitting, within 15 days of resumption.

85. The Authority is responsible for the administration of this Act.

86. The Minister of Finance is responsible for the carrying out of this Act, except sections 8 and 9, section 50 and the second paragraph of section 77, the carrying out of which is under the responsibility of the Minister of Public Security.

87. The provisions of this Act come into force on the date or dates set by the Government.

