



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-FOURTH LEGISLATURE

Bill 100

**An Act to amend the Professional Code
and various Acts constituting
professional corporations with respect to
professional advertising and certain
registers**

Introduction

Introduced by
Mr Raymond Savoie
Minister responsible for the administration of
legislation respecting the professions



Québec Official Publisher
1990

EXPLANATORY NOTES

This bill introduces into the Professional Code provisions applicable to all professionals in matters of advertising, and provisions permitting that conditions, obligations or prohibitions which apply to such matters be established by way of the code of ethics.

In addition, the bill confers on the Bureau of the Chambre des notaires du Québec and on the General Council of the Barreau du Québec the power to establish a register of mandates given for the eventuality of the mandator's inability.

ACTS AMENDED BY THIS BILL:

- Act respecting the Barreau du Québec (R.S.Q., chapter B-1)
- Professional Code (R.S.Q., chapter C-26)
- Notarial Act (R.S.Q., chapter N-2)
- Pharmacy Act (R.S.Q., chapter P-10)

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 12 of the Professional Code (R.S.Q., chapter C-26) is amended by striking out subparagraphs *k* and *l* of the third paragraph.

2. The said Code is amended by inserting, after section 60, the following sections:

“60.1 A service or product provided by a professional must conform with any statement he makes, or advertisement he places, concerning that service or product; the professional is bound by such statements or advertisements.

“60.2 No professional may, by whatever means, make false, misleading or incomplete representations to a person having recourse to his services, in particular as to his level of competence or the scope or effectiveness of his services or of those generally offered by members of his profession.

“60.3 No professional may, falsely, by whatever means,

(a) ascribe particular advantages to a service or product;

(b) claim that a pecuniary benefit will result from the use or acquisition of a service or product;

(c) claim that a service or product complies with determined standards; or

(d) ascribe certain performance characteristics to a service or product.”

3. Section 87 of the said Code is amended by adding, after paragraph 4, the following paragraph:

“(5) provisions setting out conditions, obligations and, where applicable, prohibitions in respect of advertising by its members.”

4. Section 92 of the said Code is repealed.

5. Section 15 of the Act respecting the Barreau du Québec (R.S.Q., chapter B-1) is amended by adding, after paragraph *e* of subsection 3, the following paragraph:

“(g) establish a register for mandates given for the eventuality of the mandator’s inability pursuant to article 1731.1 of the Civil Code and filed with advocates, determine the formalities and conditions applicable thereto and the fees exigible for entries and searches.”

6. Section 83 of the Notarial Act (R.S.Q., chapter N-2) is amended by striking out the words “of wills” in the second line of subsection 1.

7. Section 93 of the said Act, amended by section 8 of chapter 33 of the statutes of 1989, is again amended by inserting, after subparagraph 9 of the first paragraph, the following subparagraph:

“(10) maintain, by means of a central register, an information service respecting mandates given for the eventuality of the mandator’s inability pursuant to article 1731.1 of the Civil Code or revocations thereof executed *en minute* by notaries or deposited with them by the mandator or the mandatory and determine the formalities and conditions applicable to such service.”

8. The said Act is amended by inserting, after section 135, the following division:

“DIVISION XI.1

“REGISTER OF MANDATES GIVEN FOR THE EVENTUALITY OF THE MANDATOR'S
INABILITY

“**135.1** Sections 129 to 132 of this Act apply, adapted as required, to the register established under subparagraph 10 of section 93.

“135.2 The notary, within three working days of the execution of every mandate or revocation executed *en minute* or received for deposit, must send to the registrar, in a sealed envelope, a notice of the mandate or revocation executed *en minute* or received for deposit, with the amount of cost fixed by regulation for each entry.

Such notice, prepared on a special form supplied exclusively by the Bureau, must contain the information determined by regulation and be signed by the notary, his attorney or the provisional guardian.”

9. Section 10 of the Pharmacy Act (R.S.Q., chapter P-10) is amended by striking out subparagraph *f* of the first paragraph.

10. Any regulation on advertising adopted by a professional corporation under section 92 of the Professional Code and any regulation adopted under subparagraph *f* of section 10 of the Pharmacy Act shall remain in force until the coming into force of a regulation adopted under paragraph 5 of section 87 of the said Code, enacted by section 3 of this Act.

11. This Act comes into force on (*insert here the date of assent to this Act*).