

Draft Regulations

Money-Services Businesses Act

(S.Q., 2010, c. 40, Schedule I, s. 44, s. 60 pars. (1), (2), (3), (4), (5), (6), (7), (8) and (10) and s. 62)

Regulation under the Money-Services Businesses Act Regulation respecting Fees and Tariffs

Notice is hereby given by the *Autorité des marchés financiers* (the “Authority” or the “AMF”) that, in accordance with section 61 of the *Money-Services Businesses Act* (S.Q., 2010, c. 40, Schedule I), the draft *Regulation under the Money-Services Businesses Act*, the text of which is published hereunder, may be made by the AMF and subsequently submitted to the Minister for Finance for approval, with or without amendment, after 30 days have elapsed since its publication in the Bulletin of the AMF.

Notice is also hereby given by the AMF that, in accordance with section 61 of the *Money-Services Businesses Act* (S.Q., 2010, c. 40, Schedule I), the draft *Regulation respecting Fees and Tariffs*, the text of which is published hereunder, may be made by the AMF after 30 days have elapsed since its publication and subsequently submitted to the government for approval, with or without amendment.

Also published hereunder is the draft *Policy Statement to the Money-Services Businesses Act*.

Background

The *Money-Services Businesses Act* (the “Act”) was assented to on December 10, 2010. The administration of the new Act was conferred on the AMF.

The Act requires any person or entity who operates a money-services business for remuneration to hold a licence issued by the AMF. The following services are considered to be money services:

- currency exchange;
- funds transfers;
- the issue or redemption of traveller’s cheques, money orders or bank drafts;
- cheque cashing; and
- the operation of automated teller machines.

Regulation under the Money-Services Businesses Act

The *Regulation under the Money-Services Businesses Act* stipulates some of the obligations of money-services businesses, including with respect to:

- the form and content of licence applications;
- additional documents to be filed at the time of the licence application;
- the time limit and manner in which a money-services business must inform the AMF of any change in the information filed at the time of the licence application;
- the nature, form and content of the books, registers and records that a money-services business must maintain and rules relating to their preservation;
- the cases, conditions and manner in which the identity of a customer must be verified;
- the cases, conditions and manner in which the identity of co-contracting parties must be verified.

Regulation respecting Fees and Tariffs

The *Regulation respecting Fees and Tariffs* stipulates the fees and tariffs applicable to money-services businesses. They include the fees and tariffs payable with respect to the issue of licences and security clearance reports.

The *Regulation respecting Fees and Tariffs* is based on the application of the *Policy for the Funding of Public Services*, which was unveiled when the 2009-2010 Budget of the Government of Québec was tabled and implemented further to the passage of *An Act to implement certain provisions of the Budget Speech of 30 March 2010, reduce the debt and return to a balanced budget in 2013-2014*.

Under the *Policy for the Funding of Public Services*, the AMF is required to charge a fair price for the services it delivers: the fees and tariffs collected must cover the costs incurred by the AMF for the administration of the Act.

Policy Statement to the Money-Services Businesses Act

The draft *Policy Statement to the Money-Services Businesses Act* sets out how the AMF interprets and intends to apply the requirements under the Act. In particular, it defines the various money services and certain criteria to determine whether a money-services business is required to obtain a licence.

In addition, the Policy Statement explains the requirements under the Act to money-services businesses in plain language.

Request for comment

Comments regarding the above should be made in writing before **July 11, 2011** to:

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Comments will be made public unless otherwise noted.

Further information

Further information is available from:

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