

REGULATION TO AMEND THE REGULATION RESPECTING THE APPLICATION OF THE DEPOSIT INSURANCE ACT

Deposit Insurance Act
(chapter A-26, s. 43, par. (u))

1. The title of Chapter IV of the Regulation respecting the application of the Deposit Insurance Act (chapter A-26, r. 1) is replaced by the following:

“DATA AND SYSTEMS REQUIRED FOR EXECUTION OF OBLIGATION UNDER A GUARANTEE”.

2. Sections 29 to 31 of the Regulation are replaced by the following:

“29. For the purposes of this Chapter:

“cut-off date” means the first day on which any of the events listed in section 34.1 of the Deposit Insurance Act (chapter A-26) occurs;

“standardized data” means any information with respect to a deposit of money to be provided by a registered institution according to the tables established by the Authority and available on its website;

“deadline” means one of the following times:

(a) where the cut-off date is a business day, the time by which all of the transactions made on that day are recorded in the deposit registers of the registered institution;

(b) where the cut-off date is not a business day, the time by which all of the transactions made on the business day preceding the cut-off date are recorded in the deposit registers of the registered institution.

“30. Every registered institution must have computer systems enabling it to identify the deposits of money entrusted to it and the depositors thereof and to aggregate these deposits based on each depositor or each separate guarantee set out in section 9.

“31. The institution must calculate the interest related to each deposit of money as at the cut-off date.

“31.1. The institution must give the Authority access to all or part of the standardized data recorded in the institution’s registers as at the deadline, as follows:

(1) where the cut-off date is a business day, no later than by the earlier of:

(a) six hours after the deadline; and

(b) 4:00 p.m. on the second day following the cut-off date;

(2) where the cut-off date is not a business day, no later than 4:00 p.m. on the second day following the cut-off date.

After any of the times set out in the first paragraph, the institution must give the Authority access to all or part of the standardized data recorded in the institution’s registers as at the deadline.

“31.2. A registered institution must be able to restrict a deposit of money, in whole or in part, as well as any withdrawal or any margin transaction affecting such deposit.

It must be possible to apply any initial or subsequent restriction to a deposit of money independently of any other withholding applied by the registered institution as part of its operations.

Where deposits are partially restricted, the registered institution must be able to give the depositor access to the balance of his account, calculated as at the deadline, less the amount partially restricted or the amount withheld, whichever is higher.

It must be possible to apply a partial restriction to the account within six hours following the decision to restrict deposits.

“31.3. A registered institution referred to in section 40.4 of the Act is deemed to comply with the provisions of this Chapter.”.

3. This Regulation comes into force on (*insert the date of coming into force of this Regulation*).

However, a registered institution has two years following this date to comply with the requirements of the provisions under this Regulation.