

Regulation to amend the Regulation respecting family benefits*

An Act respecting family benefits
(1997, c. 57, s. 8, 1st par., subpar. 1)

1. Section 9 of the Regulation respecting family benefits is replaced with the following section:

“9. If the income referred to in section 7 is less than or equal to \$50 000, the monthly amount of the family allowance is obtained by applying the formula $1/12(A - B)$.

In the formula provided for in the first paragraph:

(1) “A” represents:

(a) in the case where the person is the sole provider for a child, the sum of the following allowance amounts: \$2 095 for the first child and \$795 for the second and subsequent children;

(b) in the case where the person has a spouse, the product of multiplying \$795 by the number of children;

(2) “B” represents:

(a) in the case of a person who is the sole provider for a child, 35 % of the income exceeding 15 332 \$, up to 20 921 \$, plus 25 % of the income exceeding 20 921 \$;

(b) in the case of a person who has a spouse, 25 % of the income exceeding 21 825 \$.

The foregoing notwithstanding, the monthly amount of the allowance may not be less than 1/12 of the sum of the following amounts: \$131 for the first child, \$174 for the second child and \$975 for the third and subsequent children.”

2. Section 10 of the Regulation is amended by replacing, in subparagraph 1 of the first paragraph, the amount “\$398” with the amount “\$975”.

3. Section 11 of the Regulation is abrogated.

4. This regulation comes into force on 1 August 1999.

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Draft Regulation

An Act respecting the distribution of financial products and services
(1998, c.-37)

Fonds d'indemnisation des services financiers — Eligibility of a claim submitted

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the eligibility of a claim submitted to the Fonds d'indemnisation des services financiers adopted by the Bureau des services financiers, the text of which appears hereunder, may be submitted to the Government for approval, with or without amendments, upon the expiry of a 45-day period from the date of this publication.

According to the Bureau des services financiers, this draft regulation prescribes the conditions with respect to the eligibility of a claim submitted to the Fonds d'indemnisation des services financiers. It also sets the maximum amount of compensation which may be paid at \$200,000.

According to the Bureau, the regulation will have a favorable impact on the public in that it provides for a simple compensation procedure for victims of fraud in respect of the distribution of financial products and services. Some leeway is also provided regarding the period in which a victim must file his claim if he is unable to act. The increase in the maximum limit to be paid out by the Fonds will have a favorable impact on the public but may also influence the fees that firms, independent representatives or independent partnerships must pay. This fee will be determined by the minister pursuant to section 571 of the Act.

Additional information may be obtained from M^e Nathalie G. Drouin, Director of Legal Affairs, Bureau des services financiers, 140, Grande Allée Est, bureau 300, Québec (Québec) G1R 5M8, telephone number: (418) 525-6273 or 1-877-525-6273, facsimile number: (418) 525-9512, E-mail: ndrouin.bsf@megaquebec.net.

* The last amendment to the Regulation respecting family benefits, approved by Order in Council 1018-97, dated 13 August 1997 (G.O. 1997, 2, 4363), was made by the regulation approved by Order in Council 364-98, dated 25 March 1998 (G.O. 1998, 2, 1475). For the preceding amendment, see *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1998, updated to 1 September 1998.

Any interested party having comments regarding this matter is asked to forward them, in two copies, prior to the expiry of the 45-day period, to the Minister of Finance, 12, rue Saint-Louis, bureau 1.10, Québec (Québec) G1R 5L3.

BERNARD LANDRY,
Minister of State for the Economy and Finance

Regulation respecting the eligibility of a claim submitted to the Fonds d'indemnisation des services financiers

An Act respecting the distribution of financial products and services
(1998, c. 37, s. 228(1) par.4)

CHAPTER I

CLAIM SUBMITTED TO THE FUND

1. A claim submitted to the fund shall:
 - (1) be in writing;
 - (2) set out the facts upon which it is based;
 - (3) identify the firm, the independent representative or the independent partnership concerned, or the representative involved, as the case may be;
 - (4) indicate the amount claimed;
 - (5) be sworn and filed with the Secretary of the Board of Directors of the fund.
2. A claim shall be filed within one year of the date on which the claimant becomes aware of the fraud, fraudulent tactics or embezzlement, as the case may be, contemplated in section 274 of the Act.
3. The Board of Directors of the fund may extend the time limit provided for in section 2 if the claimant shows that, for reasons beyond his control, he was unable to file his claim within the required time period.
4. A decision handed down by a discipline committee contemplated by section 352 of the Act or of a discipline committee established pursuant to the Act respecting the market intermediaries (R.S.Q., c. I-15.1) which contains a recommendation for compensation shall constitute a claim within the meaning of section 1, to the extent that the complaint filed pursuant to section 336 of the Act was filed within the time limit provided for in section 2.

5. The following persons may not submit a claim to the fund, unless they are claiming by reason of the fact that they are or would have been clients, had it not been for the perpetration of an act contemplated in section 274 of the Act:

- (1) an insurer;
- (2) a deposit institution;
- (3) a trust company;
- (4) any other financial institution;
- (5) a dealer or an adviser governed by the *Securities Act*;
- (6) a mutual fund
- (7) a firm, an independent representative or an independent partnership;
- (8) a representative.

6. Upon a request of the Secretary of the fund or of one of its directors, the claimant, the firm, the independent representative, or the independent partnership concerned shall:

- (1) provide all the details and the documents relating to the claim;
- (2) produce any relevant evidence.

CHAPTER II

COMPENSATION

7. The Board of Directors of the fund shall determine the eligibility of a claim and, as the case may be, shall set the amount of compensation. Its decision is final.

8. The compensation which the fund may pay is restricted to \$200,000 per claim.

CHAPTER III

FINAL PROVISION

9. This regulation comes into force on *(insert here the date of coming into force of section 582 of the Act)*.