

1990, chapter 52

AN ACT TO AMEND THE PROFESSIONAL CODE AND THE ACT RESPECTING THE BARREAU DU QUÉBEC

Bill 52

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

Introduced 3 May 1990

Passage in principle 16 October 1990

Passage 6 November 1990

Assented to 21 November 1990

Coming into force: 21 November 1990

Acts amended:

Act respecting the Barreau du Québec (R.S.Q., chapter B-1)

Professional Code (R.S.Q., chapter C-26)





CHAPTER 52

An Act to amend the Professional Code and the Act respecting the Barreau du Québec

[Assented to 21 November 1990]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. C-26,
s. 86.1, am. **1.** Section 86.1 of the Professional Code (R.S.Q., chapter C-26) is amended

(1) by inserting, after the second paragraph, the following paragraph:

Former
members

“Where so prescribed by the Bureau by resolution, claims based on the professional liability of former members of the corporation by reason of professional fault or negligence committed while they were members of the corporation must be satisfied out of the funds’ equity and according to the limits and the terms and conditions set out in the resolution.”;

(2) by replacing the word “paragraph” in the second line of the fourth paragraph by the words “and third paragraphs”.

c. C-26,
s. 89, am. **2.** Section 89 of the said Code is amended by replacing the second paragraph by the following paragraphs:

Regulation

“The regulation shall determine the terms and conditions applicable to the filing of claims addressed to the fund and to the payments made by the latter.

Regulation

The regulation may, in addition,

(1) fix the maximum amount that the fund may pay to a claimant in respect of the same professional;

(2) fix the maximum amount that the fund may pay to all the claimants in respect of the same professional.

Maximum
amount

Where a maximum amount is fixed by regulation pursuant to subparagraph 2 of the preceding paragraph and, after application of the limit prescribed pursuant to subparagraph 1 of the same paragraph, if any, the total of the claims against the same professional exceeds the maximum amount thus fixed, the indemnity shall be distributed in proportion to the amount of each claim."

c. B-1,
s. 15, am.

3. Section 15 of the Act respecting the Barreau du Québec (R.S.Q., chapter B-1) is amended by striking out paragraph c of subsection 3.

Regulation
in force

4. The Regulation respecting the indemnity fund of the Barreau du Québec (R.R.Q., 1981, c. B-1, r. 6), amended by the regulation approved by Order 2405-84 (1984, G.O. II, 3965) remains in force and is deemed to have been adopted under section 89 of the Professional Code, amended by section 2 of this Act.

Coming into
force

5. This Act comes into force on 21 November 1990.