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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-FOURTH LEGISLATURE

Bill 52

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

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### **Introduction**

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

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#### EXPLANATORY NOTE

*The object of this bill is to allow claims concerning a former member of a professional corporation to be paid out of the professional liability fund of the corporation of which he was a member. The bill includes provisions specifying the limits that may be set in respect of the amount that may be paid by the indemnity fund of a professional corporation.*

#### 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).

## Bill 52

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

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**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:

“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”.

**2.** Section 89 of the said Code is amended by replacing the second paragraph by the following paragraphs:

“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.

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.

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."

**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.

**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.

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