

**25.** At the closing of the fiscal period of a specialized portfolio, the net result of investments is established and is apportioned among the holders of units of participation in proportion to the number of units of participation held by each one.

The net result of investments of a specialized portfolio is made up of the net income or the net loss of investments, gains and losses on the sale of investments and unrealized gain or loss on investments and liabilities related to the investments, less operating costs allocated to the portfolio in accordance with section 3.

At the opening of the fiscal period that follows, the net income is paid to the funds or the net loss is recovered. The payment may be made by issuing units of participation.

#### **DIVISION VI** **MISCELLANEOUS**

**26.** This Regulation replaces the Regulation respecting the terms and conditions of deposits, funds and portfolios of the Caisse de dépôt et placement du Québec (chapter C-2, r. 0.1).

**27.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

#### **SCHEDULE A** (s. 8)

#### **PROCEDURE FOR THE TRANSFER OF THE UNITS HELD BY A DEPOSITOR FROM A SPECIALIZED FUND TO AN INDIVIDUAL FUND**

##### 1. In this Schedule,

“depositor’s net assets” means the value of the share of the depositor in the net assets of the specialized fund; (*actif net du déposant*)

“net assets” means aggregate assets at fair value less corresponding liabilities; in the case of a specialized fund, they are equal to the value of the units of participation held by all the depositors in that specialized fund; (*actif net*)

“share”: unless the context indicates otherwise, the share of a depositor is that share represented by the number of units of participation held by such depositor, in relation to the specialized fund’s total number of units. (*part*)

2. For the purpose of transferring a depositor’s net assets from a specialized fund to an individual fund, the following steps must be completed at the opening of a fiscal period:

(1) the value of the specialized fund’s net assets is computed;

(2) the depositor’s net assets are determined;

(3) all the units of participation held by the depositor in the specialized fund are cancelled;

(4) a sum corresponding to the value of the depositor’s net assets following the cancellation of the units of participation is credited to the demand deposit account of the depositor;

(5) units of participation of an individual fund are allocated for the value corresponding to the sum credited to the demand deposit account of the depositor at the closing of the preceding fiscal period.

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#### **Draft Regulation**

An Act respecting contracting by public bodies (chapter C-65.1)

#### **Fees for certain legal services rendered to bodies of the Government – advocates and notaries**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the fees for certain legal services rendered to bodies of the Government and amending the Regulation respecting certain service contracts of public bodies, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation applies to every contract related to legal services provided by an advocate or notary to a public body subject to the Act respecting contracting by public bodies (chapter C-65.1) or to a body referred to in section 7 of that Act, except the bodies listed in Schedule I, regardless of the contract’s amount. It does not apply to a contract that was the subject of a call for tenders soliciting a price.

The draft Regulation provides 3 methods to establish the fees of the advocate or notary, that is, the hourly rate method, the percentage method and the lump-sum method, and determines the rules applicable to each. It also provides the terms and conditions applicable to the reimbursement of the expenses incurred by the advocate or notary in the performance of the contract and to the payment of his or her bill of fees and expenses. It also amends the Regulation respecting certain service contracts of public bodies (chapter C-65.1, r. 4) to specify the

rule applicable to departments for entering into a legal service contract that interests them. Lastly, the draft Regulation contains a transitional measure applicable to legal service contracts that will be under way at the time of its coming into force.

The draft Regulation has no impact on the public. It should not have any negative impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Bruno Doutriaux, Director, Direction de la recherche et des accords, Secrétariat du Conseil du trésor, 875, Grande Allée Est, bureau 2.871, Québec (Québec) G1R 5R8; telephone: 418 643-0875, extension 4945; fax: 418 646-4613; email: bruno.doutriaux@sct.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments before the expiry of the 45-day period to the Minister responsible for Government Administration and Ongoing Program Review and Chair of the Conseil du trésor, 875, Grande Allée Est, Québec (Québec) G1R 5R8.

PIERRE ARCAND,  
*Minister responsible for Government Administration  
and Ongoing Program Review  
and Chair of the Conseil du trésor*

## **Regulation respecting the fees for certain legal services rendered to bodies of the Government and amending the Regulation respecting certain service contracts of public bodies**

An Act respecting contracting by public bodies (chapter C-65.1, s. 23, pars. 1 and 7, ss. 23.1 and 24)

### **CHAPTER I SCOPE AND INTERPRETATION**

**1.** Subject to the second paragraph, this Regulation applies to any contract for legal services provided by an advocate or notary to a public body subject to the Act respecting contracting by public bodies (chapter C-65.1), or to a body referred to in section 7 of the Act, except the bodies listed in Schedule I, regardless of the contract's amount.

This Regulation does not apply to a contract that was the subject of a call for tenders soliciting a price.

**2.** In this Regulation,

(1) “advocate” means a member of the Barreau du Québec;

(2) “notary” means a member of the Chambre des notaires du Québec;

(3) “body” means a public body subject to the Act respecting contracting by public bodies or a body referred to in section 7 of the Act, except the bodies listed in Schedule I.

### **CHAPTER II ESTABLISHMENT OF FEES**

#### **DIVISION I GENERAL**

**3.** The fees of the advocate or notary are established, as the body may choose, on the basis of one of the following methods or a combination thereof:

- (1) the hourly rate method;
- (2) the percentage method;
- (3) the lump-sum method.

#### **DIVISION II HOURLY RATE METHOD**

**4.** The hourly rate method consists in computing the advocate's or notary's fees in relation to the time devoted to performing the contract by the advocate or notary and, if applicable, the persons who are requested by the advocate or notary to collaborate in the contract by reason of their position.

The hourly rates applicable to determine the fees vary according to the position, class and experience of each person working to perform the contract and may not exceed those provided for in Schedule II.

#### **DIVISION III PERCENTAGE METHOD**

**5.** The percentage method consists in computing the advocate's or notary's fees according to a percentage of the amount obtained from a third person in the performance of the contract.

The percentage is agreed upon between the parties to the contract or set by the body. In the latter case, in the case of a public body, the percentage must be set before the

public body solicits the services of an advocate or notary pursuant to section 23 of the Regulation respecting certain service contracts of public bodies (chapter C-65.1, r. 4).

#### **DIVISION IV** **LUMP-SUM METHOD**

**6.** The lump-sum method consists in determining the advocate's or notary's fees according to a lump sum, which is computed from an estimate of the number of hours required to perform the contract, on the basis of the hourly rates provided for in Schedule II.

The lump sum is agreed upon between the parties to the contract or set by the body. In the latter case, in the case of a public body, the lump sum must be set before the public body solicits the services of an advocate or notary pursuant to section 23 of the Regulation respecting certain service contracts of public bodies.

The lump sum may include all or part of the expenses provided for in Chapter III which would be otherwise reimbursed in addition to the fees.

**7.** Where the lump-sum method is used, the contract must specify the services to be rendered, the expected results and the planned timetable.

#### **CHAPTER III** **REIMBURSEMENT OF EXPENSES**

**8.** Only the expenses, including travelling expenses, that are required to perform the contract and are authorized by the body may be reimbursed to the advocate or notary.

**9.** Expenses, including travelling expenses, are reimbursed on the terms and conditions stipulated in the contract, subject to the following and, where applicable, to what is provided for in section 10:

(1) the reimbursement must exclude the amount of taxes eligible for a refund or a credit to which the advocate or notary is entitled under a fiscal law;

(2) the reimbursement of expenses incurred by the advocate or notary to hire an external expert to assist in the performance of the contract is conditional on the prior written acceptance of the body;

(3) the body determines the supporting documents to be provided by the advocate or notary.

**10.** In the case of a contract of a public body referred to in subparagraph 1 or 2 of the first paragraph of section 4 of the Act respecting contracting by public bodies, travelling expenses incurred for the performance of the contract by

the advocate or notary and, if applicable, the persons who are requested by the advocate or notary to collaborate in the contract by reason of their position are reimbursed in accordance with the *Directive concernant les frais de déplacement des personnes engagées à honoraires par des organismes publics* made by the Conseil du trésor (C.T. 212379 dated 26 March 2013 and its amendments).

**11.** The body may elect to reimburse all or part of the expenses, including travelling expenses, according to a lump sum determined from an estimate of the expenses that would be reimbursed pursuant to the rules of this Chapter. If applicable, sections 8 to 10 apply to any expense that is not included in the lump sum.

#### **CHAPTER IV** **PAYMENT**

**12.** An advocate or notary is paid according to the progress of the work covered by the contract following the presentation of his or her bill of fees and expenses on a monthly basis or at another frequency stipulated in the contract.

A public body referred to in subparagraph 1 of the first paragraph of section 4 of the Act respecting contracting by public bodies may not pay the fees indicated in the bill before they are approved by the Minister of Justice.

#### **CHAPTER V** **MISCELLANEOUS, TRANSITIONAL AND FINAL**

**13.** Section 36 of the Regulation respecting certain service contracts of public bodies is amended

(1) by striking out “or 2”;

(2) by adding the following paragraph at the end:

“The consent mentioned in the first paragraph, given prior to entering into the legal service contract pertains to the choice of advocate or notary and to the fees that will be granted to him or her pursuant to the Regulation respecting the fees for certain legal services rendered to bodies of the Government and amending the Regulation respecting certain service contracts of public bodies made by Order in Council (*insert the number and date of the Order in Council making this Regulation*).”

**14.** The parties to a legal service contract entered into before (*insert the date of coming into force of this Regulation*) and in respect of which the Conseil du trésor authorized, pursuant to the second paragraph of section 25 of the Act respecting contracting by public bodies, an hourly rate greater than what is provided by the Tariff of fees for professional services provided to the Government by advocates or notaries (chapter C-65.1, r. 11) may,

despite the decision by the Conseil du trésor, agree on a new hourly rate applicable to legal services provided under that contract after (*insert the date of the day that precedes the date of coming into force of this Regulation*) to the extent that the new rate does not exceed the rates provided for in Schedule II to this Regulation.

**15.** This Regulation replaces the Tariff of fees for professional services provided to the Government by advocates or notaries.

**16.** This Regulation comes into force on (*insert the date of the fifteenth day following the date of publication of this Regulation in the Gazette officielle du Québec*).

### SCHEDULE I

(ss. 1 and 2)

#### Excluded bodies

- Caisse de dépôt et placement du Québec;
- Hydro-Québec;
- Investissement Québec;
- Société des alcools du Québec;
- Société des loteries du Québec;
- Société Innovatech du Grand Montréal;
- Société Innovatech du Sud du Québec;
- Société Innovatech Québec et Chaudière-Appalaches;
- Société Innovatech Régions ressources.

### SCHEDULE II

(ss. 4 and 6)

#### Hourly rates according to the position, class and experience of the person working on the performance of a legal service contract

POSITION and CLASS	EXPERIENCE <sup>1</sup>	MAXIMUM HOURLY RATE (\$)
ADVOCATE OR NOTARY		
—Class 4	More than 15 years	300
—Class 3	11 to 15 years	250
—Class 2	6 to 10 years	200
—Class 1	0 to 5 years	135

POSITION and CLASS	EXPERIENCE <sup>1</sup>	MAXIMUM HOURLY RATE (\$)
LIBRARIAN <sup>2</sup>		
—Class 4	More than 15 years	125
—Class 3	11 to 15 years	110
—Class 2	6 to 10 years	100
—Class 1	0 to 5 years	85
PARALEGAL		
—Class 4	More than 15 years	85
—Class 3	11 to 15 years	75
—Class 2	6 to 10 years	70
—Class 1	0 to 5 years	60
ARTICLING LAW STUDENT <sup>3</sup>		55
LAW STUDENT		
—at the École du Barreau or university (master's degree in notarial law)		50
—university (undergraduate or other master's level)		45

#### Notes

1 The number of years of experience indicated, for an advocate or notary, is the total number of years on the roll of the Barreau du Québec or the Chambre des notaires du Québec. For a librarian or paralegal, the number of years of experience is the number of years worked in that capacity.

2. A librarian must hold a relevant master's degree, or a relevant bachelor's degree obtained before 1971, failing which the hourly rate applicable to his or her services is the rate for a paralegal, depending on the class corresponding to his or her experience.

3. Articling law students are future advocates and notaries who have completed their academic training and who serve an on-the-job training period under the supervision of an articling supervisor.

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