

chapter N-3, r. 15

Regulation respecting refresher training periods for notaries

Notaries Act
(chapter N-3).

Professional Code
(chapter C-26, s. 94, par. *j*).

O.C. 1363-94; Erratum, 1994 G.O. 2, 4325.

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1. The board of directors may require a notary to serve a refresher training period where

- (1) the notary's name is entered on the roll more than 2 years after the notary obtained his permit or more than 2 years after the date on which he became entitled to such permit;
- (2) the notary's name is re-entered on the roll 2 years or more after the notary resigned from the Order;
- (3) the notary's name is re-entered on the roll after having been struck off for more than 2 years;
- (4) the professional inspection committee or the disciplinary council has made a recommendation to that effect pursuant to section 113 or 160 of the Professional Code (chapter C-26); or
- (5) the notary has served a refresher training period not considered to comply with the objectives and terms determined by the board of directors.

O.C. 1363-94, s. 1.

2. The refresher training period may include, in particular,

- (1) a program of supplementary or refresher courses authorized by the board of directors; and
- (2) activities related to the practice of the profession under the supervision and responsibility of a tutor.

O.C. 1363-94, s. 2.

3. A tutor is responsible for directing and assisting the notary in carrying out the activities of the refresher training period and for verifying whether the refresher training period complies with the objectives and terms determined by the board of directors.

O.C. 1363-94, s. 3.

4. A refresher training period may not extend over a period of more than 12 consecutive months.

O.C. 1363-94, s. 4.

5. The board of directors may require from a notary who must serve a refresher training period such reports and certificates as it considers necessary to ascertain that the prescribed conditions have been duly met and that the deficiencies observed have been remedied.

In the case of activities carried out under the direction of a tutor, the tutor shall, within 15 days following the completion of his duties, send to the board of directors and to the notary a report, with reasons, stating whether the notary, while under the tutor's supervision and responsibility, has complied with the objectives and terms determined by the board of directors.

The board of directors may also require additional reports from the notary or the tutor on such dates as it may determine.

O.C. 1363-94, s. 5.

6. After examining each of the required reports, the board of directors shall decide, within 60 days of receiving the last report, whether the refresher training period served by the notary complies with the objectives and terms determined. The board of directors may require the notary to serve another refresher training period, in accordance with the terms it determines, where it is of the opinion that the deficiencies observed at the time of the decision requiring the notary to serve a refresher training period have not been remedied.

O.C. 1363-94, s. 6.

7. Before deciding to require a notary to serve a refresher training period and, where applicable, to restrict his right to practise, the board of directors shall allow the notary to be heard. To that end, the board of directors shall send to the notary, by registered mail, a written notice of at least 15 clear days, indicating the date and place of the hearing.

O.C. 1363-94, s. 7; I.N. 2016-01-01 (NCCP).

8. The board of director's decision requiring a notary to serve a refresher period and, where applicable, restricting his right to practise, shall give reasons and shall be sent as soon as possible to the notary by registered mail.

The board of directors shall communicate to the notary's employer and partners the decision requiring the notary to serve a refresher training period and, where applicable, restricting his right to practise.

O.C. 1363-94, s. 8; I.N. 2016-01-01 (NCCP).

9. A decision requiring a notary to serve a refresher training period and, where applicable, restricting his right to practise shall take effect on receipt of the decision by the notary.

O.C. 1363-94, s. 9.

10. During a refresher training period, the board of directors may, upon presentation of a written request by the notary giving reasons, reduce the duration and the requirements of the refresher training period and, where expedient, may ease the conditions restricting the notary's right to practise. The board of directors shall forward such decision to the notary and, where applicable, to his tutor.

O.C. 1363-94, s. 10.

11. The board of director's ruling on the validity of the refresher training period served by a notary and, where applicable, on the lifting of the restriction on his right to practise shall give reasons and shall be sent to the notary and, where applicable, to his tutor, employer and partners by registered mail.

O.C. 1363-94, s. 11; I.N. 2016-01-01 (NCCP).

12. At all times, the executive committee may exercise the board of director's powers described in this Regulation.

O.C. 1363-94, s. 12.

13. *(Omitted).*

O.C. 1363-94, s. 13.

UPDATES

O.C. 1363-94, 1994 G.O. 2, 4203 and 4325

S.Q. 2008, c. 11, s. 212

