

chapter A-10

TRAVEL AGENTS ACT

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REPEAL SCHEDULE

DIVISION I

DEFINITIONS AND APPLICATION

1. In this Act, unless the context indicates a different meaning, the following words mean:

- (a) “licence” : a licence issued under this Act;
- (b) “regulation” : a regulation made under this Act;
- (c) “carrier” : any person, partnership or association carrying on a commercial passenger transport enterprise;
- (d) “president” : the president of the Office de la protection du consommateur;
- (e) “officer” : a director, a partner, a person exercising duties of management and any person who actually exercises one of those functions on account of an association, a partnership or a person;
- (f) “establishment” : business premises separate from any other, equipped with self-contained installations and situated in Québec;
- (g) “principal establishment” : the establishment in which the operations of the licensee are principally performed.

1974, c. 53, s. 1; 1977, c. 57, s. 1; 1979, c. 77, s. 28; 1981, c. 10, s. 16; 1981, c. 23, s. 3; 1997, c. 9, s. 10; 1999, c. 40, s. 11; 2002, c. 55, s. 1; 2009, c. 51, s. 21.

2. For the purposes of this Act, a travel agent is a person, a partnership or an association that, on account of a third party or on account of its members, engages in or offers to engage in or issues vouchers for or offers to issue vouchers for any of the following operations:

- (a) the booking or reservation of lodging accommodation;
- (b) the booking or reservation of transportation services;
- (c) the arranging of travel services.

1974, c. 53, s. 2; 1977, c. 57, s. 2; 1999, c. 40, s. 11; 2002, c. 55, s. 2.

3. This Act does not apply to

- (a) persons or bodies that operate a tourist accommodation establishment governed by the Tourist Accommodation Act (chapter H-1.01) and that offer tourist services in Québec accessory to the operation of the establishment in accordance with any requirements that may be prescribed by regulation;
- (b) persons or bodies organizing adventure travel in Québec and offering other tourist services in Québec that are accessory to the operation of the enterprise in accordance with any requirements that may be prescribed by regulation;
- (c) carriers as regards the renting or reservation of their transportation services;
- (d) outfitters as regards the outfitters’ activities governed by the Act respecting the conservation and development of wildlife (chapter C-61.1) or the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1);
- (e) holders of a real estate broker’s or real estate agency licence issued under the Real Estate Brokerage Act (chapter C-73.2) for a brokerage transaction governed by that Act.

Nor does this Act apply

(a) where the operations of a travel agent are performed occasionally and exclusively in Québec by an association, a partnership or a legal person on account of its members for trips lasting no longer than 72 hours or, in other cases, for trips lasting no longer than 48 hours;

(b) where the person or body that performs the operations proper to a travel agent receives no form of remuneration and there is no expenditure, participation or contribution on the part of the beneficiary in relation to such operations;

(c) in the other cases or on the other conditions determined by regulation.

1974, c. 53, s. 3; 1977, c. 57, s. 3; 2002, c. 55, s. 2; 2009, c. 51, s. 22; 2018, c. 23, s. 716; 2021, c. 30, s. 45.

DIVISION II

LICENCES AND CERTIFICATES

2009, c. 51, s. 23.

4. No person shall perform the operations of travel agent, assume the title of travel agent or represent that he is a travel agent unless he holds a licence in force for such purpose or unless a licence is issued to a natural person on its behalf.

However, a travel counsellor who is in the employ of a travel agent or has entered into an exclusive service contract with a travel agent may engage in the operations referred to in section 2 and deal with clients if the counsellor holds a certificate issued for that purpose by the Office de la protection du consommateur and meets the conditions prescribed by regulation.

Any other natural person may engage in such operations on account of a travel agent, without holding a licence or certificate issued to that effect, if the person does not deal with clients

When acting outside the travel agent's establishment, a person referred to in the second or third paragraph must be able to produce proof of capacity on request.

1974, c. 53, s. 4; 1977, c. 57, s. 4; 1997, c. 43, s. 875; 1999, c. 40, s. 11; 2002, c. 55, s. 3; 2009, c. 51, s. 24.

4.1. A person may apply for the annulment of a contract entered into with any person or body acting as a travel agent without a licence.

2002, c. 55, s. 4.

5. *(Repealed).*

1974, c. 53, s. 5; 1997, c. 9, s. 11; 2002, c. 55, s. 5; 2009, c. 51, s. 25.

6. Every licence shall be issued in the name of a natural person, on his account, on behalf of another natural person or on behalf of an association, partnership or legal person.

Such person must be of full age. If the licence is applied for on his own account, the person must also establish and maintain a principal establishment. In other cases, the association, partnership or person on whose behalf the licence is applied for must establish and maintain a principal establishment.

1974, c. 53, s. 6; 1977, c. 57, s. 5; 1997, c. 9, s. 12; 1999, c. 40, s. 11; 2002, c. 55, s. 6.

7. The same person shall not hold more than one licence.

If a travel agent operates more than one establishment, a duplicate of the licence issued on account of that agent or on behalf of an association, partnership or person must be obtained for each establishment.

1974, c. 53, s. 7; 1977, c. 57, s. 6; 2002, c. 55, s. 7; 2009, c. 51, s. 26.

8. Every person applying for a licence on behalf of an association, partnership or person must be authorized in writing, show proof of his mandate and have, as principal activity, the exercise of duties of management at the principal establishment of the association, partnership or person on whose behalf he applies for the licence.

Every natural person applying for a licence on his own account must perform, as his principal activity, the operations of a travel agent at the principal establishment corresponding to the licence.

1974, c. 53, s. 8; 1977, c. 57, s. 7; 1997, c. 9, s. 13; 1999, c. 40, s. 11; 2002, c. 55, s. 8; 2009, c. 51, s. 27.

9. Every person who applies for a licence must send his application to the president in the form prescribed by the regulations, together with the documents and the payment of the duties prescribed by the regulations.

1974, c. 53, s. 9; 1981, c. 23, s. 4.

10. No licence shall be issued

(a) if the applicant, or the association, partnership or person on whose behalf he applies for the licence is a *prête-nom* for another person, association or partnership;

(b) if the applicant or, as the case may be, the association, partnership or person on whose behalf he applies for the licence, has performed one of the operations listed in section 2 and has become bankrupt in the course of the five preceding years, or has been found guilty of fraud, forgery or fraudulent operations in any contractual or commercial matter;

(c) if the applicant has been an officer of an association, partnership or legal person which has performed one of the operations listed in section 2 and which has become bankrupt in the course of the five preceding years, or which has been found guilty of fraud, forgery or fraudulent operations in any contractual or commercial matter;

(d) if an officer of an association, partnership or legal person on whose behalf the licence is applied for has been an officer of an association, partnership or legal person which has performed one of the operations listed in section 2 and which has become bankrupt in the course of the five preceding years, or which has been found guilty of fraud, forgery or fraudulent operations in any contractual or commercial matter;

(e) if an officer of an association, partnership or legal person on whose behalf the licence is applied for has performed one of the operations listed in section 2 and has become bankrupt in the course of the five preceding years, or has been found guilty of fraud, forgery or fraudulent operations in any contractual or commercial matter.

However, the president may issue a licence notwithstanding a bankruptcy within the meaning of the first paragraph if the president considers that the bankruptcy is not related to operations proper to a travel agent.

1974, c. 53, s. 10; 1977, c. 57, s. 8; 1999, c. 40, s. 11; 2002, c. 55, s. 9.

11. The president shall issue the licence if the applicant and, where such is the case, the association, partnership or person on whose behalf he is applying for a licence, fulfils the conditions prescribed by this Act and the regulations.

The president remains the owner of the licence so issued and may resume possession thereof upon its suspension, cancellation or non-renewal.

The president may, in respect of any application, have any inquiry made that he believes necessary.

1974, c. 53, s. 11; 1977, c. 57, s. 9; 1981, c. 23, s. 4; 1999, c. 40, s. 11; 2002, c. 55, s. 10.

11.1. The president may authorize the transfer of a licence to another person in the case of the death, resignation or dismissal of the licensee or if the licensee no longer satisfies the requirements necessary to hold the licence.

An application for the transfer of a licence must be transmitted to the president within 10 days of the event giving rise thereto or, where applicable, within three months of the date of acceptance of an application for a temporary transfer.

A licence may be transferred temporarily upon an application transmitted to the president within ten days of the event giving rise thereto in accordance with the requirements prescribed by regulation.

2002, c. 55, s. 11.

DIVISION III

SUSPENSION, CANCELLATION OR REFUSAL TO ISSUE OR RENEW LICENCES; PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC

1997, c. 43, s. 20.

12. The president may suspend, cancel or refuse to issue or to renew a licence where the applicant or the licensee, or where the association, partnership or person on whose account or on whose behalf the licence is applied for or is held

- (a) is guilty of an offence against this Act or the regulations;
- (b) no longer fulfils the conditions required for obtaining a licence;
- (c) made a false declaration or untrue statement of a material fact to obtain a licence;
- (d) does not comply with a voluntary undertaking made under section 314 of the Consumer Protection Act (chapter P-40.1) or whose application has been extended by an order under section 315.1 of that Act.

1974, c. 53, s. 12; 1977, c. 57, s. 10; 1981, c. 23, s. 4; 2002, c. 55, s. 12; 2009, c. 51, s. 28.

12.1. The president may also suspend, cancel or refuse to issue or to renew a licence

(a) if the association, partnership or person on whose account or on whose behalf the licence is applied for or is held do not prove that their financial position enables them to meet the obligations arising from the operations proper to a travel agent;

(b) if the president has reasonable grounds to believe that the association, partnership or person on whose account or on whose behalf the licence is applied for or is held is unable to ensure, in the public interest, that the operations proper to a travel agent will be performed with honesty and competence;

(c) if the association, partnership or person on whose account or on whose behalf the licence is held has failed to comply with an obligation imposed by this Act or the regulations.

2002, c. 55, s. 13.

13. The president shall, before cancelling, suspending or refusing to issue or renew a licence, notify in writing the applicant or the licensee, and the association, partnership or person on whose behalf the licence is applied for or is held, as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and

allow them at least 10 days to present observations. The president shall also notify his decision in writing and give reasons.

1974, c. 53, s. 13; 1981, c. 23, s. 4; 1997, c. 43, s. 21; 1999, c. 40, s. 11; 2002, c. 55, s. 14.

13.1. A licence shall cease to have effect from such time as the travel agent becomes bankrupt or, as the case may be,

- (a) its charter is repealed or cancelled or it expires;
- (b) its powers as a legal person are revoked;
- (c) it adopts a resolution directing its own winding-up;
- (d) a winding-up order is rendered against it by any competent court;
- (e) the travel agent or licensee recognizes the permanent closing of his or its principal establishment.

The licence of a licensee who is deceased, has resigned or has been dismissed or who no longer satisfies the requirements necessary to be the holder of the licence ceases to have effect if no application for the transfer of the licence has been transmitted to the president before either of the following dates:

- (a) the eleventh day following the date of the event giving rise to the transfer application;
- (b) the day occurring three months after the date of acceptance of an application for a temporary transfer, where applicable.

1977, c. 57, s. 11; 1997, c. 9, s. 14; 1999, c. 40, s. 11; 2002, c. 55, s. 15.

13.2. Any person referred to in section 13 and in section 11.8 of the Regulation respecting travel agents (chapter A-10, r. 1) may, within 30 days of notification of the president's decision, contest the decision before the Administrative Tribunal of Québec.

When assessing the facts or the law, the Tribunal shall not substitute its assessment of the public interest for the assessment made by the president, pursuant to paragraph *b* of section 12.1, before he made his decision.

1974, c. 53, s. 17; 1981, c. 23, s. 4; 1988, c. 21, s. 66; 1997, c. 9, s. 15; 1997, c. 43, s. 23; 2002, c. 55, s. 19; 2017, c. 24, s. 69.

DIVISION III.1

PROVISIONAL ADMINISTRATION

2002, c. 55, s. 16.

14. The president may appoint a provisional administrator to temporarily manage or terminate the current business

- (a) of a travel agent in whose respect the licence is cancelled, suspended or not renewed;
- (b) of a travel agent that no longer meets the requirements prescribed by this Act or by regulation for obtaining a licence;
- (c) of a travel agent that does not respect the obligations prescribed by this Act or by regulation;
- (d) of a travel agent where the president considers that the situation requires it so as not to jeopardize the rights of the travel agent's clients;

(e) of a person acting as a travel agent without a licence.

1974, c. 53, s. 14; 1981, c. 23, s. 4; 1999, c. 40, s. 11; 2002, c. 55, s. 16.

14.1. Before appointing a provisional administrator, the president must give the person concerned an opportunity to present observations.

However, in an urgent situation, the president may first appoint the provisional administrator, provided that the person concerned is allowed at least 10 days to present observations.

2002, c. 55, s. 16.

14.2. The decision to appoint a provisional administrator must state the reasons therefor and the president shall notify the person concerned of the decision in writing.

2002, c. 55, s. 16.

14.3. The provisional administrator shall have the necessary powers to exercise his mandate.

Subject to the restrictions included in his mandate, he may, of his own initiative, in particular,

(a) take possession of the funds held in trust or otherwise by the travel agent, the person who acted as a travel agent without a licence or for either of them;

(b) commit the said funds to carry out the mandate entrusted to him by the president and enter into such contracts as are necessary for that purpose;

(c) assign, transfer or otherwise dispose of travel contracts;

(d) transact upon any claim by a client for the performance of a travel contract against a travel agent or the person who acted as a travel agent without a licence;

(e) sue for the purposes of the carrying out of his mandate.

2002, c. 55, s. 16.

14.4. In no case may the provisional administrator be sued by reason of acts performed in good faith in the exercise of his functions.

2002, c. 55, s. 16.

14.5. A holder of a travel agent's licence, an officer of the association, partnership or legal person on whose account or on whose behalf a travel agent's licence is issued, or a person acting as a travel agent without a licence must, on request, hand over to the provisional administrator any current document, book, register or account relating to the operations proper to a travel agent and give him access to any premises or equipment.

2002, c. 55, s. 16.

15. No chartered bank of Canada or other institution authorized by law to receive deposits that is the depositary of a trust account of a travel agent in whose respect the licence issued on account or on behalf of the travel agent has been cancelled, suspended or not renewed or the administration of whose current business has been temporarily conferred on a provisional administrator, may, after a notice to that effect is served by the provisional administrator, effect any withdrawal or payment on the said trust account, except with the written authorization of the provisional administrator.

1974, c. 53, s. 15; 1997, c. 43, s. 22; 1999, c. 40, s. 11; 2002, c. 55, s. 17.

16. The administrative expenses and the fees of the provisional administrator fall upon the travel agent or the person who acted as a travel agent without a licence and become payable on being approved by the president. Failing payment by the travel agent, and after discussion of his property, they shall be paid out of the individual security of the travel agent or the fund referred to in subparagraphs *c* and *c.1* of the first paragraph of section 36.

1974, c. 53, s. 16; 1977, c. 57, s. 13; 1981, c. 23, s. 4; 1999, c. 40, s. 11; 2002, c. 55, s. 18.

17. *(Section renumbered).*

1974, c. 53, s. 17; 1981, c. 23, s. 4; 1988, c. 21, s. 66; 1997, c. 9, s. 15; 1997, c. 43, s. 23; 2002, c. 55, s. 19.



See section 13.2.

18. *(Repealed).*

1974, c. 53, s. 18; 1981, c. 23, s. 4; 1988, c. 21, s. 66; 1997, c. 9, s. 16; 1997, c. 43, s. 24.

19. *(Repealed).*

1974, c. 53, s. 19; 1981, c. 23, s. 4; 1988, c. 21, s. 66; 1997, c. 43, s. 24.

20. *(Repealed).*

1974, c. 53, s. 20; 1992, c. 61, s. 41; 1997, c. 43, s. 24.

21. *(Repealed).*

1974, c. 53, s. 21; 1981, c. 23, s. 4; 1988, c. 21, s. 66; 1997, c. 43, s. 24.

22. *(Repealed).*

1974, c. 53, s. 22; 1988, c. 21, s. 66; 1997, c. 43, s. 24.

23. *(Repealed).*

1974, c. 53, s. 23; 1997, c. 43, s. 24.

24. *(Repealed).*

1974, c. 53, s. 24; 1997, c. 43, s. 24.

25. *(Repealed).*

1974, c. 53, s. 25; 1997, c. 43, s. 24.

26. *(Repealed).*

1974, c. 53, s. 26; 1997, c. 43, s. 24.

27. *(Repealed).*

1974, c. 53, s. 27; 1997, c. 43, s. 24.

28. *(Repealed).*

1974, c. 53, s. 28; 1997, c. 43, s. 24.

29. *(Repealed).*

1974, c. 53, s. 29; 1997, c. 43, s. 24.

30. *(Repealed).*

1974, c. 53, s. 30; 1988, c. 21, s. 66; 1997, c. 43, s. 24.

DIVISION III.2

FONDS D'INDEMNISATION DES CLIENTS DES AGENTS DE VOYAGES

2017, c. 24, s. 70.

30.1. The Fonds d'indemnisation des clients des agents de voyages, an indemnity fund for the clients of travel agents, is established to guarantee the indemnification or reimbursement of the clients of travel agents who are required to contribute to the fund in the cases and in accordance with the terms and conditions prescribed by regulation.

The fund also guarantees the payment of the administrative expenses and the fees of a provisional administrator in case of a lack or insufficiency of individual security.

2017, c. 24, s. 70.

30.2. The fund is made up of

- (a) the contributions paid by the clients of travel agents;
- (b) the sums recovered by the president by way of subrogation to the rights of clients who received indemnities from the fund;
- (c) the interest earned on the sums of money making up the fund;
- (d) the growth of the fund's assets; and
- (e) the advances that the Minister of Finance may make to the fund in accordance with section 41.1.

2017, c. 24, s. 70.

30.3. Subject to the regulation, the clients of travel agents are required to contribute to the fund an amount calculated in accordance with the regulation.

2017, c. 24, s. 70.

30.4. Where a travel agent has directly or indirectly transferred a client's funds to a service supplier in accordance with the conditions prescribed by regulation as regards the deposit and withdrawal of funds held in a trust account and where the supplier has failed to fulfil his obligations, the client

(a) may not exercise any recourse against the travel agent to recover the amounts paid by him to the travel agent, but may apply to the fund for reimbursement; and

(b) may exercise a recourse against the travel agent or may apply directly to the fund for indemnification for the injury suffered, in accordance with the terms and conditions prescribed by regulation.

2017, c. 24, s. 70.

30.5. Where, for a reason outside his control, a client is unable to avail himself of tourism services he paid for, the client may apply to the fund for reimbursement and indemnification in the cases and in accordance with the terms and conditions prescribed by regulation.

2017, c. 24, s. 70.

30.6. The president is the manager of the sums making up the fund. The president shall hold those sums in trust.

2017, c. 24, s. 70.

30.7. The president is subrogated by operation of law to the rights of a client against a travel agent or a service supplier for the sums paid by the fund.

In addition, the president may exercise a recourse against a travel agent and a service supplier to recover sums paid by the fund where

- (a) the service supplier failed to fulfil his obligations;
- (b) the fund reimbursed or indemnified the client; and
- (c) the travel agent committed a fault, in particular as regards the choice of the service supplier.

No client of a travel agent may be reimbursed or indemnified by the fund if otherwise reimbursed or indemnified for the damages incurred. However, if the amount of the reimbursement or indemnification the client obtained is less than that which he would have obtained from the fund, the client may claim the difference from the fund.

2017, c. 24, s. 70.

DIVISION IV

OBLIGATIONS OF A TRAVEL AGENT

1997, c. 43, s. 875; 2002, c. 55, s. 20.

31. A travel agent must display the licence issued on his account or on his behalf in a conspicuous place in each of his establishments.

1974, c. 53, s. 31; 1977, c. 57, s. 14; 1997, c. 9, s. 17; 2002, c. 55, s. 21.

32. A travel agent must keep in each of his establishments the books, registers and accounts prescribed by regulation; the president may require him to make a report of his operations at the times and in the manner determined by the president.

1974, c. 53, s. 32; 1981, c. 23, s. 4; 1997, c. 9, s. 18.

33. The funds collected by a travel agent on account of other persons shall be transferred in trust. In such a case the travel agent shall act as trustee; the travel agent must deposit and maintain the funds in a trust account opened in Québec and comply with the conditions prescribed by regulation for the deposit and withdrawal of such funds.

The funds collected by a travel agent and which must be deposited in a trust account are deemed to be held in trust by the travel agent and an amount equal to the aggregate of the funds deemed held in trust must be considered as constituting a separate fund not forming part of the property of the travel agent or of the officers

of the travel agent, whether or not the amount was kept distinctly and separately from the own funds of the travel agent or of the officers of the travel agent or from the mass of their property.

1974, c. 53, s. 33; 1997, c. 9, s. 19; 1999, c. 40, s. 11; 2002, c. 55, s. 22.

33.1. Every director of a legal person on whose behalf a travel agent's licence is issued is solidarily liable, with the licensee and the legal person, for the amounts which must be deposited in a trust account, unless the director proves that he acted in good faith.

2002, c. 55, s. 23.

33.2. Where the president has reasonable grounds to believe that amounts that must be held in a trust account may be withdrawn otherwise than in accordance with the conditions prescribed by regulation, he may apply for an injunction ordering any person in Québec having the deposit, control or custody of such amounts to hold them in trust for the period and on the conditions determined by the court.

2002, c. 55, s. 23.

DIVISION V

INSPECTION

34. To see to the application of this Act, inspectors shall be appointed in accordance with the Public Service Act (chapter F-3.1.1).

1974, c. 53, s. 34; 1978, c. 15, s. 140; 1983, c. 55, s. 161; 2000, c. 8, s. 242.

34.1. The president may temporarily employ any person necessary to make an inquiry into the application of this Act.

1977, c. 57, s. 15; 1981, c. 23, s. 4.

35. Every inspector may, in the performance of his duties, enter at any reasonable time any establishment of a travel agent, examine any document, book, register or account containing information relating to the operations proper to a travel agent and make a note or a copy of it.

Every person having the custody, possession or control of a document, book, register or account contemplated in the first paragraph must, if so required, give communication thereof to the inspector and facilitate his examination of the same.

1974, c. 53, s. 35; 1977, c. 57, s. 16; 1981, c. 23, s. 4; 1986, c. 95, s. 12; 1997, c. 9, s. 20; 2002, c. 55, s. 24.

35.1. Every inspector and every person making an inquiry at the request of the president may, in the performance of his duties, require of a travel agent or of any person representing that he is a travel agent any information relating to the administration of this Act.

1986, c. 95, s. 12.

35.2. The inspector or investigator shall, on request, identify himself and produce a certificate of his capacity signed by the president.

1986, c. 95, s. 12.

DIVISION VI

REGULATIONS

36. The Government may make regulations:

- (a) to establish classes of travel agent licences;
- (b) to prescribe the terms and conditions of issue, maintenance, suspension, transfer or cancellation of a licence, the qualifications required of a person applying for a licence, the conditions to be met and the duties to be paid by that person, and the duties payable for the transfer of a licence or the amalgamation of two travel agents;
 - (b.1) to prescribe the terms and conditions of issue, renewal, suspension or cancellation of a travel counsellor certificate, and the qualifications required of a person applying for a certificate, as well as the conditions to be met and the duties to be paid by that person;
 - (b.2) to prescribe the terms and conditions of issue, renewal, suspension or cancellation of a travel agency manager certificate, the qualifications required of a person applying for a certificate, and the conditions to be met and the duties to be paid by that person;
 - (b.3) to determine the cost of the examination a person applying for a travel counsellor certificate or a travel agency manager certificate must pass;
- (c) to require individual security of a travel agent, prescribe the amount and the form and determine the cases and the terms and conditions of collection, payment, administration and use of that security;
 - (c.1) to prescribe the rules for establishing the amount of the contribution to be paid into the Fonds d'indemnisation des clients des agents de voyages and determine the cases and the terms and conditions of collection, payment, administration and use of the fund, in particular to set a maximum amount, per client or event, that may be paid out of the fund;
 - (c.2) to prescribe, with respect to any indemnity fund established under subparagraph c.1, that the investment income on the sums accrued in the fund may be used by the Office de la protection du consommateur, on the terms and conditions the Government determines, to inform and educate clients with respect to their rights and obligations under the Acts whose application is under the supervision of the Office;
- (d) to exempt any travel agent indicated by him from the obligation imposed in section 33, provided he deposits the security determined by regulation;
- (e) to prescribe standards relating to any advertising made by a travel agent or by a third party for such travel agent;
- (f) to determine what professions, occupations, activities, enterprises, charges or functions are inconsistent with the operations of a travel agent;
- (g) to prescribe the conditions respecting the deposit and withdrawal of the funds a travel agent must transfer in trust and deposit in a trust account;
- (h) to prescribe the documents, books, registers and accounts travel agents or the classes of travel agents it may indicate, must keep;
- (i) to prescribe standards respecting the protection of the customers of a travel agent;
- (j) to prescribe standards for the exercise of the management duties provided for in section 8;
- (k) to prescribe standards for the maintenance of a principal establishment or any other establishment;
- (l) to prescribe the obligations applicable to travel agents;
- (m) to establish an advisory committee and determine its composition and functions;

(*n*) to exempt from or subject to the application of all or part of this Act, in the cases and on the conditions determined by the Government, persons, operations or tourist services, or to modify the list of exceptions provided for in section 3;

(*o*) to determine the nature of the accessory tourist services or the number or maximum value of such services that may be offered by the operator of a tourist accommodation establishment or an organizer of adventure travel, or to determine criteria on the basis of which that number or value may vary according to classes of operators or organizers;

(*p*) to determine among the regulatory provisions those the contravention of which constitutes an offence.

The regulatory standards adopted under subparagraphs *c*, *c.1* and *l* of the first paragraph may vary according to the class of travel agent or within the same class, according to the volume of business, the number of establishments, the type of activity, the cost of the services offered, the experience or operations of the travel agent or according to any other actuarial criterion relating to the risk to be covered.

1974, c. 53, s. 36; 1977, c. 57, s. 17; 1997, c. 9, s. 21; 1999, c. 40, s. 11; 2002, c. 55, s. 25; 2009, c. 51, s. 29; 2017, c. 24, s. 71; 2018, c. 14, s. 23.

DIVISION VII

PENAL PROVISIONS

1992, c. 61, s. 42.

37. Every person is guilty of an offence who:

- (*a*) makes a false declaration in an application for a licence or for the renewal of a licence;
- (*b*) supplies the president or an inspector with inaccurate information;
- (*c*) hinders or attempts to hinder in any way a person acting as required or permitted by this Act or the regulations;
- (*d*) contravenes any of sections 4, 6 to 8, 14.5, 15, 31 to 33, 35 or any provision of a regulation the contravention of which constitutes an offence.

1974, c. 53, s. 37; 1981, c. 23, s. 4; 2002, c. 55, s. 26; 2009, c. 51, s. 30.

38. Any officer of a legal person, partnership or association who had knowledge of an offence is deemed to be a party to the offence and is liable to the fine provided for in this Act, unless the officer establishes to the satisfaction of the court that he did not acquiesce in the commission of the offence.

Any person who performs or omits to perform an act for the purpose of aiding a person to commit an offence or who advises, encourages or incites a person to commit an offence is guilty of the offence and is liable to the penalty prescribed for the offence.

1974, c. 53, s. 38; 1977, c. 57, s. 18; 1990, c. 4, s. 44; 1999, c. 40, s. 11; 2002, c. 55, s. 27.

39. A person found guilty of an offence against section 4 or 33 is liable,

- (*a*) in the case of a natural person, to a fine of \$600 to \$15,000; or
- (*b*) in any other case, to a fine of \$2,000 to \$100,000.

For a subsequent offence, the offender is liable to a fine with minimum and maximum limits twice as high as those prescribed in subparagraph *a* or *b* of the first paragraph, as applicable.

1974, c. 53, s. 39; 1977, c. 57, s. 19; 1990, c. 4, s. 45; 1992, c. 58, s. 7; 2002, c. 55, s. 28; 2017, c. 24, s. 72.

40. A person found guilty of an offence other than an offence under section 39 is liable,

(a) in the case of a natural person, to a fine of \$600 to \$6,000; or

(b) in any other case, to a fine of \$1,000 to \$40,000.

For a subsequent offence, the offender is liable to a fine with minimum and maximum limits twice as high as those prescribed in subparagraph *a* or *b* of the first paragraph, as applicable.

1974, c. 53, s. 40; 1990, c. 4, s. 46; 1992, c. 58, s. 8; 2002, c. 55, s. 29; 2017, c. 24, s. 73.

40.1. Penal proceedings for an offence under this Act are prescribed two years after the date on which the offence is committed.

2009, c. 51, s. 31.

41. *(Repealed).*

1974, c. 53, s. 41; 1990, c. 4, s. 47; 1992, c. 61, s. 43.

DIVISION VIII

FINAL PROVISIONS

1981, c. 23, s. 5.

41.1. The manager of the Fonds d'indemnisation des clients des agents de voyages may borrow from the Minister of Finance sums taken out of the financing fund established under the Act respecting the Ministère des Finances (chapter M-24.01).

The Minister of Finance may, with the authorization of the Government and subject to the conditions it determines, advance to such a fund sums taken out of the Consolidated Revenue Fund.

2002, c. 55, s. 30; 2017, c. 24, s. 74.

42. The Minister responsible for the Consumer Protection Act (chapter P-40.1) is responsible for the administration of this Act.

1981, c. 23, s. 5; 1994, c. 12, s. 69; 1996, c. 21, s. 31; 2005, c. 24, s. 20.

43. The Office de la protection du consommateur shall supervise the carrying out of this Act.

1981, c. 23, s. 5.

44. *(This section ceased to have effect on 17 April 1987).*

1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

REPEAL SCHEDULE

In accordance with section 17 of the Act respecting the consolidation of the statutes (chapter R-3), chapter 53 of the statutes of 1974, in force on 31 December 1977, is repealed, except sections 42 to 44, effective from the coming into force of chapter A-10 of the Revised Statutes.

