

1992, chapter 57

AN ACT RESPECTING THE IMPLEMENTATION OF THE REFORM OF THE CIVIL CODE

Bill 38

Introduced by Mr Gil Rémillard, Minister of Justice

Introduced 18 June 1992

Passage in principle 25 November 1992

Passage 18 December 1992

Assented to 18 December 1992

Coming into force: **With the exception of sections 717 and 718 of this Act, which will come into force on 18 December 1992, the Civil Code of Québec and this Act will come into force on the date which will be fixed by government order. The order shall be made at least six months before the said date.**

However, the provisions of this Act which amend texts not yet in force will take effect only on the date of coming into force of those texts, and the provisions which replace such texts will come into force on the date or dates fixed by order of the Government.

Acts amended:

Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1)

Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001)

Act respecting the acquisition of farm land by non-residents (R.S.Q., chapter A-4.1)

Financial Administration Act (R.S.Q., chapter A-6)

Act respecting land use planning and development (R.S.Q., chapter A-19.1)

Land Surveyors Act (R.S.Q., chapter A-23)

Automobile Insurance Act (R.S.Q., chapter A-25)

Health Insurance Act (R.S.Q., chapter A-29)

Act respecting farm-loan insurance and forestry-loan insurance (R.S.Q., chapter A-29.1)

Act respecting insurance (R.S.Q., chapter A-32)

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Acts amended (cont'd):

Act respecting the Barreau du Québec (R.S.Q., chapter B-1)
Building Act (R.S.Q., chapter B-1.1)
Cultural Property Act (R.S.Q., chapter B-4)
Cadastre Act (R.S.Q., chapter C-1)
Act respecting the Caisse de dépôt et placement du Québec (R.S.Q., chapter C-2)
Act respecting the caisses d'entraide économique (R.S.Q., chapter C-3)
Savings and Credit Unions Act (R.S.Q., chapter C-4)
Savings and Credit Unions Act (R.S.Q., chapter C-4.1)
Act respecting the Centre de recherche industrielle du Québec (R.S.Q., chapter C-8)
Railway Act (R.S.Q., chapter C-14)
Cities and Towns Act (R.S.Q., chapter C-19)
Professional Code (R.S.Q., chapter C-26)
Municipal Code of Québec (R.S.Q., chapter C-27.1)
General and Vocational Colleges Act (R.S.Q., chapter C-29)
Act respecting the Commission municipale (R.S.Q., chapter C-35)
Act respecting the Communauté urbaine de l'Outaouais (R.S.Q., chapter C-37.1)
Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2)
Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3)
Companies Act (R.S.Q., chapter C-38)
Timber-Driving Companies Act (R.S.Q., chapter C-42)
Church Incorporation Act (R.S.Q., chapter C-63)
Cooperatives Act (R.S.Q., chapter C-67.2)
Act respecting Roman Catholic cemetery corporations (R.S.Q., chapter C-69)
Act respecting security fund corporations (R.S.Q., chapter C-69.1)
Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70)
Religious Corporations Act (R.S.Q., chapter C-71)
Real Estate Brokerage Act (R.S.Q., chapter C-73)
Forestry Credit Act (R.S.Q., chapter C-78)
Act to promote forest credit by private institutions (R.S.Q., chapter C-78.1)
Public Curator Act (R.S.Q., chapter C-81)
Territorial Division Act (R.S.Q., chapter D-11)
Land Transfer Duties Act (R.S.Q., chapter D-17)
Roman Catholic Bishops Act (R.S.Q., chapter E-17)
Expropriation Act (R.S.Q., chapter E-24)
Act respecting fabriques (R.S.Q., chapter F-1)
Act respecting farm financing (R.S.Q., chapter F-1.2)
Act respecting municipal taxation (R.S.Q., chapter F-2.1)
Act to establish the Fonds de solidarité des travailleurs du Québec (F.T.Q.) (R.S.Q., chapter F-3.2.1)
Forest Act (R.S.Q., chapter F-4.1)
Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5)
Hydro-Québec Act (R.S.Q., chapter H-5)
Retail Sales Tax Act (R.S.Q., chapter I-1)
Taxation Act (R.S.Q., chapter I-3)
Engineers Act (R.S.Q., chapter I-9)
Burial Act (R.S.Q., chapter I-11)
Act respecting the Inspector General of Financial Institutions (R.S.Q., chapter I-11.1)
Education Act (R.S.Q., chapter I-13.3)
Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14)
Interpretation Act (R.S.Q., chapter I-16)
Jurors Act (R.S.Q., chapter J-2)
Winding-up Act (R.S.Q., chapter L-4)
Act respecting lotteries, publicity contests and amusement machines (R.S.Q., chapter L-6)

Acts amended (cont'd):

Master Electricians Act (R.S.Q., chapter M-3)
Master Pipe-Mechanics Act (R.S.Q., chapter M-4)
Mining Act (R.S.Q., chapter M-13.1)
Act respecting the Ministère de l'Environnement (R.S.Q., chapter M-15.2)
Act respecting the Ministère de la Justice (R.S.Q., chapter M-19)
Act respecting the Ministère des Transports (R.S.Q., chapter M-28)
Act respecting the Ministère du Revenu (R.S.Q., chapter M-31)
Act respecting the mode of payment for electric and gas service in certain buildings (R.S.Q., chapter M-37)
Act respecting duties on transfers of immovables (R.S.Q., chapter M-39)
Act respecting the Montréal Museum of Fine Arts (R.S.Q., chapter M-42)
Notarial Act (R.S.Q., chapter N-2)
Act respecting liquor permits (R.S.Q., chapter P-9.1)
Pharmacy Act (R.S.Q., chapter P-10)
Special Corporate Powers Act (R.S.Q., chapter P-16)
Youth Protection Act (R.S.Q., chapter P-34.1)
Public Health Protection Act (R.S.Q., chapter P-35)
Consumer Protection Act (R.S.Q., chapter P-40.1)
Mental Patients Protection Act (R.S.Q., chapter P-41)
Act to preserve agricultural land (R.S.Q., chapter P-41.1)
Act respecting building contractors vocational qualifications (R.S.Q., chapter Q-1)
Environment Quality Act (R.S.Q., chapter Q-2)
Act to promote the reform of the cadastre in Québec (R.S.Q., chapter R-3.1)
Act respecting the Régie de l'assurance-maladie du Québec (R.S.Q., chapter R-5)
Act respecting the Régie du logement (R.S.Q., chapter R-8.1)
Act respecting the Québec Pension Plan (R.S.Q., chapter R-9)
Watercourses Act (R.S.Q., chapter R-13)
Supplemental Pension Plans Act (R.S.Q., chapter R-15.1)
Regulations Act (R.S.Q., chapter R-18.1)
Act respecting occupational health and safety (R.S.Q., chapter S-2.1)
Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01)
Cooperative Syndicates Act (R.S.Q., chapter S-38)
Act respecting the lands in the public domain (R.S.Q., chapter T-8.1)
Act respecting land titles in certain electoral districts (R.S.Q., chapter T-11)
Act respecting transportation by taxi (R.S.Q., chapter T-11.1)
Transport Act (R.S.Q., chapter T-12)
Courts of Justice Act (R.S.Q., chapter T-16)
Act respecting the Université du Québec (R.S.Q., chapter U-1)
Securities Act (R.S.Q., chapter V-1.1)
Act to amend the Environment Quality Act and other legislation (1982, chapter 25)
Archives Act (1983, chapter 38)
Act to amend the Civil Code, the Registry Office Act and the Territorial Division Act (1986, chapter 62)
Act respecting the Québec sales tax and amending various fiscal legislation (1991, chapter 67)

Acts repealed or replaced:

Escheat and Confiscation Act (R.S.Q., chapter B-5)

Registry Office Act (R.S.Q., chapter B-9)

Act respecting the change of name and of other particulars of civil status (R.S.Q., chapter C-10)

Act respecting bills of lading, receipts and transfers of property in stock (R.S.Q., chapter C-53)

Constitut or Tenure System Act (R.S.Q., chapter C-64)

Act respecting Protestant churches entitled to keep civil status registers (R.S.Q., chapter E-2)

Mortmain Act (R.S.Q., chapter M-1)

Photographic Proof of Documents Act (R.S.Q., chapter P-22)

Act respecting the reconstitution of civil status registers (R.S.Q., chapter R-2)

Act respecting the sale of unclaimed goods (R.S.Q., chapter V-3)



CHAPTER 57

An Act respecting the implementation of the reform of the Civil Code

[Assented to 18 December 1992]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

TITLE I

TRANSITIONAL PROVISIONS

PRELIMINARY PROVISION

Conflicts
of law

1. The object of the provisions of this Title is to govern conflicts of legislation resulting from the coming into force of the Civil Code of Québec and the corresponding amendments introduced by this Act.

Transition-
al rules

Chapter I lays down the general transitional rules of law. Chapter II sets forth the special rules for each Book of the Code; these rules contain certain additions and exceptions to the general rules, or specify the application or scope of the general rules in certain cases.

CHAPTER I

GENERAL PROVISIONS

Effect

2. The new legislation has no retroactive effect; it applies only to the future.

Previous
legal
situations

It does not, therefore, change the conditions for creation of a previously created legal situation, nor the conditions for extinction of a previously extinguished legal situation, and it does not alter the effects already produced by a legal situation.

Existing
situations

3. The new legislation is applicable to legal situations which exist when it comes into force.

Application
of new
legislation

Any hitherto unfulfilled conditions for the creation or extinction of situations in the course of being created or extinguished are therefore governed by the new legislation; it also governs the future effects of existing legal situations.

Application
of former
legislation

4. In contractual situations which exist when the new legislation comes into force, the former legislation subsists where supplementary rules are used to determine the extent and scope of the rights and obligations of the parties and the effects of the contract.

Application
of new
provisions

However, the provisions of the new legislation apply to the exercise of the rights and the performance of the obligations, and to their proof, transfer, alteration or extinction.

Stipulation
without
effect

5. The stipulations of a juridical act made prior to the new legislation which are contrary to its imperative provisions are without effect for the future.

Extensions

6. Where the new legislation lengthens a prescribed period of time, the new period applies to existing situations and account is taken of the time already elapsed.

Shortened
periods

Where it shortens a prescribed period, the new period applies, but begins to run from the coming into force of the new legislation. However, the period prescribed in the former legislation is maintained where it would in fact be extended if the new period applied.

Introduc-
tion of
time limits

Where a period of time not prescribed in the former legislation is introduced by the new legislation and begins with an event which in fact occurred before the coming into force of that legislation, the period, if not already expired, runs from that coming into force.

Grounds for
annulment

7. Juridical acts which may be annulled when the new legislation comes into force may not be annulled thenceforth for any reason which is no longer recognized under the new legislation.

Measures
preceding
the exer-
cise of a
right

8. The measures to be taken before the exercise of a right or power conferred by the new legislation, including the sending of a notice or the obtaining of an authorization, may validly be taken before the coming into force of the new legislation.

Pending
cases

9. Proceedings pending continue to be governed by the former legislation.

Exception

An exception is made to this rule where the judgment to be rendered creates rights or where the new legislation has a retroactive

effect pursuant to the provisions of this Act. A further exception is made for all matters concerning proof and procedure in such proceedings.

10. Applications made according to the ordinary procedure in first instance are continued in accordance with the new rules applicable to ordinary procedure, even where the new legislation provides that in the future such applications are to be made by way of a motion, unless the parties agree to proceed according to the new provisions.

CHAPTER II

SPECIAL PROVISIONS

DIVISION I

PERSONS

§ 1.—*Change of name*

11. Applications for a change of name or for a change of designation of sex and given name made prior to the coming into force of the new legislation are governed by the former legislation.

However, applications which were addressed to the Minister of Justice are referred to the registrar of civil status.

§ 2.—*Absence*

12. Curators to absentees become tutors to absentees.

13. The persons authorized to take provisional possession of the property of an absentee remain in provisional possession and are subject to the regime of simple administration of the property of others.

Provisional possession is terminated by the appointment of a tutor pursuant to article 87 of the new Code or by one of the causes of termination set forth in article 90 of that Code.

14. Where the presumptive heirs have been authorized to take provisional possession, a declaratory judgment of death pronounced after the coming into force of the new legislation in respect of an absence beginning before such coming into force fixes as the date of

death the day of the disappearance of the absentee, except where the presumptions drawn from the circumstances allow the death to be held to be certain at another date.

§ 3.—*Registers and acts of civil status*

15. The duplicate of a register which has not already been handed over to the clerk of the Superior Court shall be handed over without delay to the registrar of civil status. The other copy is retained by its holder or, if not, is handed over to the registrar of civil status.

Duplicate of registers

Where only one copy of a register has been kept, it shall be handed over to the registrar of civil status, as shall any register held by a clerk. The registrar of civil status authenticates any register which has not already been authenticated.

Authentication

16. The registrar of civil status may, in the manner provided for in the new Code, insert and correct acts in the registers already kept by him.

Insertions and corrections

With the authorization of and in accordance with the conditions determined by the Minister of Justice, the registrar of civil status may, in accordance with the Code of Civil Procedure and with the exception of the notification provided for in article 871.2, reconstitute any register which has been lost, destroyed or damaged, or which ought to have been kept and has not been kept, or which has been kept in an incomplete manner.

Reconstitution of registers

For those purposes, the registrar of civil status has the immunity and is vested with the powers provided for in the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to order imprisonment.

Immunity

17. Attestations made pursuant to the Public Health Protection Act (R.S.Q., chapter P-35) and described as declarations by the former legislation may, after the coming into force of the new legislation, be used to establish an act of civil status.

Use of declarations to establish act of civil status

18. Extracts from the registers of civil status issued before the coming into force of the new legislation remain valid.

Extracts from registers

19. Where a register is in the process of being reconstituted, the reconstitution is completed in accordance with the former Act respecting the reconstitution of civil status registers (R.S.Q., chapter R-2).

Reconstitutions in progress

Notations
not re-
quired

20. The registrar of civil status is not bound to make, on acts of birth, marriage or death and on certificates of civil status which he issues, the notations provided for in sections 134 and 135 of the new Code if the events from which such notations result occurred prior to the coming into force of the new legislation.

Attestation
of
death

He publishes deaths occurring before the coming into force of the new legislation by means of copies of acts of death and certificates and attestations of death based on the acts of burial drawn up under the former legislation, and by means of attestations of death made under the Public Health Protection Act (R.S.Q., chapter P-35) and described as declarations by the former legislation. In cases of divergence between the attestation of death and the act of burial, the latter prevails.

Church
registers

21. The registrar of civil status may allow a church authorized to keep registers of civil status under the former legislation to reconstitute the copy of the registers preserved by that church by using the duplicate of which he has custody.

§ 4.—*Tutorship to minors*

Tutors

22. A curator to a judicially emancipated minor becomes a tutor to an emancipated minor.

Tutorship

23. A minor having tutorship of his child retains it in accordance with the new rules of tutorship.

Dative
tutorship
converted
to legal
tutorship

24. A dative tutorship exercised by the father or mother alone when the new Code comes into force may, by simple agreement of the parents in writing or, where there is no such agreement, by decision of the court, be converted to a legal tutorship conferred on both parents. The parents must notify the Public Curator of the conversion.

Legal
tutorship

Where a dative tutorship is exercised by a third person, it may, upon an application to the court by one or both of the parents, be converted to a legal tutorship conferred on one or both of the parents, as the case may be.

Testamen-
tary
tutorship

25. A tutorship provided by a will made before the date on which the new legislation comes into force has full effect, provided that death occurs after that date.

Curatorship
to unborn
child

26. Curatorships to children conceived but yet unborn which are in effect on the date on which the new legislation comes into force continue to be governed by the former legislation.

- 27.** Subrogate tutors and subrogate curators become tutorship councils composed of only one person. They have the powers and duties of tutorship councils.
- 28.** Any interested person may apply to the court for the establishment of a new council without invoking grave reasons.
- 28.** By way of exception to article 188 of the new Code, a tutor to property who is a party to proceedings pending when the new legislation comes into force has continuance of suit.
- 29.** Advice given by a family council pursuant to article 297 of the former Code with a view to the making of an act contemplated in that article is valid as advice from a tutorship council.

§ 5.—*Legal persons*

- 30.** Legal persons which existed at the time of the cession of the country and which, although they have not been continued or recognized by competent authority pursuant to the second paragraph of article 353 of the former Code, still act as legal persons, are deemed to be legally constituted.

DIVISION II

THE FAMILY

- 31.** Marriages solemnized before the coming into force of the new legislation may not be annulled except for causes recognized by that legislation.
- 32.** Property contemplated by article 456 of the new Code is divided into private property and acquests in accordance with the legislation in force when the property is acquired.
- 33.** Article 476 of the new Code is applicable to every partnership of acquests dissolved before the date on which the new Code comes into force, where the interested parties have not yet accepted or renounced the partition of acquests and where the period for so doing has not yet expired.
- 34.** The legal usufruct of a surviving consort in effect when the new Code comes into force continues to be governed by articles 1426 to 1433 of the former Code.

Medically
assisted
procreation

35. Article 540 of the new Code is applicable even where consent to medically assisted procreation was given before the coming into force of that Code.

Advice
given by
family
council

36. Advice given by a family council pursuant to article 655 of the former Civil Code of Québec is considered to be advice from a tutorship council.

DIVISION III

SUCCESSIONS

Successions

37. Successions are governed by the legislation in force on the day they open.

Causes of
unworthi-
ness

38. The causes of unworthiness and revocation of wills and legacies set forth in articles 610 and 893, respectively, of the former Code which have not yet been applied when the new legislation comes into force may no longer be applied if they are not recognized by that legislation.

Causes of
unworthi-
ness

The causes of unworthiness set forth in articles 620 and 621 of the new Code are applicable to successions which open after the coming into force of the new legislation, even where the cause of unworthiness arose before such coming into force.

Successions
opening
before new
legislation
comes into
force

39. For successions which open before the coming into force of the new legislation,

(1) the capacity required to exercise the right of option after the coming into force of the new legislation is appraised according to the provisions of that legislation;

(2) the right provided in article 626 of the new Code to be recognized as an heir is extinguished upon the expiry of ten years from the coming into force of the new legislation or, where the right arises after such coming into force, upon the expiry of ten years after it arises;

(3) the right to retract a renunciation under article 657 of the former Code may be exercised only within ten years from the coming into force of the new legislation;

(4) a successor who has not exercised his right of option before the expiry of ten years from the coming into force of the new legislation is deemed to have renounced the succession.

- Wills** **40.** Subject to section 7, the capacity required to make a will and the form of the will are appraised according to the legislation in force on the day the will is made.
- Representation** **41.** In testamentary successions, representation takes place only to the extent provided by the legislation in force on the day the will is made.
- Penal clauses** **42.** The provisions of article 758 of the new Code, concerning penal clauses or exheredations taking the form of penal clauses, are applicable to wills made before the coming into force of the new legislation.
- Exception** An exception is made to this rule where liquidation of a succession having opened before the coming into force of the new legislation has already begun when that legislation comes into force.
- Stipulation of hypothecation** **43.** In a succession which opens after the coming into force of the new legislation, a testamentary stipulation of hypothecation made under the provisions of article 880 of the former Code is deemed to require the liquidator of the succession to grant a conventional immovable hypothec for the benefit of the persons in whose favour the stipulation was made.
- Execution of charges** **44.** The provisions of article 771 of the new Code, concerning the execution of a charge which becomes impossible or too burdensome, and the provisions of articles 772 to 775 of that Code, concerning proof and probate of wills, are applicable to wills made before the coming into force of the new legislation.
- Successions opened but not liquidated** **45.** Successions that have opened but have not yet begun to be liquidated when the new legislation comes into force are liquidated pursuant to the new legislation, and article 835 of the new Code may be applied to those successions.
- Presumption** Liquidation of a succession is deemed to have begun when a legacy by particular title or a debt of the succession, other than the ordinary public utility bills or debts in need of payment, is paid.
- Partition of property** **46.** Articles 837 to 847, 849 to 866 and 884 to 898 of the new Code are applicable, adapted as required, to successions which open before the coming into force of the new legislation in respect of property partition of which has not begun; partition of property is deemed to have begun when an operation is effected for the purpose of proceeding therewith, after the decision of the heirs or the court to partition the property.

Exception This rule does not apply to an action in partition which is pending when the new legislation comes into force.

Gift subject to return **47.** For successions which open after the coming into force of the new legislation, gifts made before such coming into force are excluded from the application of article 630 of the former Code, but remain subject to return pursuant to that Code.

DIVISION IV

PROPERTY

Movables considered as immovables **48.** Under article 903 of the new Code, only those movables referred to which ensure the utility of the immovable are to be considered as immovables, and any movables which, in the immovable, are used for the operation of an enterprise or the pursuit of activities are to remain movables.

Disbursements **49.** All disbursements made before the coming into force of the new legislation are governed by that legislation.

Unclaimed things **50.** The holder of a thing entrusted for safekeeping, work or processing may, if it is not claimed upon completion of the work or at the end of the agreed period or if it is forgotten, dispose of it in accordance with the provisions of articles 944 and 945 of the new Code. He nevertheless remains entitled to proceed with the sale thereof in accordance with the former legislation if all the formalities of publication required by that legislation have already been completed when the new legislation comes into force.

Indivision by agreement **51.** In situations of indivision established by agreement before the coming into force of the new legislation, the rights and obligations of undivided co-owners, the administration of the undivided property and the end of indivision and partition are governed by the new legislation.

Divided co-ownership **52.** In matters concerning divided co-ownership of an immovable, a group of coproprietors becomes a syndicate. The rights and obligations of the administrators of the co-ownership are transferred to the syndicate.

Administrators The administrators of the co-ownership become the directors of the syndicate and constitute the board of directors thereof, except where there is cause for disqualification.

Name of syndicate	The syndicate is designated by the name which the co-owners as a body have given themselves or by which they are generally known, or by the address of the place where the immovable is located.
Legislation applicable	53. Divided co-ownership of an immovable established before the coming into force of the new legislation is governed by that legislation.
Change of destination	However, any stipulation of the declaration of co-ownership which establishes the rule of unanimous approval for decisions changing the destination of the immovable is maintained notwithstanding article 1101 of the new Code.
Contribution for expenses	Notwithstanding article 1064 of the new Code, any stipulation of the declaration of co-ownership which fixes the contribution for expenses arising from the co-ownership and the operation of the immovable on the basis of the dimensions of the private portion of each fraction is also maintained.
Declaration of co-ownership	54. The clauses contained in existing declarations of co-ownership are placed in one of the categories contemplated in article 1052 of the new Code, in accordance with the provisions of articles 1053 to 1055 of that Code.
Lease in effect	55. Article 1057 of the new Code is applicable to a lessee under a lease in effect when the new legislation comes into force.
Divided co-ownership	56. Article 1058 of the new Code does not apply to divided co-ownership of immovables existing when the new legislation comes into force and in which several persons have a periodic and successive right of enjoyment in the same fraction.
Alienation of rights	However, as long as the act constituting the co-ownership has not been amended pursuant to article 1058, the alienation of any right in such a fraction, or in any other fraction of the same immovable, is subordinate, on pain of nullity, to the fulfillment of the conditions relating to the sale of residential immovables provided in the new Code.
Latent defect	57. The failure to act with diligence referred to in the second paragraph of article 1081 of the new Code is appraised in accordance with the former legislation if the latent defect was discovered before the coming into force of the new legislation.
Time limit	58. In divided co-ownerships which exist at the time the new legislation comes into force, the periods provided for in articles 1104

and 1107 of the new Code run from the coming into force of the new legislation.

59. Legal situations which were governed by the former Constitut or Tenure System Act (R.S.Q., chapter C-64), other than offers to acquire already made under that Act, are governed by the provisions of the new Code relating to superficies.

60. Articles 1139 to 1141 of the new Code are applicable to usufructs established by contract and existing when the new legislation comes into force.

61. Any unjustified delay on the part of the usufructuary in making an inventory or in furnishing security for a usufruct which opens before the date on which the new Code comes into force does not give rise to the application of article 1146 of that Code, except where the usufructuary has been put in default by the bare owner, in which case he has sixty days to fulfill his obligations.

62. The provisions of articles 1148 and 1149 of the new Code concerning insurance of property subject to usufruct do not apply to usufructs established before the new legislation comes into force.

63. The provisions of the second paragraph of article 1153 of the new Code, concerning the right of usufructuaries to be reimbursed at the end of the usufruct for the cost of major repairs made by them, are applicable to repairs made by a usufructuary after the new legislation comes into force.

64. Servitudes of right of way which exist when the new legislation comes into force may be redeemed pursuant to article 1189 of the new Code upon the expiry of a period of thirty years from the coming into force of the new legislation.

65. The rules of the new legislation concerning emphyteusis are applicable to existing contracts of emphyteusis insofar as they complete the provisions thereof.

66. A person whose property is inalienable when the new legislation comes into force, as a result of a stipulation contained in a liberality made prior to that date, may be authorized by the court to dispose of the property if any of the conditions provided in article 1213 of the new Code is satisfied.

67. The effects and opening of a substitution established by contract before the new legislation comes into force are governed by

the new legislation in the same manner as a substitution established by will.

Opening of
substitu-
tion

68. Substitutions which have not yet opened on the date on which the new legislation comes into force, and in respect of which the institute is already deceased or is a legal person, open thirty years after that date, except where an earlier time has been fixed by the grantor in the act constituting the substitution.

Recovery of
alienated
substituted
property

69. Where, before the coming into force of the new legislation, the institute has alienated the substituted property or used it as security, or where the property has been the subject of a seizure or a forced sale, the right of the substitute to take back the property when the substitution opens continues to be governed by the former legislation.

Judicial
deposits

70. Amounts held by a prothonotary as judicial deposits under article 953a of the former Code are remitted to the institute. Reimbursements of capital loaned which, under that article, were to be made to the prothonotary, are made to the institute.

Foundations
and trusts

71. The effects and extinction of foundations and trusts constituted by gift before the new legislation comes into force are governed by the new legislation in the same manner as foundations and trusts constituted by will.

One-
hundred-
year-period

72. The maximum period of one hundred years provided for in article 1272 of the new Code runs from the coming into force of the new legislation for trusts constituted before that time and for legal persons who are beneficiaries of a trust, provided, in the latter case, that their rights have opened at that time.

Property
of others

73. Administration of the property of others entrusted by contract to a manager of undivided property or to a trustee before the new legislation comes into force is governed by that legislation, as in the case of the administration of the property of others entrusted otherwise than by contract.

Sound
investments

74. Investments made in accordance with the provisions of article 981o of the former Code before the coming into force of the new legislation are presumed sound investments within the meaning of the new Code.

DIVISION V

OBLIGATIONS

§ 1.—*Obligations in general**I—Formation of contracts*Nullity of
contract

75. The nullity of a contract made before the coming into force of the new legislation may no longer be pronounced on the basis of an inexcusable error on the part of one of the parties.

Defect of
consent

76. The defect of consent induced by fraud committed before the coming into force of the new legislation by one of the parties to the contract or by a third person with the knowledge of one of the parties may henceforth be invoked by the other party even where he would still have contracted, but on different terms.

Action
based on
fear

77. No action based on fear induced by a third person in a party to a contract made before the coming into force of the new legislation may henceforth be received or maintained if the violence exerted or threats made by the third person were unknown to the other party at the time the contract was made.

Nullity of
contract

78. The provisions of articles 1407, 1408 and 1421 of the new Code concerning, respectively, the remedies available to the person whose consent is vitiated, the power granted to the court to maintain, in certain cases, a contract in respect of which a demand for annulment has been made, and the presumption of relative nullity of a contract which does not meet the necessary conditions of its formation, are applicable to contracts formed before the coming into force of the new legislation.

Relative
nullity

79. The relative nullity of a contract made before the coming into force of the new legislation may, in the conditions set forth in article 1420 of the new Code, be invoked by the party contracting with the person in whose interest the nullity is established.

Confirma-
tion of a
contract

80. The confirmation of a contract given prior to the coming into force of the new legislation but which does not comply with the conditions of article 1214 of the former Code is nevertheless valid if it satisfies the conditions established by article 1423 of the new Code.

II—Interpretation of contracts

Consumer contracts **81.** The provisions of article 1432 of the new Code, concerning the interpretation of contracts of adhesion or consumer contracts, apply to existing contracts.

III—Effects of contracts

Nullity of clause **82.** Abusive, illegible or incomprehensible clauses of a contract made prior to the new legislation are null, or the obligation arising from them may be reduced, in the conditions set forth in articles 1436 and 1437 of the new Code.

Legal or conventional warranties **83.** In any contract made before the coming into force of the new legislation, the former legislation continues to apply to the warranties, both legal or conventional, to which the contracting parties are obliged between themselves or in respect of their heirs or successors by particular title.

Obligation to deliver **84.** The provisions of article 1456 of the new Code, concerning the bearing of risks attached to a property which is the subject of a real right transferred by contract, do not apply to situations in which the obligation to deliver the property, even where exigible after the coming into force of the new legislation, arises from a transfer made before that time.

IV—Civil liability

Legislation applicable **85.** The conditions of civil liability are governed by the legislation in force at the time of the fault or act which causes the injury.

Damage following a death **86.** The right of a person to damages for injury suffered by reason of the death of another person continues to be governed by the provisions of article 1056 of the former Code, provided the death occurred as a result of a fault or act having occurred prior to the coming into force of the new legislation.

V—Performance of obligations

Payment **87.** Payment is governed by the legislation in force at the time it is made.

Rights of creditors **88.** The rights of a creditor in case of nonperformance of an obligation of a debtor are governed by the legislation in force at the time of the nonperformance, subject to the provisions which follow.

Stipulation
without
effect

89. A stipulation or statement made prior to the coming into force of the new legislation and intended to exempt the creditor from the obligation to prove that the debtor is in default by operation of law is without effect.

Resolution
or resili-
ation of
contract

90. The provisions of article 1604 of the new Code, concerning the resolution or resiliation of a contract and the reduction of the obligations arising from it, apply upon the coming into force of the new legislation, even where nonperformance by the debtor occurred before that time.

Damage for
bodily
injury

91. The provisions of articles 1614 and 1615, the second paragraph of article 1616 and article 1618 of the new Code, concerning damages for bodily injury and interest on certain damages, are applicable to applications filed after the coming into force of the new legislation, even where the nonperformance of the obligation or the fault or act causing the injury occurred before such coming into force.

Penal
clauses

92. The provisions of articles 1623 to 1625 of the new Code are applicable to penal clauses not yet executed, even if the nonperformance of the obligation occurred previously.

Faulian
actions

93. Pending oblique or paulian actions may not be dismissed for the sole reason that the claim of the plaintiff was not liquid and exigible at the time the action was instituted.

VI—Transfer and alteration of obligations

Assignment
of claims

94. The assignment of a claim is governed by the legislation in force when the assignment is made, but the conditions provided by the new Code for setting it up are applicable to an assignment made prior to its coming into force if the conditions provided by the former Code have not yet been fulfilled.

Subrogation
dependent
on prior
consent

95. Stipulations made prior to the coming into force of the new legislation which render subrogation dependent on the prior consent of the debtor are without effect for the future.

VII—Extinction of obligations

Discharge
of debtor

96. The discharge of a debtor, following the acquisition, prior to the coming into force of the new legislation by a privileged or hypothecary creditor of property which belonged to him, continues to be governed by the former legislation.

VIII—Restitution of prestations

**Restitu-
tions** **97.** The provisions of articles 1699 to 1707 of the new Code are applicable to restitutions based on former causes of restitution but made after the coming into force of the new Code.

§ 2.—*Nominate contracts**I—Contracts of sale*

**Right of
redemption** **98.** The opposability of reservation of ownership or a right of redemption of movable property which was acquired for the service or carrying on of an enterprise is subject to the provisions of section 162.

**Instalment
sales** **99.** In instalment sales made before the coming into force of the new legislation, transfers of the risks of loss of the property continue to be governed by the former legislation.

**Right of
redemption** **100.** By way of exception to article 1753 of the new Code, a right of redemption stipulated before the coming into force of the new legislation for a term exceeding five years retains its original term.

Bulk sales **101.** Bulk sales made before the coming into force of the new legislation continue to be governed by the provisions of articles 1569*a* and following of the former Code.

**Giving in
payment** **102.** Article 1801 of the new Code applies to clauses of giving in payment stipulated in an act constituting a hypothec before the coming into force of the new legislation if, at that time, the right to execution thereof has not yet been acquired by completion of the formalities set out in article 1040*a* of the former Code.

**Attached
rights** The rights attached to clauses of giving in payment which survive or are executed pursuant to the first paragraph, and the rights arising from the execution of such clauses, are also maintained.

II—Contracts of gift

**Promise of
a gift** **103.** The provisions of article 1812 of the new Code concerning the promise of a gift are applicable to promises made prior to the coming into force of the new legislation.

Damages However, where the promise is not fulfilled, the beneficiary of the promise is entitled to damages equivalent only to the benefits he has granted and the expenses he has incurred since the date on which the new legislation came into force.

Gifts *inter vivos*

104. A donee who, at the time of a gift *inter vivos* made by marriage contract before the coming into force of the new legislation, obligated himself to pay future debts or charges of an undetermined nature and amount, is thenceforth bound by that obligation only up to the value of the property given.

Gifts in contemplation of death

105. Gifts in contemplation of death validly made pursuant to the provisions of the former Code may not be annulled on the basis of the provisions of article 1840 of the new Code, even where their acceptance takes place after the coming into force of the new Code.

Gifts in contemplation of death

106. The provisions of article 1841 of the new Code are applicable to gifts in contemplation of death made before the date on which it comes into force, provided such gifts have not yet been executed on that date.

III—Contracts of leasing

Opposability

107. The opposability of the rights of ownership of a lessor which arise from a contract of leasing in force is subject to the provisions of section 162.

IV—Contracts of lease

Termination notice not required of sublessor

108. A sublessor of a dwelling other than a room is not required to provide a prior notice of termination of a lease under article 1940 of the new Code if the lease is entered into before the coming into force of the new legislation and terminates within ten days after such coming into force.

Housing cooperatives

109. The provisions of the last paragraph of article 1955 of the new Code do not apply to a lease entered into before the coming into force of that article.

Owner of undivided share

110. Except in the case contemplated in article 1958 of the new Code, the person who, on the coming into force of the new legislation, is the owner of an undivided share of an immovable may repossess a dwelling therein if the conditions set forth in subparagraphs 2 and 3 of the second paragraph of article 1659 of the former Code are fulfilled.

Low rental housing

111. The provisions of article 1988 of the new Code, concerning the remedies of a lessor in the case of a false statement by the lessee, are applicable to statements made one year or less before the coming into force of the new legislation.

Time limit The period provided in article 1988 runs from the coming into force of the new legislation.

V—Contracts of carriage

Right of action against carriers **112.** The right of action against a carrier of property in respect of loss or damage occurring before the coming into force of the new legislation continues to be governed by the provisions of article 1680 of the former Code.

Handling contractors **113.** The provisions of articles 2080 to 2084 of the new Code concerning the liability of the handling contractor apply only if the fault or act which caused the injury occurred after the coming into force of the new legislation; if this is not the case, the fault or act continues to be governed by the former legislation, even where the injury becomes evident only after the coming into force of the new legislation.

VI—Contracts of enterprise or for services

Defect or poor workmanship **114.** Articles 2118 to 2121 and 2124 of the new Code apply in respect of losses resulting from a defect or poor workmanship, to the extent that the origin of the defect or poor workmanship is subsequent to the coming into force of the new legislation.

VII—Contracts of partnership and of association

General partnerships **115.** Civil partnerships become general partnerships upon the coming into force of the new legislation; the liability of the partnership and the partners towards third persons nevertheless continues to be governed by the former legislation for acts performed and obligations contracted before that time.

Time limit Such partnerships are bound to make declarations, in accordance with the provisions of articles 2189 and 2190 of the new Code, within one year from the coming into force of the new Code; if they fail to do so, they become undeclared partnerships.

Undeclared partnerships **116.** Anonymous partnerships become undeclared partnerships.

Liability of partners The liability of the partners towards third persons continues, however, to be governed by the provisions of article 1870 of the former Code with respect to any obligation contracted before the coming into force of the new legislation.

Joint-stock
companies

117. Joint-stock companies which, under article 1889 of the former Code, are subject to the general rules established for commercial partnerships under a collective name become general partnerships.

Undeclared
partner-
ship

118. Partnerships which have not made a declaration when the new legislation comes into force become undeclared partnerships, pursuant to the provisions of the new Code, unless they make a declaration before the expiry of a period of one year from the date on which the new legislation comes into force.

Liability
of part-
ners

119. The liability of the partners of a general or limited partnership towards third persons in respect of obligations of the partnership resulting from an incomplete, inaccurate or irregular declaration or from a failure to produce an amending declaration, is governed by the legislation in force at the time the obligation arises.

Exclusion
of third
person

120. The right of a partner under article 2209 of the new Code to exclude a person who is not a member of the partnership and who has acquired the share of one of the partners by onerous title may be exercised in respect of any acquisition made in the year preceding the coming into force of the new Code.

Time limit

In such a case, the period of sixty days provided in article 2209 runs from the coming into force of the new Code.

Applica-
tion of
former
legislation

121. Acts performed and obligations contracted by a general or limited partnership or by a partner thereof before the coming into force of the new legislation continue to be governed by the former legislation for matters concerning all relations of the partnership and the partners with third persons.

Interfer-
ence by
special
partners

122. The provisions of the second paragraph of article 2244 of the new Code are applicable to acts of interference by special partners before the coming into force of the new legislation.

General
partners
unable to
act

123. The provisions of article 2245 of the new Code apply to existing situations in which the general partners are unable to act, and the period of one hundred and twenty days provided in that article for replacing the general partners runs from the coming into force of the new legislation.

Debts of
limited
partnership

124. Any stipulation whereby a special partner is bound to secure or assume the debts of a limited partnership beyond the agreed amount of his contribution is without effect from the coming into force of the new legislation.

Liquidation
of partner-
ship

125. A liquidation of a partnership begun before the coming into force of the new legislation is continued under the former legislation, but the powers of the liquidator are as provided in the new Code.

Liquidation

Liquidation of a partnership is deemed to begin upon designation of the liquidator.

VIII—Contracts of deposit

Innkeeper's
liability

126. The liability of an innkeeper resulting from deposits made prior to the coming into force of the new legislation continues to be governed by the provisions of articles 1814 to 1816 of the former Code.

IX—Contracts of loan

Money
lending

127. The provisions of article 2332 of the new Code, concerning the nullity or reduction of the obligations arising from a loan of a sum of money, as well as the revision of the terms and conditions of their performance, apply to existing contracts only with respect to the resulting pecuniary obligations.

X—Contracts of suretyship

Forfeiture
of term

128. The effects in respect of the surety of forfeiture of the term by the principal debtor are determined by the legislation in force at the time of the forfeiture.

Renuncia-
tion
without
effect

129. Any renunciation in advance of the right to be provided with information or the benefit of subrogation, made by a surety before the coming into force of the new legislation, ceases to have effect.

Heirs of a
surety

130. The obligations of the heirs of a surety are extinguished upon the coming into force of the new legislation, except with respect to debts existing at that time.

Suretyship

131. A suretyship attached to the performance of special duties which ceased before the date on which the new legislation comes into force terminates upon such coming into force, except with respect to existing debts.

XI—Contracts of annuity

Annuitant's
right

132. The right of an annuitant to require that the forced sale of a property which is hypothecated to secure payment of his annuity

be carried out subject to his annuity may be exercised only if the process leading to the sale begins before the coming into force of the new legislation; otherwise, the annuitant may only demand, pursuant to article 2387 of the new Code, that the creditor furnish him with sufficient surety to ensure continued payment of the annuity.

DIVISION VI

PRIOR CLAIMS AND HYPOTHECS

133. Property charged as security under the rules of the former legislation continues to be governed by that legislation to the extent that the right to the realization of the security has been acquired by the sending and publication of the notices required under the former legislation or, if not, by means of a judicial demand, before the coming into force of the new legislation.

If the right to the realization of the security has not yet been acquired, the new legislation is applicable.

134. Subject to registration, if the former legislation so required, within the time prescribed by that legislation,

Securities,
hypothechs
and privi-
leges

(1) conventional securities other than transfers of claims contemplated by section 136 become conventional, movable or immovable hypothechs, depending on whether the property charged is movable or immovable property;

(2) hypothechs created by will become conventional hypothechs;

(3) legal or judicial hypothechs become legal hypothechs if the new legislation attributes this quality to the claims on which they are based;

(4) legal hypothechs in favour of minors or persons of full age under tutorship or curatorship continue to be legal hypothechs as long as the tutor or curator does not offer another security of sufficient value pursuant to articles 242, 243 and 266 of the new Code;

(5) privileges become either prior claims or legal hypothechs, depending on the quality attributed by the new legislation to the claims on which they are based. However, the privilege of the seller of an immovable becomes a legal hypothec; the privilege of the lessor of an immovable, other than a residential immovable, on the furniture becomes a legal movable hypothec which retains its opposability for a period of not more than ten years provided it is published, as though it were a renewal made in accordance with section 157.

Order of
priority

The abovementioned securities conserve their rank under the former legislation in all cases; however, hypothecs on property which, by reason of the application of the new legislation, have changed in nature must, to conserve their rank, be published in the appropriate register within the following twelve months.

Legal or
judicial
securities

Former legal or judicial securities, other than the privilege of the seller of an immovable, based on claims which, under the new legislation, no longer have preference, become prior claims collocated after all other prior claims.

Initial
object
unchanged

135. In no case does the application of the new legislation have the effect of changing the initial object of the security, without prejudice to the powers granted to the court by article 2731 of the new Code.

Immovable
hypothecs

136. Transfers of present and future rents produced by an immovable, and transfers of indemnities provided by the insurance contracts covering the rents, become immovable hypothecs; they rank according to the date of registration of the acts in which they are contained, unless they have a different rank under the former legislation.

Conven-
tional
hypothecs

Transfers by bill of lading become conventional hypothecs and conserve their initial rank, provided they are published within thirty days after the notice of the Minister of Justice provided for in section 162.

Seizure of
movable
property

137. The opposability of a stipulation of unseizability made in respect of movable property before the coming into force of the new legislation is subject to the provisions of section 162.

Alienation
of property
used as
security

138. An alienation of property having been the object of a movable security, made prior to the coming into force of the new legislation and outside the ordinary course of business of an enterprise, is subject to the provisions of article 2700 of the new Code.

Registra-
tion

However, the period for registration of the notice provided in that article runs from the publication of the notice of the Minister of Justice provided for in section 162.

Notice of
crystalli-
zation

139. The provisions of article 2723 of the new Code, concerning cancellation of the notice of crystallization of a floating hypothec, are applicable to notices of omission or breach registered pursuant to article 1040*a* of the former Code.

Workmen's
privileges

140. The privileges acquired by workmen as a result of work done on an immovable and completed before the date on which the new legislation comes into force are subject to publication of a notice of preservation of legal hypothec within thirty days after that date, provided they still exist on that date.

DIVISION VII

PROOF

Legislation
applicable

141. In questions of preconstituted proof and legal presumptions, the applicable legislation is the legislation in force on the day on which the juridical act is entered into or the facts occur.

Simple and
absolute
presump-
tions

142. The rule of interpretation stated in the second paragraph of article 2847 of the new Code, establishing that a presumption concerning "presumed" facts is simple and a presumption concerning "deemed" facts is absolute, applies to legislation other than the Civil Code of Québec and the Code of Civil Procedure only from the date fixed by the Government.

DIVISION VIII

PRESCRIPTION

Advance
registra-
tion

143. A person who, when the new legislation comes into force, has not yet acquired ownership by prescription is subject to the provisions of the first paragraph of article 2918 of the new Code if he has possessed, as owner, an immovable registered in the land register consisting of the index of immovables, in the mining register or in the register of public service networks, or an immovable situated in territory without a cadastral survey; the judicial demand to acquire ownership thereof by prescription shall be the subject of an advance registration.

Judicial
recognition

A person who, when the new legislation comes into force, has become the owner of an immovable by prescription, pursuant to the former legislation, may still apply to the court in whose territory the immovable is located to obtain, by motion, judicial recognition of his right of ownership.

DIVISION IX

PUBLICATION OF RIGHTS

§ 1.—*Publication by registration in the land register*Land
register

144. The introduction, in a registration division, of a land register consisting of land books made up of land files, in accordance with article 2972 of the new Code, is made public by publication by the Minister of Justice, in the *Gazette officielle du Québec*, of a notice indicating that the land register, within the meaning of the new Code, is fully operational, from the date it indicates, for the publication of rights concerning the immovables or the territory designated in the notice. A notice of the publication in the *Gazette officielle du Québec* is given in a daily or weekly newspaper distributed in the registration division concerned.

Notice

The notice published in the *Gazette officielle du Québec* contains the description of the territory of the registration division in which the new land book has been introduced and indicates the location of the registry office; it may also make reference to the regulation describing the territories of the registration divisions which will have the new land register.

Land
register

145. Until the land register in a registration division is composed of land books made up of land files, in accordance with article 2972 of the new Code, the application of the provisions of Book Nine of that Code is subordinate to the provisions of this division.

Index of
immovables

In such a registration division, the land register takes the form of the index of immovables, if such an index was established, and, where applicable, the mining register or the register of public service networks and immovables situated in territory without a cadastral survey.

Existing
registers
and files

146. In each registration division where there is no land register within the meaning of article 2972 of the new Code, the index of immovables, the existing cadastral plans and where applicable, existing books of reference, the mining register and the supplementary card-index file of names are continued, together with the index of names and the complementary register of entries made in the margin of applications which are part of the records of the registry office.

Registra-
tion in
the index
of names

Notwithstanding article 3035 of the new Code, until a file is opened for an immovable situated in territory without a cadastral

survey, an application not evidencing a real right established by agreement but concerning the immovable gives rise to registration in the index of names.

Mining register

From the coming into force of this division, the mining register will be known as the register of real rights of State resource development, and the card-index file of the holders of mining rights will be known as the Directory of holders of real rights.

Existing plans and books

147. The index of immovables, the existing cadastral plans and, where applicable, existing books of reference, the register of real rights of State resource development and the Directory which supplements it are continued in all registry offices until a land file has been opened in the land register, within the meaning of article 2972 of the new Code, for all the immovables entered therein.

Register of public service networks

148. A register of public service networks and immovables situated in territory without a cadastral survey is kept at the registry office of every registration division where there is no land register within the meaning of article 2972 of the new Code.

Contents

The register consists of as many land files, opened under serial numbers, as there are immovables situated in territory without a cadastral survey and public service networks in the division of the registry office. The Directory of holders of real rights provided for in the third paragraph of section 146 supplements the register.

Register and Directory

The register and Directory are continued until a land file has been opened in the land register, within the meaning of the new Code, for all the immovables entered therein.

Publication of rights

149. Where the land register in a registration division takes the form of the index of immovables, the register of real rights of State resource development or the register of public service networks and immovables situated in territory without a cadastral survey, publication of rights is effected by a [summary registration in the index or register making reference to the application under which registration was required and] is equivalent to registration in the register within the meaning of the new Code.

Consultation

Consultation of the register shall be completed by analysis of the application to which reference is made in the registration.

Failure to consult

A person who does not consult the appropriate register and the application to which reference is made in the registration is not in good faith.

Registra-
tion of
real rights

150. Where the land register takes the form of the index of immovables, the register of real rights of State resource development or the register of public service networks and immovables situated in territory without a cadastral survey, the registration of a real right established by agreement takes effect only from registration of the grantor's title.

Opposabi-
lity

151. Where the land register takes the form of the register of real rights of State resource development, a right in respect of which a land file has been opened may be set up against third persons only from the time correspondence is established with the index of immovables, if any. No duty is then exigible for publication of the abandonment or revocation of a real right of State resource development which is not exempt from registration.

Immatricu-
lated
immovables

152. Until the introduction of the land register within the meaning of article 2972 of the new Code, and subject to this division and the regulations thereunder, immovables which become immatriculated are entered in the index of immovables.

Separate
files for
real rights
of State
resource
development

In addition, subject to the same restrictions, a file is opened in the register of real rights of State resource development in respect of every real right of State resource development created which the law declares to be property separate from the land on which it is exercisable.

Registra-
tion
divisions
without
land re-
gisters

153. Where, in a registration division, there is no land register within the meaning of article 2972 of the new Code,

(1) the registration of a hypothec which is extinguished, or of a restriction to the right to alienate, or of any other right with a fixed term, which, according to the appropriate register and the application to which reference is made in the registration, has expired, shall be cancelled upon the filing of a single copy of an application therefor, signed by any interested person;

(2) the publication of any real right in an immovable which has been the subject of a plan prepared under section 1 of the Cadastre Act (R.S.Q., chapter C-1) shall be renewed within two years after the corresponding file is opened, by publication of a notice in conformity with article 2942 of the new Code designating the immovable concerned in the manner prescribed by the said Code.

Effect of
non rene-
wal

If the publication is not renewed, the rights preserved by the original registration have no effect against other creditors and subsequent purchasers whose claims have been regularly registered;

(3) the presumption of accuracy of the cadastral plan does not prevail over the titles.

Registra-
tion
divisions
without
land re-
gister

154. Where, in a registration division, there is no land register within the meaning of article 2972 of the new Code, and where the new Code makes reference

(1) in article 2972, to land files, it means the pages of the index of immovables, of the register of real rights of State resource development or of the register of public service networks and immovables situated in territory without a cadastral survey;

(2) in articles 3003 and 3011, to a certified statement of registration, it means a duplicate of the application filed bearing a certificate of registration;

(3) in article 3019, to a certified statement of rights registered in the registers, it means a statement certified by the registrar of the real rights affecting a particular immovable or in respect of the owner of the immovable in the written requisition which designates the owner and the immovable concerned. Mention of the requisition shall be made in the certificate;

(4) in article 3057, to a registration which strikes a previous registration from the appropriate register, it means an entry made in the margin of the document or application establishing the right in respect of which cancellation is sought. Reference is made in the appropriate register to the registration number of the application authorizing the cancellation.

Restric-
tions

155. Until the land register in a registration division is composed of land books made up of land files, in accordance with article 2972 of the new Code, and until the registrations of real rights concerning an immovable are entered on a land file after filing of the updating report at the registry office, the articles of Book Nine of the new Code shall be considered in the light of the following restrictions:

(1) for the purposes of articles 2943, 2944, 2957 and 2962, the immovable is considered as not having been immatriculated;

(2) articles 2973 to 2975, article 3058, the second paragraph of article 3059 and article 3064 are not applicable;

(3) the second paragraph of article 2996, the first paragraph of article 3030, the last paragraph of article 3043 and article 3054 apply only in territories that have been the subject of a cadastral renovation;

(4) the registrar need not carry out the verifications required by articles 3013 and 3014 concerning the titles of the grantor or last holder of the right concerned or of the State, or concerning the title of indebtedness;

(5) when a land file is opened, registration of the description of the owner, of the mode of acquisition of the immovable and of the registration number of the title is limited to land books made up of land files, in accordance with article 2972 of the new Code;

(6) rights are not carried over where a real right must be published with respect to an immovable.

156. Acts made before the coming into force of the new legislation may be published without the accompanying certificate contemplated in articles 2988 and 2991 of the new Code.

§ 2.—*Publication of personal and movable real rights*

157. Publications of transfers of property in stock, pledges of agricultural and forest property, commercial pledges and other movable real securities created and registered in accordance with the former legislation must be renewed within twelve months from the coming into force of the new legislation by registration in the register of personal and movable real rights; the same applies to movable hypothecs published pursuant to the second paragraph of section 134.

Registration of the notice of renewal in the register of personal and movable real rights preserves the opposability of the security, notwithstanding article 2942 of the new Code, at the rank it held on the date of the first prior publication, regardless of the other dates of publication of the same security.

If the publication is not renewed, the rights preserved by the original registration have no effect, upon the expiry of fifteen months after the coming into force of the new legislation, in respect of other creditors or subsequent purchasers in good faith whose claims have been regularly published.

158. No application for registration referring to a right the registration of which must be renewed, no prior notice of intention to exercise a hypothecary right and no other notice may be registered unless the right itself is registered.

159. A single notice is sufficient if the movable security for which publication is to be renewed has been published, in accordance

with the former legislation, in several registration divisions. In this case, the notice mentions the various registration divisions and indicates the respective registration dates and numbers of the security.

Priority Notwithstanding the second paragraph of article 3007 of the new Code, the registrar may, in the fifteen months following the coming into force of the new legislation, and if circumstances so require, give priority to applications for registration which are not in the form of a notice of renewal. Any statement of rights registered in the register of personal and movable real rights must indicate the specific dates of certification for each registration.

Notification The registrar is bound, under article 3017 of the new Code, to notify only those creditors whose rights are registered in the register of personal and movable real rights and who have requested registration of their address for the purpose of notification.

Opposability **160.** The personal rights and movable real rights registered in accordance with the former legislation and in respect of which the new legislation requires no renewal of registration retain their opposability. The entries may be consulted in the former registers.

Register deemed closed **161.** The register of farm and forest pledges, the register of commercial pledges and the register of transfers of property in stock are deemed to be closed upon the coming into force of the new legislation, and no cancellation, or reduction of a hypothec, may be made therein after the expiry of a period of twelve months; this period begins to run from the coming into force of the new legislation.

Corrections The registrar who is depositary of the registers may, pursuant to article 3016 of the new Code, make corrections thereto.

Rights and opposability maintained **162.** Where the new legislation, contrary to the former legislation, imposes publication formalities in order to render rights effective or able to be set up against third persons, and in particular in the cases provided for in sections 98, 107 and 137, rights created previously are maintained and preserve their original opposability, provided they are published in the appropriate register within twelve months after publication, by the Minister of Justice, in the *Gazette officielle du Québec*, of a notice indicating that the register of personal and movable real rights is fully operational, from the date it indicates, for the publication of such rights. A notice of the publication in the *Gazette officielle du Québec* is also given in the daily newspapers published in Québec or, as the case may be, distributed in Québec.

Exemption from registration Until the date fixed by the Minister, the third paragraph of article 2938 and article 2939 of the new Code do not apply and the notice of intention to exercise a hypothecary right is exempt from registration.

Restriction However, from the date fixed by the Minister, no notice of intention to exercise a hypothecary right may be registered unless the right on which it is based is published.

Register of matrimonial regimes **163.** Notices of marriage contracts or changes to marriage contracts entered in the central register of matrimonial regimes are entered as of right in the central register of personal and movable real rights.

Consultation of registers **164.** In the fifteen months following the coming into force of the new legislation, consultation of the register of personal and movable real rights does not grant exemption from consultation, where applicable, of the register of transfers of property in stock, the register of farm and forest pledges, the register of commercial pledges and the index of names.

Certified statements The registrar who is depository of the registers or who was qualified to make entries therein may, during that period, issue certified statements of subsisting rights in respect of rights created before the coming into force of the new legislation, and may process applications for reduction or cancellation pertaining to such rights.

Conditions Before the expiry of that period, the registrar entrusted with the register of personal and movable real rights is bound to issue a certified statement of the rights entered in the register only if such rights were published after the coming into force of the new legislation or if the registration of those rights is the result of a renewal made in accordance with section 157.

§ 3.—Regulations

Temporary maintenance of registers **165.** The Government, to take account of the temporary maintenance of the registers currently in use in the registry offices, may take, by regulation, any measures required for the application of this division, including the enactment of provisions other than those provided in Book IX of the new Code, in particular to take account, in the application of the second paragraph of article 3007 and article 3024 of the said Code, of the operating constraints of certain registry offices and to ensure, in those offices, the application of the new rules concerning publication.

Introduction of land registers The Government may also fix the mode and conditions of introduction of the land register within the meaning of article 2972

of the new Code and the opening of the land files making up the register, and the mode and conditions of introduction of the register of personal and movable real rights.

Form of
land reg-
ister

166. Where the land register is not composed of land books made up of land files, in accordance with article 2972 of the new Code, the Minister of Justice may, by order, alter the form of any book, index or register in lieu thereof or to be kept by registrars, or direct new ones to be kept; the order is published in the *Gazette officielle du Québec* and takes effect from the day mentioned therein, provided that day is not less than thirty days after publication of the order.

Irregula-
rities

Where irregularities are found in the authentication or manner of keeping of the registers, the Minister may, by order, in each particular case, indicate to the registrar the manner of correcting such irregularities. Similarly, he may, if circumstances require, authorize the registrar to part temporarily with the registers or books of which he is depositary to allow them to be replaced or remade; the order identifies the registers or books concerned and fixes the maximum period for which the registrar may part with them.

DIVISION X

PRIVATE INTERNATIONAL LAW

Formal
validity
of mar-
riage

167. In questions of conflict of laws, the law governing the formal validity of a marriage is determined pursuant to the provisions of the second paragraph of article 3088 of the new Code, even if the marriage was solemnized before the coming into force of the new legislation.

Testamen-
tary desi-
gnation

168. A designation made by will, before the date on which the new legislation comes into force, of the law applicable to a succession which opens after that date has full effect, provided the conditions set forth in the second paragraph of article 3098 of the new Code are satisfied.

Successions

169. The provisions of article 3100 of the new Code apply to successions which open before the date on which the new legislation comes into force in respect of property situated in Québec and of which partition has not yet begun on that date.

Foreign
decisions

170. The provisions of the new Code concerning the recognition and enforcement of foreign decisions do not apply to decisions already rendered when the new legislation comes into force, or to proceedings pending at that time before foreign authorities.

TITLE II

CODE OF CIVIL PROCEDURE

c. C-25,
a. 4,
replaced

171. Article 4 of the Code of Civil Procedure (R.S.Q., chapter C-25) is replaced by the following article:

4. In this Code,

(a) “affidavit” means a written statement supported by the oath of the deponent, received and attested by any person authorized for that purpose by law;

(b) “case ready for judgment” means a case in which the trial has been completed and which has been taken under advisement;

(c) “office of the court” means a secretariat comprising the administrative services of one or more courts, whose main functions are the management of the issue of court orders and the preservation of court records;

(d) “clerk” means a public servant of the Ministère de la Justice working in the office of a court and appointed for that purpose according to law;

(e) “special clerk” means the clerk or the deputy clerk appointed by order of the Minister of Justice, with the consent of the chief justice or chief judge of the court, to exercise in that court, in addition to his other functions, the attributions attached to such capacity;

(f) “judge” means according to the context, a judge acting in chambers or presiding in a courtroom;

(g) “trial judge” means the judge presiding at the hearing of a case;

(h) “chief justice” or “chief judge” means the chief justice or judge, the senior associate chief justice or judge or the associate chief justice or judge;

(i) “oath” means a solemn affirmation by a person of the accuracy of a fact or the veracity of his testimony;

(j) “court” means one of the courts of justice enumerated in article 22 or a judge presiding in a courtroom.

Moreover, the meaning of the word “court” used in the Civil Code of Québec or in a special Act is determined by the Code of Civil

Procedure or where the case arises, the Act itself where it contains its own definition thereof. It may designate, as the case may be, the competent jurisdiction in civil matters, a judge presiding in a courtroom or acting in chambers, or a clerk.”

c. C-25,
a. 12, am.

172. Article 12 of the said Code is amended by inserting the following paragraph:

“(c) applications relating to the integrity of the person;”.

c. C-25,
a. 18,
repealed

173. Article 18 of the said Code is repealed.

c. C-25,
aa. 21, 21.1,
repealed

174. Articles 21 and 21.1 of the said Code are repealed.

c. C-25,
Book I,
Tit. II,
Chap. I,
heading,
replaced

175. The heading of Chapter I of Title II of Book I of the said Code is replaced by the following heading:

“JURISDICTION OF THE COURTS”.

c. C-25,
a. 26, am.

176. Article 26 of the said Code is amended by adding the following paragraphs:

“(7) from any final judgment in matters concerning confinement in an establishment or psychiatric examination;

“(8) with leave of a judge of the Court of Appeal, from any judgment or order rendered in matters concerning execution.”

c. C-25,
a. 26.1,
added

177. The said Code is amended by inserting, after article 26, the following article:

“**26.1** A judgment awarding damages for bodily injury is a final judgment even if it reserves the right of the plaintiff to apply for additional damages.

In determining the value of the object of the dispute in appeal from the judgment ruling on an application for additional damages, account is taken only of the application for additional damages.”

c. C-25,
a. 29, am.

178. Article 29 of the said Code is amended by striking out the words “deemed to be” in the first line of the third paragraph.

c. C-25,
a. 33, am.

179. Article 33 of the said Code is amended

(1) by replacing the words “and corporate” in the second and third lines by the words “, legal persons established in the public interest or for a private interest”;

(2) by replacing the word “jurisdiction” in the seventh line of the French text by the word “compétence”.

c. C-25,
a. 34, am.

180. Article 34 of the said Code is amended

(1) by inserting, after the word “contract” in the second line of subparagraph 2 of the first paragraph, the words “or for reduction of the obligations resulting from a contract”;

(2) by replacing the words “at the diligence of the parties” in the fourth and fifth lines of the second paragraph by the words “with the written consent of all the parties or, failing such consent, on an application presented to the judge or the clerk”;

(3) by replacing the word “jurisdiction” in the third and seventh lines of the second paragraph of the French text by the word “compétence”;

(4) by replacing the words “at the diligence of the parties” in the fourth line of the third paragraph by the words “with the written consent of all the parties or, failing such consent, on an application presented to the judge or the clerk”;

(5) by replacing the word “jurisdiction” in the third and sixth lines of the third paragraph of the French text by the word “compétence”;

(6) by replacing the words and figures “articles 1650 to 1650.3” in the second line of the fourth paragraph by the word and figure “article 1892”.

c. C-25,
a. 35, am.

181. Article 35 of the said Code is amended

(1) by replacing the words “municipal corporation” in the second line of paragraph 1 by the word “municipality”;

(2) by replacing the words “municipal corporation” in the third line of paragraph 3 by the word “municipality”.

c. C-25,
a. 36, am.

182. Article 36 of the said Code is amended

(1) by replacing the word “jurisdiction” in the second line of the first paragraph of the French text by the word “compétence”;

(2) by replacing the words “municipal corporation” in the fifth line of the first paragraph by the word “municipality”.

c. C-25,
a. 36.2,
added

183. The said Code is amended by inserting, after article 36.1, the following article:

“36.2 Pursuant to articles 26 to 31 of the Civil Code of Québec, the Court of Québec is competent to hear, to the exclusion of the Superior Court, any application to obtain that a person refusing to undergo a psychiatric examination be submitted to such examination, or that the person be admitted for confinement against his will by an establishment governed by the Acts respecting health services and social services.

In urgent cases, the application may also be made before a judge of the municipal courts of the cities of Montréal, Laval or Québec having jurisdiction in the locality where the person is.”

c. C-25,
Book I,
Tit. II,
Chap. II,
heading,
replaced

184. The heading of Chapter II of Title II of Book I of the said Code is replaced by the following heading:

“JURISDICTION OF JUDGES AND CLERKS”.

c. C-25,
a. 39,
French
text, am.

185. The French text of article 39 of the said Code is amended by replacing the word “incapable” in the third line of the first paragraph by the word “empêché”.

c. C-25,
a. 41, am.

186. Article 41 of the said Code is amended

(1) by replacing the word “powers” in the first line by the word “competence”;

(2) by replacing the word “incapable” in the first line of paragraph 2 of the French text by the word “empêché”;

(3) by adding, at the end, the following paragraph:

“In matters within his jurisdiction, the clerk has the same powers as the judge.”

c. C-25,
a. 50,
French
text, am.

187. The French text of article 50 of the said Code is amended by striking out the word “réputé” in the first line of the first paragraph.

c. C-25,
a. 53.1,
added

188. The said Code is amended by inserting, after article 53, the following article:

“53.1 The proof submitted to establish contempt of court must leave no possibility of reasonable doubt.

The respondent may not be compelled to testify.”

c. C-25,
a. 56, am.

189. Article 56 of the said Code is amended

(1) by replacing the words “have the free exercise of” in the first line of the first paragraph by the words “be able to fully exercise”;

(2) by replacing the words “has not the free exercise of” in the first line of the second paragraph by the words “is not able to fully exercise”.

c. C-25,
a. 59, am.

190. Article 59 of the said Code is amended

(1) by replacing the word “Crown” in the second line of the first paragraph by the word “State”;

(2) by replacing the words “have not the free exercise of” in the first and second lines of the third paragraph by the words “are not able to fully exercise”;

(3) by adding, at the end of the third paragraph, the following sentence: “This also applies to an administrator of the property of others in respect of anything connected with his administration and to a mandatary in the performance of a mandate given by a person of full age in anticipation of his incapacity to take care of himself or administer his property.”

c. C-25,
a. 60, am.

191. Article 60 of the said Code is amended

(1) by replacing the first paragraph by the following paragraph:

“60. Where all or some of the directors of an association within the meaning of the Civil Code are party to legal proceedings in their capacity as directors, they may do so under their own name or under the name which the association has given itself or the name by which it is known.”;

(2) by replacing the words “Such a group may also institute legal proceedings provided that it deposits” in the first and second lines of the second paragraph by the words “However, an association of employees must, to institute legal proceedings, deposit”;

(3) by replacing the word “il” in the fourth line of the second paragraph of the French text by the word “elle”.

c. C-25,
a. 61, am.

192. Article 61 of the said Code is amended

(1) by replacing paragraphs *a* and *e* by the following paragraphs:

“(a) legal persons;

“(e) general or limited partnerships and associations within the meaning of the Civil Code, unless all the partners or members act themselves or mandate one of their number to act;”;

(2) by replacing the words “corporation, a partnership or a group contemplated by article 60” in the first and second lines of the second paragraph by the words “legal person, general or limited partnership or association within the meaning of the Civil Code”.

c. C-25,
a. 68, am.

193. Article 68 of the said Code is amended

(1) by replacing the words and figures “articles 70, 71, 74 and 75” in the first line of the first paragraph by the words “this Chapter and the provisions of Book Ten of the Civil Code of Québec”;

(2) by replacing the figure “85” in the second line of the first paragraph of subparagraph 1 of the first paragraph by the figure “83”.

c. C-25,
a. 70, am.

194. Article 70 of the said Code is amended

(1) by striking out the words “, applications for dispensation from an age requirement” in the first and second lines of the second paragraph;

(2) by inserting, after the words “person of full age under tutorship” in the third line of the second paragraph, the words “or provided with an adviser”;

(3) by striking out the words “under tutorship” in the sixth line of the second paragraph;

(4) by striking out the words “if the child has no domicile in Québec or” in the second and third lines of the third paragraph.

c. C-25,
a. 70.2,
am.

195. Article 70.2 of the said Code, amended by section 126 of chapter 21 of the statutes of 1992, is again amended by inserting, after the word “integrity,” in the first line of the first paragraph, the word “emancipation,”.

c. C-25,
a. 71.1,
added

196. The said Code is amended by inserting, after article 71, the following article:

“71.1 An application for additional damages for bodily injury that could not be determined at the time of the judgment forms part of the original record and must be presented in the district where the principal action was heard.”

c. C-25,
a. 74, am.

197. Article 74 of the said Code is amended by adding the following paragraph:

“Judicial proceedings in which the liquidator of a succession is interested may be instituted before the court of his domicile.”

c. C-25,
a. 88, am.

198. Article 88 of the said Code is amended

(1) by adding, at the end of the second paragraph, the words “, unless the court allows written contestation within the time and on the conditions it determines”;

(2) by adding the following paragraph:

“During the hearing of the demand, any party may submit relevant evidence.”

c. C-25,
a. 89, am.

199. Article 89 of the said Code is amended

(1) by replacing the word “denial” in the first line of subparagraph 1 of the first paragraph by the word “contestation”;

(2) by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) the contestation of a semi-authentic act;”;

(3) by adding, after subparagraph 3 of the first paragraph, the following subparagraph:

“(4) the contestation of a document reproducing the data of a juridical act that are entered on a computer system.”

c. C-25,
a. 90, am.

200. Article 90 of the said Code is amended

(1) by striking out the first and third paragraphs;

(2) by replacing the words “If the document denied is one of those contemplated in paragraphs 5, 5a, 6 and 7 of article 1220 of the Civil Code” in the first and second lines of the second paragraph by the words “If the document contested is a semi-authentic act”.

c. C-25,
Book I,
Tit. III,
Chap. V,
heading,
replaced

201. The heading of Chapter V of Title III of Book I of the said Code is replaced by the following heading:

“PROCEEDINGS CONCERNING THE STATE”.

c. C-25,
a. 94,
replaced

202. Article 94 of the said Code is replaced by the following article:

“**94.** Any person having a recourse to exercise against the government may exercise it in the same manner as if it were a recourse against a person of full age and capacity, subject only to the provisions of this chapter.”

c. C-25,
a. 94.1,
replaced

203. Article 94.1 of the said Code is replaced by the following article:

“**94.1** No recourse which can be exercised against a State body or any other legal person established in the public interest may be exercised against the government.”

c. C-25,
a. 94.2,
am.

204. Article 94.2 of the said Code is amended by replacing the word “Crown” in the second line by the word “government”.

c. C-25,
a. 94.3,
replaced

205. Article 94.3 of the said Code is replaced by the following article:

“**94.3** Proceedings against the government are directed against the Attorney General of Québec.”

c. C-25,
a. 94.5,
am.

206. Article 94.5 of the said Code is amended

(1) by replacing the word “Crown” in the first line by the words “Attorney General”;

(2) by replacing the words “it; such delay” in the second line by the words “him; the thirty-day period”.

c. C-25,
a. 94.6,
replaced

207. Article 94.6 of the said Code is replaced by the following article:

“**94.6** No case may be inscribed for judgment by default against the Attorney General before the lapse of thirty days after the expiry of the period prescribed in article 94.5.”

c. C-25,
a. 94.7,
am.

208. Article 94.7 of the said Code is amended by replacing the word “Crown” in the second line by the words “Attorney General”.

c. C-25,
a. 94.8,
am.

209. Article 94.8 of the said Code is amended by replacing the words “delay on service upon the Crown” in the first line by the words “period for service upon the Attorney General”.

c. C-25,
a. 94.9,
am.

210. Article 94.9 of the said Code is amended by replacing the word “Crown” in the second line by the words “Attorney General”.

c. C-25,
a. 94.10,
am.

211. Article 94.10 of the said Code is amended by replacing the word “Crown” in the first line by the words “Attorney General”.

c. C-25,
a. 97, am.

212. Article 97 of the said Code is amended by replacing the first paragraph by the following paragraph:

“**97.** A judge, *ex officio* or on application, may order any demand concerning the application of a provision of public order to be served on the Attorney General of Québec. The suit is thereupon suspended until the expiry of ten days from the date of service.”

c. C-25,
a. 98, am.

213. Article 98 of the said Code is amended by striking out the words “on behalf of the Crown” in the third line of the first paragraph.

c. C-25,
a. 100, am.

214. Article 100 of the said Code is amended

(1) by replacing the words “Gouvernement du Québec” in the second line by the word “government”;

(2) by replacing the word “charge” in the fifth line of the French text by the word “fonction”.

c. C-25,
aa. 115,
116, re-
placed

215. Articles 115 and 116 of the said Code are replaced by the following articles:

“**115.** A minister of the government, a clerk or registrar, a sheriff, the director of youth protection or the public curator, summoned in his capacity only, may be designated by his official title, if that designation is sufficient to identify him.

In actions upon bills of exchange or other private writings, negotiable or not, the defendant is sufficiently designated by his surname and given names or initials as they appear in the writing.

A defendant whose name is uncertain or unknown is sufficiently designated by a name that identifies him clearly, provided that the writ is served on him in person.

A legal person must be designated by the name under which it is constituted or by which it identifies itself, with a mention of its head

office; if it is a defendant, mention of the head office may be replaced by mention of its principal establishment. The syndicate of co-owners is designated by the name the co-owners as a body have given themselves or by the name by which they are generally known or by the address of the place where the immovable is located.

A general or limited partnership may be designated by the name it declares.

An association within the meaning of the Civil Code may be designated by the name it has adopted or by the name under which it is commonly known.

“116. Heirs, legatees by particular title and successors are summoned by service on the liquidator of the succession; however, where the liquidator is unknown or cannot be identified in due time, they may be summoned collectively, without mention of their names or places of residence.

The heirs are required to give written notice of the name and address of the liquidator to the opposite party; proceedings drawn up before service of the notice are valid, unless the court, on an application by the liquidator, decides otherwise; those drawn up afterwards are invalid, since the proceeding is suspended until it is continued by the liquidator in office.

The heirs and legatees by particular title of a person whose succession opens outside Québec who have not registered a declaration of transmission pursuant to article 2998 of the Civil Code of Québec may be summoned collectively in any immovable real action relating to the succession.”

c. C-25,
a. 118, am.

216. Article 118 of the said Code is amended

(1) by replacing the words “a thing certain” in the first line of the first paragraph by the words “certain and determinate property”;

(2) by replacing the second paragraph by the following paragraph:

“If the object of the demand is an immovable, it must be described as prescribed in the Book of the Civil Code of Québec on the Publication of rights.”;

(3) by striking out the third paragraph.

c. C-25,
a. 119.2,
added

217. The said Code is amended by inserting, immediately after the heading of Section II of Chapter I of Title I of Book II, the following article:

“119.2 Unless otherwise prescribed, acts, documents or notices the service of which is prescribed by law are served in accordance with the rules prescribed in this section.”

c. C-25,
a. 123, am.

218. Article 123 of the said Code is amended by striking out the word “ordinary” in the third line of the second paragraph.

c. C-25,
a. 129, am.

219. Article 129 of the said Code is amended

(1) by replacing the word “commercial” in the first line by the words “general or limited”;

(2) by replacing the words “any group contemplated in article 60” in the third line by the words “an association within the meaning of the Civil Code”;

(3) by replacing the word “officers” in the fourth line by the word “directors”.

c. C-25,
a. 130, am.

220. Article 130 of the said Code is amended

(1) by replacing the words “corporation as defined in the Civil Code” in the first line of the first paragraph by the words “legal person”;

(2) by replacing the words “any officer” in the fourth line of the first paragraph by the words “one of its senior officers”;

(3) by replacing the word “corporation” in the first line of the second paragraph by the words “legal person”;

(4) by replacing the words “the officers of the corporation” in the third line of the second paragraph by the words “its senior officers”;

(5) by adding, at the end, the following paragraph:

“Service upon persons acting illegally as a legal person is made upon one of them, or at their principal business office.”

c. C-25,
a. 132, am.

221. Article 132 of the said Code is amended by replacing the words “an unincorporated joint stock company, upon a corporation other than one incorporated” in the first and second lines by the words “a joint stock company, upon a legal person constituted otherwise than”.

c. C-25,
a. 132.1,
added

222. The said Code is amended by inserting, after article 132, the following article:

“132.1 Service upon a trustee may be made at his domicile or residence, or at his business office, speaking to a person in charge of the office.”

c. C-25,
a. 133, am.

223. Article 133 of the said Code is amended

(1) by replacing the words “heirs collectively” in the first line of the first paragraph by the words “heirs and legatees by particular title summoned collectively”;

(2) by adding the words “or legatees by particular title” after the word “heirs” in the fifth line of the first paragraph;

(3) by replacing the word “heirs” in the first line of the second paragraph by the words “the heirs and legatees by particular title”;

(4) by replacing the word “second” in the second line of the second paragraph by the word “third”;

(5) by adding the following paragraph:

“Service upon the liquidator of a succession is made at his domicile or residence, or at his business office, speaking to a person in charge of the office; if his domicile, residence and business office are unknown or located outside Québec, service is made upon one of the heirs.”

c. C-25,
a. 135.1,
added

224. The said Code is amended by inserting, after article 135, the following article:

“135.1 Any application relating to the integrity, status or capacity of a person fourteen years of age or over must be served personally.”

c. C-25,
a. 137, am.

225. Article 137 of the said Code is amended by striking out the word “ordinarily” in the first line.

c. C-25,
a. 139, am.

226. Article 139 of the said Code is amended by replacing the second paragraph by the following paragraph:

“Unless the judge or the clerk decides otherwise, the order is published only once; the publication is made in a newspaper, designated by the judge or clerk, distributed in the locality of the last known address of the defendant or, if no newspaper is distributed in that locality, in the locality where he is required to appear.”

c. C-25,
a. 146, am.

227. Article 146 of the said Code is amended by striking out the words “of each issue of the *Gazette officielle du Québec* or” in the second and third lines of the first paragraph.

c. C-25,
Sect. III,
heading,
aa. 146.1-
146.3,
added

228. The said Code is amended by inserting, after article 146, the following:

“SECTION III

“NOTIFICATION

146.1 Notification may be made by delivering the original or a certified copy or abstract of the act, document or notice to the person to be notified and obtaining a receipt therefor.

146.2 Notification may also be made by sending the original, a certified copy or an abstract of the act, document or notice by registered or certified mail to the last known address of the residence or place of business of the person to be notified.

Notification is deemed to have been made on the date on which the acknowledgement of receipt presented by the postal employee at the time of delivery or, in the case of certified mail, the acknowledgement of delivery, is signed by the person to be notified or by one of the persons referred to in article 123.

146.3 Unless prescribed otherwise, notification of the original or of a copy or abstract of the act, document or notice may be made by regular mail or by any other means of communication where the context does not require the sender to obtain proof of sending.”

c. C-25,
a. 148, am.

229. Article 148 of the said Code is amended by adding the following paragraphs:

“In the case of default to appear or to plead, the plaintiff is bound to file in the office of the court, at the latest upon inscription, the original of the writ and declaration and proof of their service.

Judgment cannot be rendered against a defendant who has not appeared or has not pleaded if the plaintiff has not filed in the office of the court the original of the proceeding instituting the suit with proof of service.”

c. C-25,
a. 149, am.

230. Article 149 of the said Code is amended by striking out the second paragraph.

c. C-25,
a. 150,
replaced

231. Article 150 of the said Code is replaced by the following article:

“150. The defendant may appear even after expiry of the time fixed to appear if the inscription for judgment by the clerk or for proof and hearing before the court has not been filed in the record.

An inscription made prematurely or irregularly does not prevent the defendant from appearing and he is not required to apply for relief of his default.”

c. C-25,
a. 151,
replaced

232. Article 151 of the said Code is replaced by the following article:

“151. Notwithstanding the inscription, and failing the consent of the opposite party, the judge or the clerk may, at any time before judgment and on such conditions as he determines, give the defendant leave to appear.”

c. C-25,
a. 168, am.

233. Article 168 of the said Code is amended by replacing paragraph 1 by the following paragraph:

“(1) when the time allowed him to deliberate and exercise an option in a succession matter has not expired;”.

c. C-25,
a. 176, am.

234. Article 176 of the said Code is amended by striking out the word “considered” in the second line of the first paragraph.

c. C-25,
aa. 178,
179, 180,
180.1, 181,
repealed

235. Articles 178, 179, 180, 180.1 and 181 of the said Code are repealed.

c. C-25,
a. 185,
replaced

236. Article 185 of the said Code is replaced by the following article:

“185. After the expiry of the time allowed for filing a defence, the party against whom an inscription by default has been made can no longer do so, unless with the consent of the opposite party or the authorization of the judge in chambers or the clerk.

The same applies to a plaintiff who does not file his answer before the inscription for proof and hearing.”

c. C-25,
a. 187,
replaced

237. Article 187 of the said Code is replaced by the following article:

“187. Tenders by a judicial declaration are made in the manner set out in the Civil Code of Québec.”

c. C-25,
a. 188,
repealed

238. Article 188 of the said Code is repealed.

c. C-25,
a. 189, am.

239. Article 189 of the said Code is amended

(1) by replacing the word “money” in the first line of the second paragraph by the words “a sum of money or security”;

(2) by replacing the words “accompanied by payment into court, unless it has already been deposited” in the first and second lines of the second paragraph by the words “completed by a deposit in the office of the court, unless the deposit has already been made”;

(3) by inserting the words “or with a trust company” after the word “Québec” in the third line of the second paragraph.

c. C-25,
a. 189.1,
am.

240. Article 189.1 of the said Code is amended

(1) by replacing the word “money” in the first line of the first paragraph by the words “a sum of money or security”;

(2) by replacing the words “in the office of the court, entrust the sum” in the third and fourth lines of the first paragraph by the words “or security, entrust it”;

(3) by replacing the words “, where such is the case,” in the first and second lines of the second paragraph by the words “of money or security”.

c. C-25,
a. 190, am.

241. Article 190 of the said Code is amended by replacing the words “moneys paid in” in the second line by the words “sum of money or security deposited”.

c. C-25,
a. 191,
replaced

242. Article 191 of the said Code is replaced by the following article:

“**191.** The withdrawal of a sum of money or security deposited, and the expenses related to tender and deposit, are subject to the provisions of the Civil Code of Québec.”

c. C-25,
a. 192,
replaced

243. Article 192 of the said Code is replaced by the following article:

“**192.** As soon as the time fixed to appear or to plead on the merits has expired, a case may be inscribed for judgment by the clerk, or for proof and hearing before the court.

The court or the clerk may, of their own motion or on an application, order the cancellation of an inscription made prematurely or irregularly.”

c. C-25,
a. 195, am.

244. Article 195 of the said Code is amended by replacing the words “in respect of filiation or of deprivation or restoration of” in the fourth and fifth lines of the first paragraph by the words “relating to filiation or”.

c. C-25,
a. 198,
repealed
c. C-25,
a. 234, am.

245. Article 198 of the said Code is repealed.

246. Article 234 of the said Code is amended

(1) by replacing paragraph 6 by the following paragraph:

“(6) If he is the legal representative, the mandatary or the administrator of the property of a party to the suit, or if he is, in relation to one of the parties, a successor or a donee;”;

(2) by replacing the words “a group or corporation” in the first line of paragraph 7 by the words “an association, partnership or legal person”.

c. C-25,
a. 246, am.

247. Article 246 of the said Code is amended by inserting, after the word “disavowed” in the fifth line, the words “, the liquidator of his succession, if he is known,”.

c. C-25,
a. 251, am.

248. Article 251 of the said Code is amended by replacing the words “default has been recorded by the prothonotary” in the second and third lines of the second paragraph by the word “inscription”.

c. C-25,
a. 257, am.

249. Article 257 of the said Code is amended by replacing paragraph 1 by the following paragraph:

“(1) by the heirs or representatives of a deceased party or the liquidator of the succession, or by the person who has acquired the right which is the subject of the suit;”.

c. C-25,
a. 258, am.

250. Article 258 of the said Code is amended by striking out the words “attested by a certificate of the prothonotary,” in the third line of the second paragraph.

c. C-25,
a. 267, am.

251. Article 267 of the said Code is amended by replacing the words “Crown, corporations, and all persons” in the first and second lines by the words “State and any person”.

c. C-25,
a. 270,
replaced

252. Article 270 of the said Code is replaced by the following article:

“**270.** Even where the claims do not originate from the same source or from related sources, two or more actions between the same

parties, brought and inscribed before the same jurisdiction, may be joined by order of the court, if it appears expedient to the court to hear them together and if it causes no undue delay for any of the actions or serious injury to any third person interested in any of the actions; where the rules of practice require the filing of a certificate of readiness, the certificate must have been filed in each case.”

c. C-25,
a. 275, am.

253. Article 275 of the said Code is amended by replacing the words “The prothonotary keeps a general roll” in the first line by the words “The clerk keeps a general roll for ordinary matters and another for motions to institute proceedings,”.

c. C-25,
a. 293,
repealed

254. Article 293 of the said Code is repealed.

c. C-25,
a. 294.1,
am.

255. Article 294.1 of the said Code is amended by inserting, after the word “accept” in the first line of the first paragraph, the words “as statements those that are admissible under the Book of the Civil Code of Québec on Evidence, in particular,”.

c. C-25,
a. 296, am.

256. Article 296 of the said Code is amended by striking out the words “or solemnly affirm” in the second and third lines.

c. C-25,
a. 299,
replaced

257. Article 299 of the said Code is replaced by the following article:

“299. No person may testify, under the penalty of the nullity of his deposition, unless he swears that he will tell the truth.

In all cases, the court must see to it that the form of the oath, which consists in making the solemn affirmation to tell the truth, the whole truth and nothing but the truth, is read to the witness in such a way as to be well understood by him.”

c. C-25,
a. 300,
repealed

258. Article 300 of the said Code is repealed.

c. C-25,
a. 301,
repealed

259. Article 301 of the said Code is repealed.

c. C-25,
a. 304,
replaced

260. Article 304 of the said Code is replaced by the following article:

“304. A refusal to take an oath constitutes a refusal to testify.”

c. C-25,
a. 312, am.

261. Article 312 of the said Code is amended by replacing the first paragraph by the following paragraph:

“312. The court may order a party to exhibit before the court, or at any other convenient place and time, an object in his possession

which witnesses are called upon to identify; if the party fails to obey the order, the identity of the object is deemed to be established against him, unless the court relieves him from his default before judgment is rendered.”

c. C-25,
aa. 319,
320, re-
pealed
c. C-25,
a. 394, am.

262. Articles 319 and 320 of the said Code are repealed.

263. Article 394 of the said Code is amended by striking out the words “deprivation or restoration of” in the fourth line.

c. C-25,
Chap. II.1,
heading,
aa. 394.1-
394.5,
added

264. The said Code is amended by inserting, after article 394, the following chapter:

“CHAPTER II.1

“REPRESENTATION AND HEARING OF A MINOR OR AN INCAPABLE PERSON OF FULL AGE

“394.1 Where, in a proceeding, the court ascertains that the interest of a minor or of a person of full age it considers incapable is at stake and that it is necessary for the safeguard of his interest that the minor or incapable person of full age be represented, it may, even of its own motion, adjourn the hearing of the application until an attorney is appointed to represent him.

The court may also make any order necessary to ensure such representation, in particular, rule on the fees payable to the attorney and determine who will be responsible for their payment.

“394.2 To ensure proper representation of a minor or incapable person of full age, the court must, even of its own motion, in all cases where the interest of the minor or incapable person of full age is opposed to the interest of his legal representative, appoint a tutor or curator *ad hoc*.

“394.3 Where the court hears a minor or a person of full age it considers incapable, he may be accompanied by a person capable of assisting or reassuring him.

“394.4 Where the interest of a minor or incapable person of full age requires it, the court may, after advising the parties, examine him out of the presence of the parties.

The deposition is taken down in stenography or recorded, unless waived by the parties. The minutes of the deposition, a transcript of the stenographer’s notes or a copy of the recording is sent to the parties on request.

“394.5 Where the interest of a minor or of a person of full age it considers incapable requires it, the court may, after so advising all the parties, hear him where he resides or is confined, or in any other place the court considers appropriate.”

c. C-25,
a. 395, am. **265.** Article 395 of the said Code is amended by inserting, after the words “Chapter I” in the first line of the first paragraph, the words “and the provisions of Chapter II.1”.

c. C-25,
a. 399, am. **266.** Article 399 of the said Code is amended by replacing the words “victim of the offence” in the second and third lines of the first paragraph by the words “person who suffered the injury”.

c. C-25,
a. 400,
replaced **267.** Article 400 of the said Code is replaced by the following article:

“400. The court may order an establishment governed by the Acts respecting health services and social services to allow a party to examine and make a copy of the medical record of the person examined or a person whose death has given rise to an action in civil liability.”

c. C-25,
a. 402, am. **268.** Article 402 of the said Code is amended by replacing the words “the same” in the third line of the second paragraph by the words “it, preserve it or submit it to an expert’s appraisal”.

c. C-25,
a. 403, am. **269.** Article 403 of the said Code is amended

(1) by inserting, after the word “photograph” in the third line of the first paragraph, the words “or other material thing produced as evidence” and by adding, at the end of the first paragraph, the words “; in the case of evidence other than a document, the object must be made available to the opposite party”;

(2) by replacing the second paragraph by the following paragraph:

“The genuineness or correctness of the material thing produced as evidence is deemed admitted unless, within ten days or such time as the judge may fix, the party called upon to admit its genuineness or correctness serves upon the other party a sworn statement denying that the thing is genuine or correct, or specifying the reasons why he cannot so admit. However, if the ends of justice so require, the court may, before judgment is rendered, relieve the party of his default.”

c. C-25,
Book II,
Tit. V,
Chap. III,
Sec. IV,
heading,
French
text, am.

270. The French text of the said Code is amended by replacing the words “FAITS ET ARTICLES” in the heading of Section IV of Chapter III of Title V of Book II by the words “LES FAITS SE RAPPORTANT AU LITIGE”.

271. Article 405 of the said Code is amended

c. C-25,
a. 405, am.

(1) by replacing the word “recording” in the first line by the words “filing of the inscription in the case”;

(2) by replacing all that follows the word “examined” by the words “all articulated facts”.

c. C-25,
a. 406,
French
text, am.

272. The French text of article 406 of the said Code is amended by replacing the words “faits et articles” in the first line by the words “les faits se rapportant au litige”.

c. C-25,
a. 409, am.

273. Article 409 of the said Code is amended by replacing the words “corporation, a commercial partnership, or a group of persons contemplated in article 60” in the second and third lines by the words “legal person, general or limited partnership or an association within the meaning of the Civil Code”.

c. C-25,
a. 413, am.

274. Article 413 of the said Code is amended by replacing the word “corporation” in the second line of the second paragraph by the words “legal person”.

c. C-25,
a. 442, am.

275. Article 442 of the said Code is amended by inserting the words and figure “and Chapter II.1” after the word and figure “Chapter I” in the third line of the second paragraph.

c. C-25,
a. 448, am.

276. Article 448 of the said Code is amended by replacing the words “Except in cases in dissolution of corporations or for the annulment of letters patent, persons” in the first and second lines by the word “Persons”.

c. C-25,
a. 453, am.

277. Article 453 of the said Code is amended by replacing the words “municipal corporation” in the fifth line by the word “municipality”.

c. C-25,
a. 469, am.

278. Article 469 of the said Code is amended by replacing the word “damage” in the fourth line by the words “the injury”.

c. C-25,
a. 469.1,
added

279. The said Code is amended by inserting, after article 469, the following article:

“469.1 Where a judgment awarding damages for bodily injury reserves the right of the plaintiff to claim additional damages, the

judgment specifies the matter to which the claim may pertain and the time within which the application may be made.

The judgment is executory, notwithstanding appeal, where the appeal pertains exclusively to the decision of the court to reserve the right of the plaintiff to claim additional damages or to the time allowed for the exercise of the remedy.

An appeal from the judgment on the original application for damages does not exempt the plaintiff from the obligation to file an application for additional damages, within the period of time fixed in the judgment.”

c. C-25,
a. 470,
replaced

280. Article 470 of the said Code is replaced by the following article:

“**470.** A judgment in respect of movable or immovable real rights must contain a description of the property involved so as to permit the publication of the rights in the property, where applicable.

A judgment condemning a party to the restitution of fruits and revenues must order their liquidation, by experts if necessary; the party condemned is bound to produce all supporting documents.”

c. C-25,
a. 473, am.

281. Article 473 of the said Code is amended by replacing the words “privilege or” in the first line of the first paragraph by the word “a”.

c. C-25,
a. 475,
French
text, am.

282. Article 475 of the French text of the said Code is amended by replacing the word “incapable” in the second line of the third paragraph by the word “empêché”.

c. C-25,
a. 478.1,
am.

283. Article 478.1 of the said Code is amended

(1) by replacing the words “a proceeding” in the second line of the second paragraph by the words “family proceedings”;

(2) by adding the following paragraph:

“In any proceedings other than family proceedings, the costs relating to the representation by an attorney of a minor, or a person of full age it considers incapable are awarded by the court according to the circumstances.”

c. C-25,
a. 493, am.

284. Article 493 of the said Code is amended by replacing the second paragraph by the following paragraph:

“If an appeal is to be brought by the liquidators of a succession and they or some of them are deceased or have been replaced, the appeal is brought by the liquidators then in office.”

c. C-25,
a. 494, am.

285. Article 494 of the said Code is amended

(1) by replacing the words “paragraph 2 of article 26 a shorter delay” in the second and third lines of the fourth paragraph by the words “paragraphs 2 and 7 of article 26 a shorter time”;

(2) by replacing the fifth paragraph by the following paragraph:

“Such time limits are peremptory and their expiry extinguishes the right of appeal.”

c. C-25,
a. 510.1,
added

286. The said Code is amended by inserting, after article 510, the following article:

“510.1 Where the judgment appealed from reserved the right of the plaintiff to claim additional damages for bodily injury, a judge of the Court of Appeal may, on application and if it is imperative to do so, order the suspension of the hearing of the appeal from the initial judgment for the period and on the conditions he determines, so that the appeal from that judgment and the appeal from the judgment ruling on the application for additional damages be heard jointly.”

c. C-25,
a. 523.1,
added

287. The said Code is amended by inserting, after article 523, the following article:

“523.1 Where the sole object of an appeal is to obtain an increase in the amount awarded by the judgment or a reduction of the amount of the condemnation, a judge of the Court of Appeal may, on application, order the condemned party to execute the judgment up to the amount that is not under appeal.”

c. C-25,
a. 531, am.

288. Article 531 of the said Code is amended by replacing the words “ordered to furnish security avails himself of article 1963 of the Civil Code” in the second and third lines by the words “bound to furnish a surety avails himself of his right to offer any other sufficient security instead”.

c. C-25,
a. 534,
replaced

289. Article 534 of the said Code is replaced by the following article:

“534. The account must be divided into two parts, one for revenue, the other for expenditure, and must close with a

recapitulation establishing the balance between revenue and expenditure.

The account is prepared according to generally recognized accounting principles and those provided in the Civil Code in Title Seven of the Book on Property, dealing with the Administration of property of others. Receivables are entered under revenue and the cost of preparing and verifying the account and required copies is entered under expenditure, but not so the costs of the judgment ordering the accounting, except with the permission of the court."

c. C-25,
a. 536, am. **290.** Article 536 of the said Code is amended by replacing the word "receipts" in the first line by the word "revenue" and the word "expenditures" in the first line by the word "expenditure".

c. C-25,
a. 538, am. **291.** Article 538 of the said Code is amended by replacing the words "receipts and expenditure" in the second line by the words "revenue and expenditure".

c. C-25,
a. 540, am. **292.** Article 540 of the said Code is amended

- (1) by replacing the words "anything moveable or immovable" in the second line by the words "a movable or an immovable";
- (2) by replacing the words "moveable object" and "immovable" in the third line by the words "movable" and "immovable", respectively.

c. C-25,
a. 541, am. **293.** Article 541 of the said Code is amended

- (1) by replacing the word "A" in the first line by the words "Subject to the rules relating to the exercise of hypothecary rights, a";
- (2) by striking out the words "privilege or" in the second line.

c. C-25,
a. 543, am. **294.** Article 543 of the said Code is amended

- (1) by replacing the word "corporation" in the first and in the second lines of the second paragraph by the words "legal person";
- (2) by replacing the word "officers" in the second line of the second paragraph by the words "senior officers".

c. C-25,
a. 547, am. **295.** Article 547 of the said Code is amended

- (1) by replacing subparagraph *b* of the first paragraph by the following subparagraph:

“(b) liquidation of a succession, or making an inventory;”;

(2) by replacing subparagraph *e* of the first paragraph by the following subparagraph:

“(e) appointment, removal or replacement of tutors, curators or other administrators of the property of others, or revocation of the mandate given to a mandatary in anticipation of the mandator’s incapacity;”.

c. C-25,
a. 552,
replaced

296. Article 552 of the said Code is replaced by the following article:

“**552.** The debtor must be permitted to select from among his property and withdraw from seizure:

(1) The movable property which furnishes his main residence, used by and necessary for the life of the household, up to a market value of \$6 000 established by the seizing officer;

(2) The food, fuel, linens and clothing necessary for the life of the household;

(3) The instruments of work needed for the personal exercise of his professional activity.

Nevertheless, with the exception of the property mentioned in subparagraph 2 of the first paragraph, the property referred to in the first paragraph may be seized and sold for the amounts owed on the price of the property or by a creditor holding a hypothec thereon, as the case may be. However, if the debtor is a fisherman, his fishing boats and equipment cannot be seized or sold between 1 May and 1 November.

The valuation of the seizing officer may be revised by the court; if the court is of the opinion that the value of the property left to the debtor is below the value permitted, it may allow the debtor to choose and take from among the seized property that which is required to make up the difference.

Any renunciation of the exemptions from seizure resulting from this article is null.”

c. C-25,
a. 553, am.

297. Article 553 of the said Code is amended

(1) by replacing subparagraph 4 by the following subparagraph:

“(4) Judicially awarded support and sums given or bequeathed as support, even if not declared to be exempt from seizure by the instrument evidencing the gift or bequest;”;

(2) by replacing the figures “\$120” and “\$20” in the first line of subparagraph *a* of the first paragraph of subparagraph 11 of the first paragraph by the figures “\$180” and “\$30”, respectively;

(3) by replacing the figure “\$80” in subparagraph *b* of the first paragraph of subparagraph 11 of the first paragraph by the figure “\$120”;

(4) by replacing the words “lease and hire of services or” in the third line of the third paragraph of subparagraph 11 of the first paragraph by the words “of enterprise, for services or of”.

c. C-25,
a. 553.2,
am.

298. Article 553.2 of the said Code is amended by replacing the words “pledge, privilege” in the first line of subparagraph 1 of the first paragraph by the words “prior claim”.

c. C-25,
a. 557, am.

299. Article 557 of the said Code is amended

(1) by replacing the first paragraph by the following paragraph:

“**557.** In the event of the death of the debtor, the execution commenced upon his property is continued upon the property of his succession.”;

(2) by inserting, after the words “made upon” in the fourth line of the second paragraph, the words “the liquidator or, if he is unknown,”.

c. C-25,
a. 563, am.

300. Article 563 of the said Code is amended by striking out the word “moveable” in the first line.

c. C-25,
a. 564,
replaced

301. Article 564 of the said Code is replaced by the following article:

“**564.** Incidental applications relating to the execution of judgments are made by way of a motion in accordance with articles 78 and 88.

Unless otherwise provided, the special clerk is competent to hear such applications if they are not contested.”

c. C-25,
a. 569, am.

302. Article 569 of the said Code is amended by replacing the words “immoveable property of which the debtor is or is reputed to

be in possession as owner” in the first and second lines of the third paragraph by the words “immovable property in the possession of the debtor”.

c. C-25,
a. 571,
replaced

303. Article 571 of the said Code is replaced by the following article:

“571. Movables which are immovables by virtue of article 903 of the Civil Code of Québec can only be seized with the immovable to which they are attached or joined; they may, however, be seized separately by a prior or hypothecary creditor, or by another creditor if they do not belong to the owner of the immovable.”

c. C-25,
a. 583, am.

304. Article 583 of the said Code is amended by adding, at the end of the first paragraph, the following sentence: “If the debtor is a legal person, the seizing officer may entrust the property to the senior officers or to one of them.”

c. C-25,
a. 590, am.

305. Article 590 of the said Code is amended

(1) by replacing the period at the end of subparagraph *d* of the first paragraph by a semicolon;

(2) by adding to the first paragraph the following subparagraph:

“(e) a list and the market value of the movable property left to the debtor in accordance with article 552, where the value of the things seized is insufficient to pay the claim of the seizer.”

c. C-25,
a. 592, am.

306. Article 592 of the said Code is amended by replacing the words “, indicating on each triplicate the place, day and hour of the sale” in the first and second lines of the first paragraph by the words “; he indicates on each triplicate the place, day and hour of the sale, except in the cases to which articles 592.2 to 592.4 apply”.

c. C-25,
aa. 592.2-
592.4,
added

307. The said Code is amended by inserting, after article 592.1, the following articles:

“592.2 Where the property seized is the property of an enterprise and includes a property or a group of properties of which the market value is estimated to be \$6 000 or more according to the valuation of the seizing officer, the seizing officer must obtain from the registrar a certified statement of the rights granted by the debtor on the property or group of properties and registered in the register of personal and movable real rights.

“592.3 Where the seizing officer ascertains that rights have been granted by the debtor in the seized property, he must, under penalty of all damages, promptly serve on the holders of published rights, at the address registered in the register of personal and movable real rights, a certified copy of his minutes of seizure and the notice of sale; he must also inform the seizing creditor of the existence of the rights granted by the debtor.

“592.4 Where seized property is charged with a hypothec, the seizing creditor, a creditor or the debtor may apply to the court or to the judge for the fixation of a reserve price or the determination of any other condition of sale he considers necessary.

The application must be brought within five days after the service of a certified copy of the minutes of seizure. The application is served on the seizing officer and, where applicable, on the seizing creditor, the debtor and any other creditor having received a copy of the minutes of seizure; unless the court decides otherwise, the costs are borne by the applicant. The decision of the court on the application is without appeal.

Unless the court or the judge decides otherwise, the application stays execution for as long as the application is pending.”

c. C-25,
a. 594,
replaced

308. Article 594 of the said Code is replaced by the following articles:

“594. The seizing officer must publish in a newspaper distributed in the locality where the sale is to take place, not less than ten days before the date fixed for the sale, a notice of sale containing

- (a) the case number and the nature of the writ;
- (b) the names of the seizing creditor and the debtor; if there are several seizing creditors or debtors, the name of the first appearing in the writ, with an indication that there are others;
- (c) the nature of the seized property;
- (d) the reserve price, if any;
- (e) the place, day and hour of the auction sale of the property;
- (f) the name of the seizing officer and the district where he performs his duties.

If publication in a newspaper is impossible or impractical, the notice is posted in the municipality where the sale is to take place,

at the entrance of the office of the municipality or at any other public place determined by the seizing officer.

“594.1 The seizing officer must, where he ascertains that rights have been granted by the debtor in the seized property, serve on the person from whom it was seized, without delay, a certified copy of the notice of sale.”

c. C-25,
a. 595,
repealed
c. C-25,
a. 595.1,
am.

309. Article 595 of the said Code is repealed.

310. Article 595.1 of the said Code is amended by striking out the figure “595,” in the second line.

c. C-25,
a. 598,
replaced

311. Article 598 of the said Code is replaced by the following article:

“598. The motion to oppose must be served on the seizing officer, on the seizing creditor and, where it is presented by a third person, on the debtor; it must also be served on any person having registered, in the register of personal and movable real rights, rights on the property that is the subject of the opposition.

A motion to oppose in matters concerning support is heard and decided by preference.”

c. C-25,
a. 599, am.

312. Article 599 of the said Code is amended by replacing the first paragraph by the following paragraph:

“599. The service of the motion to oppose stays the execution; the seizing officer must forthwith return the writ of execution to the clerk who issued it, together with all proceedings relating to the execution. However, in the case of a seizure of salary for non-payment of support, the service of the motion to oppose suspends only the distribution of the sums seized.”

c. C-25,
aa. 600,
601, 602,
repealed

313. Articles 600, 601 and 602 of the said Code are repealed.

c. C-25,
a. 604,
replaced

314. Article 604 of the said Code is replaced by the following article:

“604. The creditors of the debtor cannot oppose the seizure or the sale.

However, prior and hypothecary creditors may exercise their rights upon the proceeds of the sale; for that purpose, they file with the seizing officer, within ten days after the sale, a statement of their claim, supported by an affidavit and the necessary vouchers, which

documents must also be served on the debtor. Within ten days of service of a statement of a prior or hypothecary claim, the debtor may apply to the court or to the judge to contest the claim.”

c. C-25,
a. 606, am.

315. Article 606 of the said Code is amended by adding the following paragraph:

“Where the judge has determined a reserve price or a condition of sale pursuant to article 592.4 and no bid has been made, the seizing officer cannot publish new notices of sale until the court or the judge has fixed a new reserve price or modified the condition of sale.”

c. C-25,
a. 610, am.

316. Article 610 of the said Code is amended by replacing the first paragraph by the following paragraph:

“**610.** The article seized is adjudged to the highest bidder, subject to payment to the officer conducting the sale. Payment may be made by remitting a sum of money, a money order, a certified cheque or other similar instrument of payment, or by means of a credit card or a transfer of funds to an account of the officer in a financial institution; if payment is not made, the article is immediately put up for sale again. The charges relating to the use of a credit card are paid by the successful bidder.”

c. C-25,
a. 611.1,
added

317. The said Code is amended by inserting, after article 611, the following article:

“**611.1** If the property sold was charged with a hypothec, the seizing officer issues to the successful bidder, on payment of the purchase price, a certificate of sale containing:

- (1) The nature of the writ, the case number and the names and designations of the parties;
- (2) A description of the property sold;
- (3) The date and place of the sale;
- (4) The purchase price paid.

The successful bidder acquires the property free from any hypothec.

The seizing officer must also transmit a notice of the certificate of sale to the registrar who shall, where applicable, make the required cancellations.”

c. C-25,
aa. 613-
616, re-
placed

313. Articles 613 to 616 of the said Code are replaced by the following articles:

“613. Within ten days after expiry of the time allowed prior or hypothecary creditors to file a statement of their claim, the seizing officer, if no statement has been filed with him, pays to the seizing creditor the moneys seized or levied, after deducting the taxed costs, and files his minutes of seizure and sale at the office of the court.

“614. If the seizing officer has ascertained that rights have been granted in the seized property, he prepares a scheme of collocation and serves a certified copy on the debtor and the creditors.

If the scheme is not contested by the debtor or any creditor within ten days after its service, the seizing officer distributes the moneys. Otherwise, he returns the moneys to be adjudged by the court to those entitled thereto; the same applies in the case of insolvency of the debtor. However, the seizing officer is not required to prepare a scheme of collocation where the moneys levied do not exceed the legal costs.

After the distribution, the seizing officer files his minutes of seizure and sale and the scheme of collocation at the office of the court.

“615. The distribution of the proceeds of the sale is made in the following order:

(1) Legal costs;

(2) The claims of the prior or hypothecary creditors, if they have filed a statement of their claim supported by an affidavit and the necessary vouchers;

(3) The claim of the seizing creditor, if unsecured.

In the case of insolvency of the debtor, the distribution among unsecured creditors is made in accordance with article 578.

“616. Legal costs are collocated in the following order:

(1) Costs of the scheme of collocation;

(2) Duties and fees due on the moneys levied or deposited;

(3) Costs of seizure and sale, including those of the guardian appointed by the seizing officer, as well as the guardian's remuneration taxed by the clerk;

(4) Costs of incidental proceedings subsequent to the judgment;

(5) Costs of suit of the seizing creditor.

“616.1 The rules of articles 711 to 732 relating to the scheme of collocation and the payment of the moneys levied following the seizure of immovables in execution apply, with the necessary adaptations, to the seizure of movables in execution; however, the summons provided for in article 723 may in no case require a person to appear before the seizing officer.”

c. C-25,
a. 621, am. **319.** Article 621 of the said Code is amended by replacing the word “charter” in the third line of the first paragraph by the words “constituting act”.

c. C-25,
a. 625, am. **320.** Article 625 of the said Code is amended by replacing the words “moveable property” in the fifth line of the first paragraph by the words “movable property”.

c. C-25,
a. 629, am. **321.** Article 629 of the said Code is amended by replacing the words “corporation, a partnership, or a group of persons mentioned in article 60” in the first and second lines of the first paragraph by the words “legal person, a general or limited partnership or an association within the meaning of the Civil Code”.

c. C-25,
a. 631, am. **322.** Article 631 of the said Code is amended

(1) by replacing the words “commercial company” in the first line of the first paragraph by the word “company”;

(2) by replacing, in the French text, the word “société” in the fifth and in the sixth lines of the first paragraph by the word “compagnie”.

c. C-25,
a. 642, am. **323.** Article 642 of the said Code is amended by replacing the second paragraph by the following paragraph:

“Neither can he execute his judgment on the movable property which furnishes the main residence of his debtor, and is used by and is necessary for the life of the household, except for sums owing on the price or in the exercise of a right of revendication.”

c. C-25,
a. 651, am. **324.** Article 651 of the said Code is amended by striking out the words “or any pay or allowance as a member of the Canadian forces not on active service,” in the second and third lines of the first paragraph.

c. C-25,
a. 652, am. **325.** Article 652 of the said Code is amended by replacing the words “nor may anyone seize the furniture in the residence of such

debtor, except in the exercise of a privilege or of a right of revendication” in the sixth and seventh lines of the first paragraph by the words “nor may anyone seize the movable property which furnishes the main residence of his debtor, and is used by and is necessary for the life of the household, except for sums owing on the price or in the exercise of a right of revendication”.

c. C-25,
a. 659.3,
am. **326.** Article 659.3 of the said Code is amended by striking out the words “by filing or by registration” in the second line of the third paragraph.

c. C-25,
a. 660, am. **327.** Article 660 of the said Code is amended by adding, at the end of the second paragraph, the words: “In that case, the sheriff may not seize the immovable until he has ascertained that no other minutes of seizure are registered in the land register; if another seizure is registered, the sheriff sends a copy of the writ of execution to the sheriff who drew up the first minutes of seizure so that he may note the second writ upon the first.”

c. C-25,
a. 661,
repealed **328.** Article 661 of the said Code is repealed.

c. C-25,
a. 663, am. **329.** Article 663 of the said Code is amended by replacing the words “the registrar of the registration division” in the second line of the first paragraph by the words “the registrar of the registry office of the division”.

c. C-25,
a. 664, am. **330.** Article 664 of the said Code is amended by replacing paragraph 2 by the following paragraph:

“(2) a description of the immovable seized, made in accordance with the rules prescribed in the Book on the Publication of rights in the Civil Code of Québec.”

c. C-25,
a. 665, am. **331.** Article 665 of the said Code is amended

(1) by replacing the words “note the seizure in the index of immoveables and notify the interested parties in the manner prescribed by the Civil Code” in the second and third lines by the words “make a note thereof in the land register and notify the persons having required that their address be registered”;

(2) by replacing the words “le régistrateur” in the fourth and fifth lines of the French text by the words “l’officier de la publicité des droits”.

c. C-25,
a. 666, am. **332.** Article 666 of the said Code is amended by replacing the words “immoveable cannot seize it again so long as the first writ has

not been returned into court, but he must note every subsequent writ of execution as an opposition for payment upon the first writ, and” in the first, second, third and fourth lines of the first paragraph by the words “immovable is required to note, upon the first writ, all subsequent writs of execution;”.

c. C-25,
a. 668,
repealed

333. Article 668 of the said Code is repealed.

c. C-25,
a. 670, am.

334. Article 670 of the said Code is amended

(1) by striking out the words “in the *Gazette officielle du Québec* and” in the first line of the first paragraph;

(2) by striking out the words “and those which the seizing creditor or the debtor has requested in writing to have inserted” in the third and fourth lines of paragraph c;

(3) by adding, at the end, the following paragraph:

“The sheriff is also required to send to the registrar, at least thirty days before the date fixed for the sale, a copy of the notice so that it may be registered in the land register.”

c. C-25,
a. 671, am.

335. Article 671 of the said Code is amended

(1) by inserting the words “and in the locality where the immovable is situated, if not the same,” after the word “place” in the third line;

(2) by replacing the words “such locality” in the third line by the words “such localities”.

c. C-25,
a. 672,
replaced

336. Article 672 of the said Code is replaced by the following article:

“672. After release of seizure is granted, any interested person may obtain a certificate from the clerk who issued the writ provided his application includes an attestation of the sheriff to the effect that he has noted no writs or to the effect that he has obtained release for any writs he was required to note.”

c. C-25,
a. 679,
replaced

337. Article 679 of the said Code is replaced by the following article:

“679. The motion to oppose must be served, at least ten days before the date fixed for the sale, on the sheriff, on the seizing creditor or his attorney and, if it is made by a third person, on the debtor.

No opposition made after the prescribed time can stop the sale, except upon an order from the clerk granted at the request of the opposing party for sufficient cause and after prior notice is sent to the seizing creditor or his attorney; if the object of the opposition is to revendicate the immovable under seizure, the opposing party may, if his motion to oppose is granted, file his claim in the same manner as prior or hypothecary creditors in order to be paid according to his rank out of the proceeds of the sale.”

c. C-25,
a. 683, am.

338. Article 683 of the said Code is amended

(1) by replacing the first paragraph by the following paragraph:

“**683.** The immovables are offered for sale by auction and sold in a public place determined by the sheriff.”;

(2) by replacing the word “allow” in the first line of the second paragraph by the word “order”.

c. C-25,
a. 684, am.

339. Article 684 of the said Code is amended by replacing the words “registered lease on” in the third line by the words “lease registered in the registry office in respect of”.

c. C-25,
a. 686, am.

340. Article 686 of the said Code is amended by replacing the words and figure “mentioned in article 1484” in paragraph *b* by the words and figure “referred to in article 1709”.

c. C-25,
a. 689, am.

341. Article 689 of the said Code is amended by replacing the words “registrar’s certificate” in the third line of the second paragraph by the words “statement certified by the registrar”.

c. C-25,
a. 696, am.

342. Article 696 of the said Code, amended by section 6 of chapter 62 of the statutes of 1991, is again amended

(1) by striking out paragraph 2;

(2) by inserting the words “the rights necessary for the exercise of superficies, and rights,” after the word “emphyteusis,” in the first line of paragraph 3;

(3) by replacing paragraph 4 by the following paragraph:

“A sheriff’s sale does not affect the rights of municipalities, school boards or the Conseil scolaire de l’île de Montréal in respect of instalments not yet due of special taxes, the payment of which is spread over a certain number of years; such instalments do not

become due by reason of the sale of the immovable and are not collocated, but remain payable according to the terms of their imposition.”

c. C-25,
a. 696.1,
am.

343. Article 696.1 of the said Code is amended by replacing the words “registered lease” by the words “lease registered in the land register”.

c. C-25,
a. 701, am.

344. Article 701 of the said Code is amended

(1) by replacing paragraph *b* by the following paragraph:

“(b) a copy of the notice of sale;”;

(2) by replacing paragraph *e* by the following paragraph:

“(e) a statement certified by the registrar of the charges which affected the immovable, or a written statement that such statement will be transmitted subsequently;”;

(3) by replacing the period at the end of paragraph *g* by a semicolon;

(4) by adding, at the end, the following paragraph:

“(h) a mention of the purchaser’s failure to pay within the prescribed time and of the amount on which interest accrues.”

c. C-25,
Book IV,
Tit. II,
Chap. IV,
Sec. V,
Subsec. 3,
heading,
aa. 703,
704, re-
placed

345. The said Code is amended by replacing the heading preceding article 703 and articles 703 and 704 by the following:

“VI—Registrar’s Statement

703. After five days have elapsed since the sale, the sheriff is required to procure the certified statement of the registrar of the registration division in which the immovable is situated unless one of the interested parties has already delivered it to him.

704. The statement mentions the real rights registered in the land register in respect of the immovable.

The certified statement contains, for each entry,

(a) the date of the act evidencing the entry, the date of registration or renewal of the entry and the name and residence of the creditor;

(b) a description of the charged immovable;

(c) the amount of the claim and the reductions of registration that have been published.

The statement must not go beyond the date of carry-over of the rights appearing on the land file or beyond the date of a previous sale having the effect of a sheriff's sale or forced sale, except as to charges which have not been discharged thereby; and it must not mention the charges which, according to the land register, are extinguished or wholly discharged.

If the immovable is not affected by any hypothec or charge, the statement must attest that fact."

c. C-25,
aa. 705,
706, re-
pealed

346. Articles 705 and 706 of the said Code are repealed.

c. C-25,
a. 707, am.

347. Article 707 of the said Code is amended

(1) by replacing the words "registrar's certificate" in the second line of the first paragraph by the words "statement certified by the registrar";

(2) by replacing the words "au régistrateur" in the second line of the second paragraph of the French text by the words "à l'officier de la publicité des droits".

c. C-25,
heading,
aa. 708,
709, re-
pealed

348. The heading preceding article 708 and articles 708 and 709 of the said Code are repealed.

c. C-25,
a. 710, am.

349. Article 710 of the said Code is amended by replacing the words "when no opposition for payment has been filed and no claim appears by the registrar's certificate" in the third and fourth lines by the words "when no claim appears by the statement certified by the registrar".

c. C-25,
a. 711, am.

350. Article 711 of the said Code is amended by replacing the words "registrar's certificate" in the second line by the words "statement certified by the registrar".

c. C-25,
a. 712, am.

351. Article 712 of the said Code is amended

(1) by replacing the words "registrar's certificate" in the fifth line of the first paragraph by the words "statement certified by the registrar";

(2) by replacing the word "registration" in the second line of the second paragraph by the word "publication".

c. C-25,
a. 713, am. **352.** Article 713 of the said Code is amended by replacing the words “registrar’s certificate” in the third line by the words “statement certified by the registrar”.

c. C-25,
a. 714, am. **353.** Article 714 of the said Code is amended by striking out paragraphs 4 and 5.

c. C-25,
a. 715, am. **354.** Article 715 of the said Code is amended by replacing the words “persons who have filed oppositions for payment” in the third and fourth lines by the words “prior creditors and those who have filed a statement of their claim with the seizing officer supported by an affidavit and vouchers”.

c. C-25,
a. 720, am. **355.** Article 720 of the said Code is amended by replacing the words “l’enregistrement” in the second line of the French text by the words “l’inscription”.

c. C-25,
a. 721, am. **356.** Article 721 of the said Code is amended by striking out the words “; or when a vendor’s privilege competes for collocation with that of a builder;” in the third and fourth lines.

c. C-25,
a. 723, am. **357.** Article 723 of the said Code is amended by replacing the word “certificate” in the fourth line of the first paragraph by the words “statement certified by the registrar”.

c. C-25,
a. 731, am. **358.** Article 731 of the said Code is amended by replacing the words “registrar’s certificate” in the second line by the words “statement certified by the registrar”.

c. C-25,
a. 734, am. **359.** Article 734 of the said Code is amended

(1) by striking out the words “as owner, pledgee, depositary, usufructuary, institute, substitute or unpaid vendor” in the first, second and third lines of paragraph 1;

(2) by striking out paragraph 2;

(3) by replacing the word “privilege” in the second line of paragraph 4 by the words “prior claim”.

c. C-25,
a. 737, am. **360.** Article 737 of the said Code is amended

(1) by replacing the second paragraph by the following paragraph:

“Articles 552 and 553 apply to a seizure before judgment, except in the cases provided for in article 734.”;

(2) by replacing the words “Except in the cases provided for by paragraphs 2 and 5 of article 734, the officer” in the first and second lines of the third paragraph by the words “The officer”;

(3) by replacing the word “effets” in the second line of the third paragraph of the French text by the word “biens”.

c. C-25,
a. 739, am.

361. Article 739 of the said Code is amended

(1) by replacing the words “taking of the property seized” in the first line of the first paragraph by the words “removal of the seized property or be released from the seizure”;

(2) by replacing the third paragraph by the following paragraph :

“Only the deposit of a sum of money, of a guarantee issued by a financial institution carrying on business in Québec, of bonds within the meaning of the provisions of the Civil Code of Québec relating to presumed sound investments or of an insurance policy securing the performance of the dependant’s obligations constitutes sufficient guarantee within the meaning of this article.”

c. C-25,
a. 742, am.

362. Article 742 of the said Code is amended by replacing the words “a moveable or immoveable” in the second line of the first paragraph by the word “property”.

c. C-25,
a. 745,
replaced

363. Article 745 of the said Code is replaced by the following article:

“**745.** The sequestrator is subject to all the obligations resulting from conventional sequestration unless the court decides otherwise.”

c. C-25,
aa. 746-
749, re-
pealed

364. Articles 746 to 749 of the said Code are repealed.

c. C-25,
a. 751, am.

365. Article 751 of the said Code is amended by replacing the word “officers” in the second line by the words “senior officers”.

c. C-25,
a. 758, am.

366. Article 758 of the said Code is amended by replacing the words “any office in a public or private corporation” in the second and third lines by the words “functions for a legal person established in the public interest or for a private interest, except in the case provided for in article 329 of the Civil Code of Québec”.

c. C-25,
Book V,
Titles II
and III,
aa. 762-812,
replaced

367. Titles II and III of Book V of the said Code, comprising articles 762 to 812, are replaced by the following Title:

“TITLE II

“CERTAIN PROCEEDINGS RELATING TO PERSONS AND
PROPERTY

“CHAPTER I

“GENERAL PROVISIONS

“762. Unless otherwise provided, applications made under this Title are introduced by way of a motion in accordance with the particular rules that it contains.

These particular rules also apply to applications made pursuant to the Civil Code of Québec in the following matters:

(a) applications concerning changes to a trust and trust patrimony and applications concerning the termination of a trust or the revocation of, or change to, a legacy or charge for the donee;

(b) applications relating to the respect of reputation and privacy;

(c) applications relating to respect of the body after death;

(d) applications for additional damages for bodily injury;

(e) applications made under articles 1005, 1237, 1238, 1512, 1774, 2339 and 2378 of the Civil Code of Québec.

“763. The object of the application, the grounds on which it is based and the conclusions sought are stated in the motion. It must be supported by an affidavit attesting the truth of any alleged facts not otherwise proved in the record.

Except to the extent provided in this Title, applications follow the general rules applicable to applications made by writ of summons, including the rules relating to service or notification and to the designation of the parties and property as well as those relating to proof.

“764. The motion is served on the respondent and on any person whose presence is necessary for the full settlement of the matter; it must be accompanied with a notice of not less than ten days of the date on which it will be presented containing, in easily legible type, the text appearing in Schedule 3 to this Code.

The respondent must state verbally, on the day fixed for the presentation of the motion, the grounds for contestation, including preliminary exceptions and applications he intends to present.

“765. The applicant must file at the office of the court the original of the motion, of the affidavit and of the notice of presentation, with proof of their service, together with the documents submitted in support of the application, not less than 48 hours before the date of presentation or within the time allowed by the rules of practice.

“766. At the time of presentation of a motion, the court, after examining the questions of law and fact at issue, may

(1) rule on the means to simplify the procedure and shorten the hearing, including the advisability of amending the written proceedings, of admitting some fact or document and of providing the list of authorities the parties intend to submit;

(2) order, if it deems it appropriate, the contestation of the application in writing on the conditions it determines;

(3) fix, where applicable, the date of production of the detailed affidavits and the documents the parties intend to file;

(4) order that the motion be served on any person it designates and whose interests may be affected by the judgment;

(5) make all orders necessary to protect the rights of the parties for the time and on the conditions it determines;

(6) fix the date of the hearing for the same day or, if not, order that the motion be entered on the general roll of motions.

“767. The matters on which the parties have reached agreement and the decisions made by the court are recorded in the minutes of the hearing; they also govern the hearing of the application, unless the court decides otherwise.

“768. If the respondent does not appear at the presentation of the motion, the court records his default and hears the applicant. Exceptionally, where the application raises a complex question, the court may order that it be entered on the general roll.

“769. If the applicant does not file, within the time fixed by the court, the detailed affidavits and required documents, the respondent may, at the expiry of the time fixed, obtain that the application be dismissed or that the allegations involved be struck off.

“770. If the respondent does not file, within the time fixed by the court, his contestation together with the detailed affidavits and required documents, he is foreclosed from doing so and the applicant then proceeds with the hearing of his application by default; however,

the court may relieve the respondent of his default if it deems it necessary in the interest of justice.

“771. At the hearing, the parties present their evidence by means of detailed affidavits. In addition to evidence given by affidavit, a party may present oral evidence.

“772. The court may also, at the hearing, authorize the production of additional documents, or prescribe any measures designed to accelerate the progress of the hearing and limit the proof if they seem necessary in the interest of justice and no prejudice results to a party.

“773. In urgent cases, the court may shorten the periods of time prescribed in this Title.

“CHAPTER II

“APPLICATIONS RELATING TO THE INTEGRITY OF THE PERSON

“774. Applications relating to the integrity of the person are introduced by way of a motion.

These applications may in no case be heard by the clerk or by the special clerk. Where applicable, applications are accompanied with the advice of the tutorship council and of at least one expert concerning the person named in the application.

“775. An application relating to the integrity of the person has precedence over any other, except an application for *habeas corpus*, whether in first instance or in appeal.

“SECTION I

“CONSENT TO CARE

“776. Every application to obtain authorization from the court or a judge must, if it is with respect to care, the alienation of a part of the body or an experiment, be served on the person concerned, if fourteen years of age or over, and on the holder of parental authority, the tutor or curator, where applicable, or on the mandatory designated by a person of full age when he was capable of giving his consent.

An application concerning a person of full age who is incapable of giving his consent and who has no tutor, curator or mandatory must also be served on the public curator.

“777. A judgment authorizing an examination, treatment, specimen taking, removal of tissue or experiment becomes inoperative if the authorization is not acted upon within six months or within any other time fixed by the judge in chambers.

The judgment may also fix conditions or modalities applicable where the authorization is acted upon.

“SECTION II

“CONFINEMENT IN AN ESTABLISHMENT AND PSYCHIATRIC EXAMINATION

“778. An application to obtain that a person refusing to undergo a psychiatric examination be submitted to such examination, or that the person be admitted for confinement against his will by an establishment governed by the Acts respecting health services and social services is heard on the day it is presented, unless the court or the judge decides otherwise.

“779. The application may not be presented to the court or to the judge unless it has been served on the person refusing the examination or confinement at least one clear day before presentation.

The application is also served on a reasonable person of the family of the person concerned or, where applicable, on the holder of parental authority, tutor, curator, mandatary, on the person having custody of the person concerned or on a person who shows a special interest in the person concerned; otherwise, it is served on the public curator.

By way of exception, the judge may exempt the applicant from serving the application on the person concerned if he considers that it would be harmful to the health or safety of the person or of others, or in case of emergency.

“780. The court or the judge is bound to question the person concerned by the application except if he cannot be found or has fled or if it would clearly be useless to require his testimony owing to his state of health; a further exception is made in the case of an application to obtain that a person be submitted to a psychiatric examination, where it is proved that there is an urgent need or that requiring the testimony could be harmful to the health or safety of the person concerned or of another person.

The person concerned may be questioned by a judge of the district in which he is at the time, even if the application is made in another district. The examination is taken down in writing and communicated without delay to the court concerned.

“781. A judgment ordering the psychiatric examination and confinement of a person may also order that the person concerned be entrusted, for psychiatric examination or confinement, to an establishment governed by the Acts respecting health services and social services.

The judgment is notified to the persons on whom the application was served and may be executed by a peace officer.

“782. The clerk sends a copy of the judgment rendered and a copy of the file to the Commission des affaires sociales without delay and free of charge.

“SECTION III

“APPEAL

“783. A judgment granting an application for authorization with respect to the integrity of a person does not take effect until five days have elapsed since it was rendered, unless a statement by that person or his attorney indicating that no appeal will be brought has been filed.

However, a judgment ordering the confinement of a person for the purpose of psychiatric examination or following the filing of a psychiatric examination report may be enforced immediately. A judge of the Court of Appeal may suspend execution of the judgment if he considers it necessary in the interest of justice.

“784. An appeal from the judgment is governed by the rules provided in article 859, adapted as required.

“CHAPTER III

“RECOGNITION AND ENFORCEMENT OF FOREIGN DECISIONS

“785. An application for recognition and enforcement of a decision rendered outside Québec is made by way of a motion.

It may also be made incidentally, even in defence, if it comes within the jurisdiction of the Québec court.

“786. A party seeking recognition or enforcement of a foreign decision attaches to his application a copy of the decision and an attestation emanating from a competent foreign public officer stating that the decision is no longer, in the State in which it was rendered, subject to ordinary remedy and that it is final or enforceable.

If the decision was rendered by default, a certified copy of the documents establishing that the procedure which instituted the proceedings was duly served on the defaulting party is attached to the application.

All documents drafted in a language other than French or English must be accompanied with a translation authenticated in Québec.

“CHAPTER IV

“BOUNDARIES OF LAND

“**787.** A demand to have the boundaries between lands determined is made by serving a notice containing

(1) a statement of the demand and of the reasons therefor, without mentioning disturbances, damages or other claims;

(2) the description of the immovables concerned;

(3) the name and residence of the land surveyor proposed for the operations;

(4) a statement that proceedings will be instituted before the competent court unless an agreement is reached, within fifteen days, on the right to have the boundaries determined and on the choice of a land surveyor.

“**788.** If, after the demand is made, the owners agree on having the boundaries determined and on the choice of a land surveyor, their agreement must be evidenced in writing, set out the reasons for the determination of boundaries, describe the immovables and identify the land surveyor who will carry out the operations.

If the parties do not agree, the party who has given the notice may ask the court, by motion, to rule on the right to the determination of boundaries and to designate a land surveyor who will carry out the operations.

“**789.** The land surveyor proceeds with the determination of boundaries under his oath of office and in the same manner as an expert. He may carry out all necessary operations to determine the boundaries of the immovables concerned. He draws up minutes of his operations, to stand in lieu of a report, in which he includes a plan of the premises, mentions the respective claims of the parties and indicates the dividing lines that he considers the most appropriate. He gives a copy of his minutes to the parties.

“790. Where the parties have agreed on the right to the determination of boundaries and on the choice of a land surveyor but one party does not accept the conclusions of the land surveyor’s report, either party may ask the court, by motion and within thirty days after deposit of the report, to rule on the report.

“791. If, during the proceedings, one of the parties transfers his rights in the immovable subject to the determination of boundaries, the transferee may be compelled to a continuance of suit.

“792. The court determines the boundary line and appoints a land surveyor who places the boundary markers in the presence of witnesses and draws up minutes of his operations which he must file at the office of the court.

The homologation of the minutes by the court makes proof of the complete execution of the judgment.

“793. The costs of determining boundaries are common and, if proceedings have been instituted before the court, they include the costs of an *ex parte* action. However, in case of contestation, the losing party must pay the costs of the contestation unless, for good reason, the court orders otherwise.

“794. Where it appears that the boundaries cannot be determined without affecting immovables that are not contiguous to that of the plaintiff, the court may, of its own motion or on application, order that the owners of such immovables be impleaded.

“CHAPTER V

“APPLICATIONS RELATING TO PRIOR CLAIMS AND HYPOTHECS

“795. Particular applications provided for in the Book on Prior Claims and Hypothecs in the Civil Code of Québec, in particular applications relating to the exercise of hypothecary rights, are introduced by way of a motion.

“796. Applications for forced surrender must be accompanied with a recent statement of the appropriate register, certified by the registrar; subject to article 2767 of the Civil Code of Québec, they must be served on the person who owns or has possession of the property and on the debtor and the grantor, where applicable.

“797. A judgment ordering surrender fixes the period within which surrender must be effected, determines the manner of effecting it and designates the person in whose favour it is effected; it also orders, failing surrender of the property within the prescribed time,

that the person who owns or has possession of the property, or the debtor, be expelled or that the property be taken from him, as the case may be.

“798. In urgent cases, the judge may also authorize forthwith the creditor to take possession of the property to administer it, take it in payment of his claim, have it sold by judicial authority or sell it himself.

“799. Within five days of service of the order made pursuant to article 2767 of the Civil Code, the person who owns or has possession of the property may apply for the annulment of the order because of the insufficiency or the falsity of the allegations of the affidavit on the strength of which the order was pronounced. If the order is declared null, the creditor is bound to return the property or reimburse the price of the alienation, where applicable.

“CHAPTER VI

“APPLICATIONS CONCERNING HYPOTHECATED PROPERTY WHERE THE OWNER'S IDENTITY IS UNKNOWN OR UNCERTAIN

“800. A creditor who cannot serve prior notice of his intention to exercise his hypothecary right because the identity of the owner of the hypothecated property is unknown or uncertain must obtain from the court the authorization to serve such prior notice in the manner determined by the court.

The same applies where the property belongs to several owners, of whom only some are known.

“801. The application is made before the court of the district in which the property is situated; it is introduced by way of a motion and must contain:

(a) the allegations necessary to establish the right of the applicant;

(b) the description of the hypothecated property;

(c) the name of the occupant or holder of the property or of the last occupant or holder, as the case may be;

(d) the names of all the owners of the property since the hypothec was granted, if they are known.

“802. If the court orders the publication of the prior notice of the exercise of the hypothecary right in a newspaper, the publication is made in the manner prescribed in article 139.

“803. If no one has contested the application within the time prescribed by law or determined by the court or has exercised the rights of the hypothecary debtor or of the person against whom the right is exercised, in order to defeat the creditor’s remedy, the court, upon proof of service of the prescribed prior notice, authorizes the creditor to take possession of the property, take it in payment of his claim, sell it himself or have it sold under judicial authority.

“CHAPTER VII

“APPLICATIONS RELATING TO THE LAND REGISTER AND THE REGISTER OF PERSONAL AND MOVABLE REAL RIGHTS;

“804. Applications for registration or for the correction, reduction or cancellation of a registration in the land register or in the register of personal and movable real rights are introduced by way of a motion.

They are made before the court of the place where the immovable or corporeal property that is the subject of the registration is situated; in the case of incorporeal property, the application is made before the court of the domicile of the owner, debtor or grantor, as the case may be.

These applications must be accompanied with a statement, certified by the registrar, of the rights registered in the appropriate register in respect of the property, the nature of the universality or the name of the grantor.

“805. A person who, in accordance with the rules of the Book on Prescription of the Civil Code of Québec, has possessed an immovable as owner may acquire the ownership of that immovable by applying, by motion, to the court of the district in which it is situated.

The application is accompanied with

(1) a recent statement, certified by the registrar, of the rights registered in the land register in respect of the immovable;

(2) a copy of or abstract from the cadastral plan of the immovable; in the case of a part of lot or of an immovable that is not immatriculated, a technical description accompanied with the relevant plan drawn up by a land surveyor is sufficient;

(3) a location certificate, if a construction has been erected on the immovable.

“806. The court called upon to establish the right of ownership may, even of its own motion, order

(1) that the motion be served on the owners of the contiguous immovables, if they have not consented in writing to the introduction of the motion;

(2) that the boundaries of the immovable be determined if the accuracy of the plan is contested by the owners of the contiguous immovables.

“807. The court may also, on a motion, confirm the carry-over of an uncertain right in an immovable.

“808. Applications made under this chapter may in no case be heard by the clerk.

“CHAPTER VIII

“INDIVISION AND PARTITION

“809. Applications for partition and for nullity of partition are introduced by writ of summons; other applications relating to the partition of a succession or of other undivided property and those relating to the administration of undivided property are introduced by way of a motion.

These applications are made before the court of the district in which all or part of the property is situated.

“810. In granting an application for partition of undivided property, the court orders either a partition in kind, if the property can conveniently be partitioned or allotted, or the sale of the property in accordance with the provisions of this Code which concern the sale of the property of others.

The court may, if necessary or convenient, appoint a practitioner to complete the liquidation of the succession or to make a proposal.

“811. A judgment ordering a partition in kind appoints a practitioner to proceed, in conformity with the provisions of the Civil Code and in the manner prescribed in articles 414 to 425 of this Code, with the composition of shares, and to make a report.

The practitioner must apply for homologation of his report and his application for homologation may be contested by any interested person.

The court which homologates the report orders the clerk or any other person it designates to proceed with the allotment of the shares by a drawing of lots; minutes of this operation must be filed in the record.

“CHAPTER IX

“DIVIDED CO-OWNERSHIP OF AN IMMOVABLE

“**812.** Applications provided for in articles 1068, 1080 and 1084 of the Book on Property of the Civil Code of Québec are introduced by way of a motion. All other applications are introduced by writ of summons.

“**812.1** Applications relating to divided co-ownership of an immovable are served on the syndicate of co-owners; the administrator or manager informs every co-owner in writing of the object of the application within five days after service.”

c. C-25,
a. 813.3,
am.

368. Article 813.3 of the said Code is amended by inserting the words “or for withdrawal of an attribute of parental authority” after the word “authority” in the fifth line.

c. C-25,
a. 813.4,
am.

369. Article 813.4 of the said Code is amended

(1) by replacing the words “advise the registrar of the registration division” in the first and second lines of the first paragraph by the words “notify the registrar of the registry office of the division”;

(2) by replacing the second and third paragraphs by the following paragraphs:

“The registrar is notified by service of a notice which he registers in the land register.

If a spouse applies for cancellation of the registration, it may be granted provided sufficient security is furnished, where applicable.”

c. C-25,
aa. 816-
816.3, re-
pealed

370. Section III of Chapter I of Title IV of Book V of the said Code, comprising articles 816 to 816.3, is repealed.

c. C-25,
a. 817.1,
replaced

371. Article 817.1 of the said Code is replaced by the following article:

“**817.1** Where the court renders a judgment ordering the drawing up or correction of an act of civil status or otherwise entailing

the alteration of the register of civil status, it orders, even of its own motion, the registrar to alter the register. The particulars that are to be entered in the register are stated in the judgment.”

c. C-25,
a. 817.2,
am.

372. Article 817.2 of the said Code is amended by replacing the words “person entrusted with keeping the central register of matrimonial regimes” in the fourth and fifth lines of the first paragraph by the words “registrar of civil status and to the registrar in charge of the register of personal and movable real rights”.

c. C-25,
a. 818,
repealed

373. Article 818 of the said Code is repealed.

c. C-25,
a. 818.2,
replaced

374. Article 818.2 of the said Code is replaced by the following article:

“818.2 A tutor who, in the name of a person of full age under tutorship, applies for authorization to consent to matrimonial agreements must annex the advice of the tutorship council and a draft of the marriage contract to his application.”

c. C-25,
a. 819, am.

375. Article 819 of the said Code is amended by replacing the words “be called upon to give their opinion on an application for dispensation from the age requirement” in the third, fourth and fifth lines by the words “consent to the solemnization of the marriage”.

c. C-25,
heading
and a. 820,
repealed

376. The heading of Chapter III of Title IV of Book V and article 820 of the said Code are repealed.

c. C-25,
heading,
replaced

377. The heading of Section III of Chapter VI of Title IV of Book V of the said Code is replaced by the following heading:

“DECLARATION OF ELIGIBILITY FOR ADOPTION”.

c. C-25,
a. 824.1,
French
text, am.

378. The French text of article 824.1 of the said Code is amended by replacing the words “déclaration d’adoptabilité” in the first line by the words “déclaration d’admissibilité à l’adoption”.

c. C-25,
a. 825.7,
am.

379. Article 825.7 of the said Code is amended by replacing the word “registers” in the third line by the word “register”.

c. C-25,
a. 826, am.

380. Article 826 of the said Code is amended by inserting the words “or for withdrawal of an attribute of parental authority or of the exercise of such authority” after the word “authority” in the first line.

c. C-25,
a. 826.1,
am.

381. Article 826.1 of the said Code is amended

(1) by replacing the words “a deprived” in the first line by the word “the”;

(2) by striking out the words “for deprivation” in the third and fourth lines.

c. C-25,
a. 826.3,
am.

382. Article 826.3 of the said Code is amended

(1) by striking out the words “judge presiding at” in the first line;

(2) by replacing the words “of his own motion, convene a family council” in the first and second lines by the words “of its own motion, order the establishment of a tutorship council”.

c. C-25,
a. 827,
repealed

383. Article 827 of the said Code is repealed.

c. C-25,
a. 827.1,
am.

384. Article 827.1 of the said Code is amended by inserting the words “on the liquidator of the succession, if known, and” after the word “served” in the fourth line.

c. C-25,
Book V,
Title V,
aa. 828-
833, re-
placed

385. Title V of Book V of the said Code, comprising articles 828 to 833, is replaced by the following:

“TITLE V

“PROCEEDINGS RELATING TO LEGAL PERSONS

828. The Attorney General and any interested person may take action to ask the court to impose the sanctions prescribed by law, in the following cases:

(1) when the legal person has not been constituted according to law;

(2) when juridical personality has been obtained by fraud or granted in ignorance of some material fact;

(3) when the legal person, its founders or their assigns, its directors or senior officers, act repeatedly in contravention of the laws governing their profession, capacity or status, or exercise powers that are not within the competence of a legal person;

(4) when the legal person performs or omits to perform an act the performance or omission of which amounts to a surrender of its rights.

“829. The Attorney General may apply for the annulment of letters patent granted by the State for the reasons set out in article 828.

Such recourse may also be exercised by any interested person, if the Attorney General has given his written authorization; in that case, the clerk may issue the writ of summons only upon the filing of the authorization.

“830. A judgment annulling the constituting act of a legal person carries the dissolution of the legal person.

The judgment also appoints a liquidator who will proceed with the liquidation of the property in accordance with the statutory provisions applicable in that case or in accordance with the Civil Code.

“831. If the judgment declares a legal person with no capital stock to have been illegally formed, the persons composing it are personally bound to pay the costs; in other cases, the costs may be levied either upon the patrimony of the legal person, or solidarily upon the personal patrimony of its directors or other senior officers.

“832. Applications made to obtain juridical personality retroactively, to designate a liquidator, to prohibit a person from holding office as a director of a legal person or to lift such prohibition, or to obtain an authorization with respect to the functioning of the legal person are introduced by way of a motion in accordance with the particular rules contained in Title II of Book V.

All other applications are introduced by way of writ of summons.

“833. The clerk of the court which rendered a judgment confirming the existence of a cause for annulment of the constituting act of a legal person or confirming the dissolution of a legal person notifies the judgment to the Inspector General of Financial Institutions.

The same applies where the liquidator of a legal person is appointed by the court.”

386. The heading of Chapter II of Title VI of Book V of the said Code is amended by replacing the words “OFFICES OR FRANCHISES” by the word “OFFICE”.

387. Article 838 of the said Code is amended

(1) by replacing the words “or a franchise in Québec, or an office in a public or private corporation, a public body or board or a group

c. C-25,
Book V,
Title VI,
Chap. II,
heading,
am.

c. C-25,
a. 838, am.

of persons contemplated by article 60” in the second, third and fourth lines by the words “or an office in a legal person established in the public interest or for a private interest, a public body or an association within the meaning of the Civil Code”;

(2) by striking out the words “or franchise” in the sixth line.

c. C-25,
a. 841, am.

388. Article 841 of the said Code is amended

(1) by replacing the word “charge” in the third line of the first paragraph and in the first line of the second paragraph of the French text by the word “fonction”;

(2) by striking out the words “or franchise” in the third and fourth lines of the first paragraph.

c. C-25,
a. 842, am.

389. Article 842 of the said Code is amended

(1) by replacing the word “charge” in the first line of the French text by the word “fonction”;

(2) by striking out the words “or franchise” in the second line.

c. C-25,
a. 844, am.

390. Article 844 of the said Code is amended

(1) by replacing the word “corporation” wherever it appears by the words “legal person”;

(2) by replacing the words “corps public” in the first line of paragraph 1 of the French text by the words “organisme public”;

(3) by replacing the word “charge” in the second and fifth lines of paragraph 3 of the French text by the word “fonction”;

(4) by replacing the expression “group of persons contemplated in article 60” wherever it appears by the expression “association within the meaning of the Civil Code”, and by replacing the word “a” which follows the word “corporation,” in the second line of paragraph 4 by the word “an”.

c. C-25,
a. 852, am.

391. Article 852 of the said Code, amended by section 127 of chapter 21 of the statutes of 1992, is again amended

(1) by inserting the words “without his consent” after the word “kept” in the first line;

(2) by replacing the words “a prison or a reformatory” in the second line by the words “a house of detention or a penitentiary”.

c. C-25,
a. 858, am. **392.** Article 858 of the said Code is amended by adding the following paragraph :

“The court may order the provisional release of the person confined on such conditions as it determines if it considers that the interests of justice will thus be better served.”

c. C-25,
a. 860, am. **393.** Article 860 of the said Code is amended by replacing the words “admit to bail the person confined” in the first and second lines by the words “release provisionally the person confined on such conditions as it determines if it considers that the interests of justice will thus be better served”.

c. C-25,
a. 862, am. **394.** Article 862 of the said Code is amended by inserting the words “or, where the law so provides, notification to” after the word “upon” in the second line.

c. C-25,
a. 863,
replaced **395.** Article 863 of the said Code is replaced by the following articles :

“863. Failing an express provision to the contrary, applications are presented to the judge or to the clerk.

The decisions of the clerk may be reviewed by the judge on an application served within ten days. In cases excluded from the competence of the clerk, applications are presented to the judge.

However, an application that is contested is presented to the court. In urgent cases, the judge or the clerk may shorten the time limits prescribed in this Book.

“863.1 The court, the judge or the clerk ensures that the application has been notified to or served on the interested persons. It or he may authorize or order, even of its or his own motion, the service or notification of the application on or to any person it or he determines, or the production of additional proof, including experts’ or consultants’ reports.

“863.2 At the hearing, the judge or the clerk may, depending on the nature of the application, authorize the persons who are present and have an interest in the application to make observations or representations that may afford information useful for making his decision.

However, if the judge or clerk ascertains that the observations or representations made by a party constitute actual contestation of the merits of the application, he orders that the record be referred to the court on the conditions he determines.

“863.3 The clerk notifies forthwith the public curator of any judgment relating to the tutorship to an absentee or a minor, to the institution, review of or release from protective supervision of a person of full age, to the homologation of a mandate given by a person in anticipation of his incapacity and to the appointment or replacement of a tutor or curator by sending him a copy of the decision, free of charge.”

c. C-25,
Book VI,
Chap. II,
heading and
aa. 864 and
865, re-
placed

396. The heading of Chapter II of Book VI and articles 864 and 865 of the said Code are replaced by the following:

“CHAPTER II

“ALTERATION OF THE REGISTER OF CIVIL STATUS

“864. Applications for the alteration of the register of civil status and for a change of name by way of judicial process and applications for the recognition of the validity of an act of civil status made outside Québec or for the review of a decision of the registrar of civil status are introduced in the district of Québec or before the court of the domicile of the applicant. They are notified to interested persons and to the registrar of civil status.

“864.1 An application for a change of name is, in the case of a minor, notified to the father, the mother, the tutor, where applicable, and to the minor child if he is fourteen years of age or over.

“864.2 An application for review of a decision of the registrar of civil status may be admitted only if it is presented within thirty days after receipt of the decision by the applicant.

The registrar of civil status transmits forthwith to the office of the court the record relating to the decision the review of which is applied for.

“865. Applications made under this chapter may in no case be heard by the clerk.”

c. C-25,
Book VI,
Chap. III,
heading and
aa. 865.1-
865.4, re-
placed

397. The heading of Chapter III of Book VI and articles 865.1 to 865.4 of the said Code are replaced by the following:

“CHAPTER III

“TUTORSHIP TO AN ABSENTEE AND DECLARATORY JUDGMENT OF DEATH

“865.1 Applications for the institution of tutorship to an absentee are made before the court of the domicile of the person the

establishment of whose absence is sought or, if such domicile cannot be determined, before the court of the person's last known residence, or before the court of the domicile of the applicant.

If the absentee has designated an administrator to his property and if the latter refuses or neglects to act or is prevented from acting, the application may be made before the court of the domicile of the administrator.

The application must be served on the public curator and, where applicable, on the person designated by the absentee to administer his property and on the absentee's spouse, if he has a spouse.

“865.2 Applications concerning the amounts that it is expedient to allocate to the expenses of the marriage, to the maintenance of the family or to the payment of the obligation of support of the absentee and applications relating to the liquidation of the patrimonial rights of the spouses are made before the court of the domicile of the absentee or of the applicant.

The application must be served on the public curator, on the tutor to the absentee and on the absentee's spouse, if he has a spouse.

“865.3 Applications for a declaratory judgment of death are made before the court of the domicile of the person the establishment of whose death is sought.

If the person's domicile was not in Québec, the application is made before the court of the domicile of the place of his death, if known, or, failing that, of the place of his disappearance.

“865.4 The application must be served on the spouse of the person the establishment of whose death is sought, on his father and mother and on his children fourteen years of age or over and, where applicable, on the person's insurer.

The judge may, of his own motion or on application, order collective service on any other persons, according to the modalities he indicates.

“865.5 Applications for annulment of a declaratory judgment of death and rectification of the register of civil status and applications relating to the cancellation of the mentions or entries made following the declaratory judgment of death are made before the court of the last domicile of the person who has returned and must be served on the interested parties.

“865.6 Applications made under this chapter, except applications for the institution of tutorship to an absentee, may in no case be heard by the clerk.”

c. C-25,
a. 866, am. **398.** Article 866 of the said Code is amended by replacing the words “which does not require to be registered” in the seventh line by the words “the publication of which is not required”.

c. C-25,
Book VI,
Chap. V,
heading,
replaced **399.** The heading of Chapter V of Book VI of the said Code is replaced by the following heading:

“CHAPTER V

“REPLACEMENT AND RECONSTITUTION OF CERTAIN WRITINGS”.

c. C-25,
aa. 871.1-
871.4,
added **400.** The said Code is amended by inserting, after article 871, the following articles:

“871.1 Where an authentic act or public register cannot be replaced either because there is no copy or because a copy cannot be delivered, the public officer who held the act or register establishes a procedure for its reconstitution and proceeds with it.

Any interested person may, if the public officer delays establishing, or neglects to establish, a reconstitution procedure, ask the court to appoint a person to do so.

“871.2 The court homologates the reconstituted writing upon ascertaining that the procedure followed was appropriate and that it permits a valid reconstitution.

The application for homologation is accompanied with the reconstituted writing, the reconstitution plan and an affidavit attesting that the procedure was followed.

The judge may, even of his own motion, order service on the interested persons, by public notice or otherwise; in the case of an authentic act, the application is served on the parties to the act, unless otherwise decided by the judge.

“871.3 Reconstituted acts and registers stand in lieu of the original upon homologation of the reconstitution by the judge; they are filed with the public officer who held the original or his transferee.

Any interested person may contest the content of the reconstituted acts or registers or ask that corrections or additions be made.

“871.4 Applications for the reconstitution of an authentic act or public register may in no case be heard by the clerk.”

c. C-25,
Book VI,
Chap. VI,
heading and
aa. 872-
876.1, re-
placed

401. The heading of Chapter VI of Book VI and articles 872 to 876.1 of the said Code are replaced by the following:

“CHAPTER VI

“TUTORSHIP COUNCIL

“872. Applications relating to the composition and establishment of a tutorship council and applications for the review of a decision of a tutorship council are made before the court of the domicile or residence of the minor or incapable person of full age.

“873. A meeting of relatives, persons connected by marriage or friends held for the establishment of a tutorship council is called by the clerk or by a notary.

The notice of meeting is notified to the persons who are required to be called for the establishment of the tutorship council and indicates the object, place, day and time of the meeting.

“874. The meeting is presided by a notary or the clerk. If it is presided by a notary, the minutes of the meeting held to establish the council are homologated by the clerk.

“875. The council notifies forthwith the tutor or curator, the public curator, the minor if fourteen years of age or over or the person of full age under protective supervision of the name and address of the members and secretary of the council; it also notifies them of any change in that respect.

“876. Any service or notification intended for the council is validly made to the secretary responsible for drawing and keeping the minutes of the deliberations of the council.

“876.1 Where an application for the review of a decision of the tutorship council is notified to him, the secretary of the council transmits forthwith to the office of the court the minutes and record relating to the decision the review of which is applied for.”

c. C-25,
Chap. VII,
heading
preceding
a. 877, am.

402. The heading of Chapter VII, preceding article 877 of the said Code, is amended by replacing the words “FOR THE EVENTUALITY” by the words “IN ANTICIPATION”.

c. C-25,
a. 878, am.

403. Article 878 of the said Code is amended by replacing the words “family council” in the second line of the second paragraph by

the words “meeting of relatives, persons connected by marriage and friends”.

c. C-25,
a. 878.1,
replaced

404. Article 878.1 of the said Code is replaced by the following article:

“878.1 The rules relating to the representation and hearing of a minor or incapable person of full age apply where, in a proceeding, the clerk or the judge ascertains that the application of these rules is necessary to ensure the safeguard of the rights of a person of full age incapable of caring for himself or of administering his property.”

c. C-25,
a. 880,
replaced

405. Article 880 of the said Code is replaced by the following article:

“880. Where their advice is required, the persons who are required to be called for the establishment of the tutorship council are called on an order of the judge or of the clerk and the meeting is presided by the judge or clerk or by a notary.”

c. C-25,
a. 883, am.

406. Article 883 of the said Code is amended by striking out the words “The prothonotary shall transmit a copy of the judgment forthwith and without charge to the Public Curator” in the third, fourth and fifth lines.

c. C-25,
Section II,
heading,
am.

407. The heading of Section II, immediately preceding article 884.1 of the said Code, is amended by replacing the words “FOR THE EVENTUALITY” by the words “IN ANTICIPATION”.

c. C-25,
a. 884.1,
am.

408. Article 884.1 of the said Code is amended by replacing the words “for the eventuality” in the second line of the first paragraph by the words “in anticipation”.

c. C-25,
a. 884.4,
am.

409. Article 884.4 of the said Code is amended by replacing the word “Articles” in the first line by the words “Except as regards the communication of the examination, articles”.

c. C-25,
a. 884.6,
am.

410. Article 884.6 of the said Code is amended by striking out the words “The prothonotary shall transmit without delay and free of charge a copy of every judgment to the Public Curator” in the fourth and fifth lines.

c. C-25,
Book VI,
Chap. VIII-
XVI, aa.
885-939,
replaced

411. Chapters VIII to XVI of Book VI of the said Code, comprising articles 885 to 939, are replaced by the following:

“CHAPTER VIII

“JUDICIAL AUTHORIZATIONS

“**385.** Applications for authorization, empowerment or homologation provided for in the Civil Code of Québec are introduced by way of a motion, in particular in the case of

(a) applications which by reason of the nature of the act or the quality of the applicant are subject by law to the authority of the court, so that it may authorize an act, approve or homologate a decision or an act, or establish a fact;

(b) applications for the appointment, designation or replacement of any person, including the administrator of the property of others, which the law requires to be made by the court or which are made by the court where there is no agreement between the interested parties;

(c) applications of the same nature in matters concerning tutorship to minors or protective supervision of persons of full age, in matters concerning succession and in matters concerning the administration of the property of others.

“**386.** Applications relating to tutorship to a minor and to his emancipation are notified to the public curator and to the minor, if fourteen years of age or over.

Applications are accompanied with the advice of the tutorship council, where applicable.

“CHAPTER IX

“PROBATE OF WILLS AND LETTERS OF VERIFICATION

“SECTION I

“PROBATE OF WILLS

“**387.** Applications for the probate of a will are made before the court where the testator had his domicile or, if he had no domicile in Québec, before the court of the district in which the testator died, or in that in which he left property.

“**388.** Where it would be inconvenient or too expensive to call in all the known successors to a probate, the clerk may exempt the applicant from such requirement or determine the persons on or to whom service or notification will be made.

“889. The original of the will is examined by the clerk. If the will is deposited with a notary, the clerk may order the notary to file it at the office of the court.

“890. The probated will is deposited in the office of the court. The clerk is bound to issue certified copies of the will, of the transcription of the proof made to support the application for probate and of the judgment granting the application to every interested person who so requires.

“891. Notwithstanding the probate, a will may afterward, be contested, by action, by any interested person who did not oppose the application for probate or who, having opposed it, raises grounds which he was not then in a position to urge.

“SECTION II

“LETTERS OF VERIFICATION

“892. Every interested person may obtain from the clerk of the court of the district where the deceased had his domicile letters of verification for use outside Québec, to prove his quality of heir, legatee by particular title or liquidator of the succession.

“893. Letters of verification attest that the succession has opened; they certify moreover, in the case of an intestate succession, that the property has devolved to the designated persons in the proportions indicated and, in the case of a testamentary succession, that it has been proved that the will, of which a true copy is annexed, is the only will that the deceased made, or that it is the latest and that it revokes, in whole or in part, all previous wills.

In addition, the letters of verification identify the person acting as the liquidator of the succession.

“894. The application is served on the liquidator of the succession, if he is known, and on all the known heirs or legatees by particular title residing in Québec.

“895. Letters of verification may be revoked or corrected, on the instance of any interested person who did not oppose their being granted or who, if he did so oppose, raises grounds which he was not then in a position to urge.

The application is served on all persons on whom the original application was served or on their representatives and, if the application is based on the existence of a will, on every person to whom the property would devolve by the effect of the will.

“896. The clerk, under the seal of the court, issues copies of letters of verification to any person who so requires. However, if the letters are contested, he may not issue any copy before the application is disposed of.

If the letters are only corrected by the judgment, the clerk issues new letters in replacement of the former ones.

“CHAPTER X

“PROCEDURE GOVERNING THE SALE OF THE PROPERTY OF OTHERS

“SECTION I

“GENERAL PROVISIONS

“897. The rules of this chapter apply where the law requires authorization from the court for the sale of property belonging to a minor, a person of full age under tutorship or curatorship or an absentee; they also apply where the law requires that an administrator of the property of others be authorized by a judge or the court before proceeding with the sale of property.

“898. The application for authorization to sell property sets out the grounds for the application and describes the property; it is accompanied with an appraisal and, where applicable, the advice of the tutorship council.

The application proposes a method of sale and the name of a person who may proceed with the sale, and specifies the reasons for which the sale ought to be made by agreement, by a call for tenders or by auction.

“899. A judgment authorizing a sale by way of a call for tenders indicates whether the call for tenders may be made by way of the newspapers or by invitation.

Sufficient information are included in the call for tenders to enable any interested person to submit an offer at the proper time and place.

The person proceeding with the sale is bound to accept the highest offer unless the conditions attached to it render it less advantageous than another lower offer, or unless the price offered is lower than the reserve price.

“900. An auction sale may take place only after publication of a notice of sale which mentions the charges and conditions of the sale that are determined by the judgment.

Unless the judge or the clerk decides otherwise, articles 1757 to 1766 of the Civil Code of Québec apply to the auction sale.

“901. A sale by agreement takes place on the conditions and according to the modalities fixed in the judgment authorizing it.

“902. If the judge or the clerk authorizes the sale, he determines the method, specifies the conditions and, if he considers it expedient, fixes a reserve price. He designates the person proposed by the applicant to proceed with the sale and prescribes the terms and conditions of his remuneration; he may, however, by a decision giving reasons therefor, make any appointment he considers appropriate. If he refuses to authorize the sale, he also gives the reasons for his decision.

“903. The judge or clerk fixes the reserve price at the market value or appraisal of the property. However, he may, on an application, reduce the reserve price if the circumstances or the market so justify.

In the case of securities that are not listed and traded on a recognized stock exchange, the reserve price must correspond to the appraisal made by an independent accountant.

“SECTION II

“APPRAISAL

“904. In the case of movable property, the application must be accompanied with an appraisal made by a competent person; where the circumstances so justify, the judge or clerk may exempt the applicant from furnishing an appraisal in respect of the property he determines.

“905. In the case of an immovable, the application is accompanied with the assessment of the immovable appearing on the assessment roll of the municipality, multiplied by the factor established for the roll by the Minister of Municipal Affairs under the Act respecting municipal taxation (R.S.Q., chapter F-2.1).

The clerk or secretary-treasurer of a municipality is bound to disclose, wherever required, the assessment of the immovable and the factor used to obtain it to a person who applies for an authorization to sell.

“906. In the case of securities listed and traded on a recognized stock exchange, the application is accompanied with the security

listing section of two newspapers published on the last Friday preceding the date of the application, or with a report from a brokerage firm.

In the case of over-the-counter securities, the application must be accompanied with attestations of the recognized value supplied by two brokerage firms. Each attestation states the list price of the security at the close of the market for the same date.

In the case of other securities, the appraisal is made by an independent accountant who determines their fair market value, unless the securities are subject to a shareholders' agreement which includes an appraisal formula which applies to the sale of such securities.

“907. The judge or clerk may, even of his own motion, order that an appraisal be made by a chartered assessor or by another independent expert if he has reasons to believe that the appraisal of the property does not correspond to its value.

“SECTION III

“REPORT AND DISTRIBUTION OF THE PROCEEDS OF THE SALE

“908. Within ten days of the sale, the person in charge of the sale files his report at the office of the court. He attaches to his report any supporting vouchers and, in particular, any previously obtained appraisal.

If securities listed and traded on a recognized stock exchange have been sold, the person in charge of the sale also attaches to his report the notice of execution of the brokerage firm in charge of the transactions.

“909. If the sale could not take place, or if the report is not filed ten days before the time limit prescribed, the judge or the clerk may give new instructions.

“910. The proceeds of the sale are distributed among the persons entitled thereto, according to the instructions of the judge or the clerk.

In the case of a sale under judicial authority, the distribution is made after homologation of the scheme of collocation drawn up in accordance with article 614 or articles 714 and 715, as the case may be.”

412. Article 953 of the said Code is amended

(1) by replacing subparagraph *b* of the first paragraph by the following subparagraph:

“(b) one resulting from a contractual or extra-contractual obligation only;”;

(2) by replacing the words “physical person in his own name and on his own behalf or by a tutor or curator in his official capacity,” in the first and second lines of subparagraph *d* of the first paragraph by the words “natural person in his name and on his behalf, by a tutor or curator in his official capacity or by a mandatary in the execution of a mandate given by a person in anticipation of his incapacity,”.

c. C-25,
a. 954, am. **413.** Article 954 of the said Code is amended by replacing the words and figures “articles 1650 to 1650.3” in the second and third lines of the first paragraph by the word and figure “article 1892”.

c. C-25,
a. 955, am. **414.** Article 955 of the said Code is amended

(1) by inserting the words “, or a mandatary in the execution of a mandate given by a person in anticipation of his incapacity” after the word “capacity” in the second line of the first paragraph;

(2) by replacing the words “upon a person related to him or, failing a person related or allied to him in the judicial district, to a friend” in the fifth, sixth and seventh lines of the first paragraph by the words “on a relative, person connected by marriage or friend”.

c. C-25,
a. 955.1,
repealed **415.** Article 955.1 of the said Code is repealed.

c. C-25,
a. 984, am. **416.** Article 984 of the said Code is amended by replacing the last two lines of the first paragraph by the words “the time fixed for appearance or, after that time, so long as the inscription for judgment by the clerk or for proof and hearing has not been filed in the record”.

c. C-25,
a. 1048,
am. **417.** Article 1048 of the said Code is amended

(1) by replacing the word “corporation” in the first line of the first paragraph by the words “legal person”;

(2) by replacing the words “a group contemplated in the second paragraph of section 60” in the third and fourth lines of the first paragraph by the words “an association of employees within the meaning of the Labour Code”;

(3) by replacing the words “corporation, the association or the group has been incorporated or formed” in the second and third lines

of subparagraph *b* of the first paragraph by the words “legal person or association has been constituted”.

c. C-25,
a. 1050,
repealed
c. C-25,
Book X, am.

418. Article 1050 of the said Code is repealed.

419. Book X of the said Code is amended

(1) by replacing the word and figure “(Article 119.1)” in the heading of *Schedule 1* by the words and figures “(Articles 119.1 and 813)”;

(2) by replacing paragraph 2 of *Schedule 2* by the following paragraph:

“(2) You may withdraw from seizure, up to a market value of \$6 000 determined by the seizing officer, the movable property which furnishes your main residence and is used by and is necessary for the life of the household, unless such property is seized for sums due on the price.

You may also withdraw the instruments necessary to the personal exercise of your professional activity, unless such property is seized by a creditor holding a hypothec thereon.”;

(3) by adding the following schedule:

“SCHEDULE 3 (Article 765)

“NOTICE TO RESPONDENT

“TAKE NOTICE that the applicant has filed this application in the office of the court of the judicial district of

The application will be presented on to the Court of the judicial district of (or to one of its judges in chambers or to the clerk, as the case may be). If you wish to contest the application, you will be required to indicate verbally, at the time of presentation of the application, the means of contestation and the requests you intend to present.

TAKE FURTHER NOTICE that, if you do not appear at the date fixed for the presentation of the application, the applicant will be granted a judgment by default without further notice or extension.

It is important that you take action within the time limit indicated, either by retaining the services of an attorney who will

represent you and act in your name, or by doing so yourself in accordance with the formalities of law.

Please act accordingly.”

420. The said Code is amended by replacing the word “prothonotary” wherever it appears by the word “clerk”.

421. The said Code is amended by striking out the words “en chambre” wherever they appear in the French text.

422. The French text of the said Code is amended by replacing the word “jurisdiction” wherever it appears in articles 22, 23, 24, 26, 46, 523, 837, 846, 944.1 and 964 by the word “compétence”.

TITLE III

PROVISIONS RELATING TO OTHER ACTS

CHAPTER I

INTERPRETATIVE PROVISIONS

423. In the statutes and statutory instruments, the concepts introduced by the new Code replace the corresponding concepts of the former Code. Some of these corresponding concepts are identified hereinafter:

— IN RESPECT OF THE LAW OF PERSONS:

- (1) “act of burial” corresponds to “act of death”;
- (2) “corporation within the meaning of the Civil Code of Lower Canada” corresponds to “legal person within the meaning of the Civil Code of Québec”;
- (3) “municipal corporation” corresponds to “municipality” and “school corporation” corresponds to “school board”;
- (4) “private or public corporation” corresponds to “legal person established for a private interest or in the public interest”;
- (5) “curatorship to the absentee” corresponds to “tutorship to the absentee”;
- (6) “close treatment” corresponds to “confinement of a mentally ill person”;

(7) “physical or mental disability” corresponds to “*de facto* incapacity”, “juridical incapacity” corresponds to “total or partial deprivation of the right to the full exercise of one’s civil rights” and “incapacity to act”, whether temporary or not, corresponds to “inability to act”;

(8) “officer of a corporation” or “officer of a body having the rights and general powers of a corporation” corresponds to “senior officer of a legal person”;

(9) “rights and general powers of a corporation” corresponds to “capacity of legal persons”;

(10) “civil personality” corresponds to “juridical personality”.

— IN RESPECT OF THE LAW OF SUCCESSIONS:

(1) “testamentary executor” corresponds to “liquidator of the succession”;

(2) “legatee” in the expression “heirs and legatees” corresponds to “legatee by particular title”.

— IN RESPECT OF THE LAW OF PROPERTY:

(1) “emphyteutic lease” corresponds to “emphyteusis”;

(2) “trust account” corresponds to “account held in trust” and “trust deed” [acte de fidéicommis], where the object of the deed entails a transfer of ownership, corresponds to “trust deed” [acte de fiducie].

— IN RESPECT OF THE LAW OF OBLIGATIONS:

(1) “fortuitous event” corresponds to “superior force”;

(2) “offences and quasi-offences” corresponds to “fault in the context of extra-contractual civil liability”;

(3) “exemplary damages” corresponds to “punitive damages”;

(4) in French texts, “droit de réméré” [right of redemption] corresponds to “faculté de rachat” [right of redemption] and “vente à réméré” [sale with a right of redemption] corresponds to “vente avec faculté de rachat” [sale with a right of redemption];

(5) “lease and hire of personal services” corresponds to “contract of employment”;

(6) “civil partnership” or “commercial partnership” corresponds to “contractual partnership within the meaning of the Civil Code of

Québec”, whether the partnership is a general, limited or undeclared partnership;

(7) “bulk sale” corresponds to “sale of an enterprise”.

— IN RESPECT OF THE LAW OF PRIOR CLAIMS AND HYPOTHECS:

“security by pledge” corresponds to “suretyship by pledge”; “suretyship by guarantee policy” or “security by guarantee policy” corresponds to “suretyship by insurance policy”; “hypothecary security” corresponds to “hypothecary suretyship”.

— IN RESPECT OF THE LAW OF EVIDENCE:

“presumption *juris et de jure*” or “irrebuttable presumption” corresponds to “absolute presumption” whereas “presumption *juris tantum*” or “rebuttable presumption” corresponds to “simple presumption”.

— IN RESPECT OF PUBLICATION OF RIGHTS:

(1) in French texts, “bureau d’enregistrement” [registry office] corresponds to “bureau de la publicité des droits” [registry office];

(2) in French texts, “division d’enregistrement” [registration division] corresponds to “circonscription foncière” [registration division];

(3) “registration” corresponds to “registration” or “publication”;

(4) “index of immovables” or “index to immovables” corresponds to “land register”;

(5) in French texts, “régistrateur” [registrar] corresponds to “officier de la publicité des droits” [registrar];

(6) “register of farm and forest pledges” corresponds to “register of personal and movable real rights”.

— IN RESPECT OF CIVIL PROCEDURE AND REMEDIES:

(1) “prothonotary” corresponds to “clerk”;

(2) “certificate of the registrar” corresponds to “certified statement of the registrar”.

References

424. In the statutes and statutory instruments, any reference to a provision of the former Code is a reference to the corresponding provision of the new Code. In particular,

(1) any reference to article 981o of the Civil Code of Lower Canada is a reference to the equivalent provision concerning presumed sound investments in the Civil Code of Québec;

(2) any reference to articles 1203 to 1245 of the Civil Code of Lower Canada is a reference to the corresponding provision of the Book on Evidence of the Civil Code of Québec;

(3) any reference to articles 1650 to 1665.6 of the Civil Code of Lower Canada is a reference to the corresponding provision of the rules governing the lease of a dwelling in the Book on Obligations of the Civil Code of Québec.

CHAPTER II

SPECIAL AMENDING PROVISIONS

ACT RESPECTING ACCESS TO DOCUMENTS HELD BY PUBLIC BODIES AND THE PROTECTION OF PERSONAL INFORMATION

c. A-2.1,
s. 2, am.

425. Section 2 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) is amended

(1) by replacing paragraph 1 by the following paragraph:

“(1) the acts and the register of civil status;”;

(2) by replacing paragraph 3 by the following paragraph:

“(3) documents or notices registered in the register of personal and movable real rights;”.

ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

c. A-3.001,
s. 324,
replaced

426. Section 324 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) is replaced by the following section:

Legal
hypotheç

“324. The amounts due under this chapter confer on the Commission a legal hypothec on the employer’s movable and immovable property.”

ACT RESPECTING THE ACQUISITION OF FARM LAND BY NON-RESIDENTS

c. A-4.1,
s. 27, am. **427.** Section 27 of the Act respecting the acquisition of farm land by non-residents (R.S.Q., chapter A-4.1) is amended

(1) by replacing the words “may be annulled” in the second line of the first paragraph by the words “is null”;

(2) by striking out the word “, privileges” in the second line of the third paragraph.

c. A-4.1,
s. 28, am. **428.** Section 28 of the said Act is amended by replacing the words “holders of real rights” in the second line of the third paragraph by the words “prior and hypothecary creditors”.

c. A-4.1,
s. 33, am. **429.** Section 33 of the said Act is amended

(1) by replacing the words “a giving in payment” in the second line of the first paragraph by the words “the exercise of a right to take in payment”;

(2) by striking out subparagraph 2 of the first paragraph;

(3) by replacing the words “a giving in payment” in the second and third lines of the second paragraph by the words “the exercise of a right to take in payment”;

(4) by replacing the words “a giving in payment” in the second line of subparagraph 2 of the second paragraph by the words “the exercise of a right to take in payment”.

FINANCIAL ADMINISTRATION ACT

c. A-6,
s. 9.1, am. **430.** Section 9.1 of the Financial Administration Act (R.S.Q., chapter A-6) is amended

(1) by striking out the words “Photographic Proof of Documents Act (R.S.Q., chapter P-22) applies to” in the first and second lines;

(2) by striking out the words “. The documents” in the third line;

(3) by striking out the word “, however,” in the third line.

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

c. A-19.1,
s. 1, am. **431.** Section 1 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by replacing subparagraph *c* of paragraph 1 by the following subparagraph:

“(c) taking in payment to the extent that the person exercising that right becomes the owner of the whole lot or of all the lots still subject to the hypothec;”.

LAND SURVEYORS ACT

c. A-23,
s. 52, am. **432.** Section 52 of the Land Surveyors Act (R.S.Q., chapter A-23) is amended by replacing the figure “763” in the fourth line of the second paragraph of subsection 1 by the figure “791”.

AUTOMOBILE INSURANCE ACT

c. A-25,
s. 3,
repealed **433.** Section 3 of the Automobile Insurance Act (R.S.Q., chapter A-25) is repealed.

c. A-25,
s. 12, am. **434.** Section 12 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph:

Transfer **“12.** Any transfer of the right to an indemnity contemplated in this title is null by operation of law.”;

(2) by striking out the words “or transfer” in the second line of the second paragraph.

HEALTH INSURANCE ACT

c. A-29,
s. 22, am. **435.** Section 22 of the Health Insurance Act (R.S.Q., chapter A-29), amended by section 568 of chapter 42 of the statutes of 1991 and by section 107 of chapter 21 of the statutes of 1992, is again amended by replacing subparagraph *c* of the second paragraph by the following subparagraph:

“(c) where the beneficiary is a minor 14 years of age or over and receives insured services to which he gives his consent alone in accordance with the provisions of the Civil Code of Québec;”.

ACT RESPECTING FARM-LOAN INSURANCE AND FORESTRY-LOAN INSURANCE

c. A-29.1,
s. 4, am. **436.** Section 4 of the Act respecting farm-loan insurance and forestry-loan insurance (R.S.Q., chapter A-29.1), amended by section 1 of chapter 11 of the statutes of 1991 and by sections 36 and 43 of chapter 32 of the statutes of 1992, is again amended by replacing the words “way of a giving in payment” in the fifth line of subparagraph *b* of the third paragraph by the words “the exercise of a right to take in payment”.

c. A-29.1,
s. 19, am. **437.** Section 19 of the said Act, amended by section 43 of chapter 32 of the statutes of 1992, is again amended by replacing the words “a giving in payment” in the first line of the third paragraph by the words “the exercise of a right to take in payment”.

c. A-29.1,
s. 25.1, am. **438.** Section 25.1 of the said Act, amended by sections 38 and 43 of chapter 32 of the statutes of 1992, is again amended

(1) by replacing the words “an assignment, sale or transfer contemplated” in the second line of the second paragraph by the words “a hypothec or sale referred to”;

(2) by replacing, in the French text, the word “consenti” in the fifth line of that paragraph by the word “consentie”.

ACT RESPECTING INSURANCE

c. A-32,
s. 93.248,
am. **439.** Section 93.248 of the Act respecting insurance (R.S.Q., chapter A-32) is amended

(1) by striking out the words “privilege or” in the first line of paragraph 1;

(2) by replacing the words “pledge of” in the second line of paragraph 1 by the words “hypothec on”;

(3) by replacing the word “privilege” in the first line of paragraph 2 by the word “hypothec”.

c. A-32,
s. 422, am. **440.** Section 422 of the said Act is amended by adding, at the end, the following paragraph:

Approval “The form and the conditions of insurance policies relating to the ownership or use of motor vehicles must be approved by the Inspector General.”

ACT RESPECTING THE BARREAU DU QUÉBEC

c. B-1,
s. 6, am. **441.** Section 6 of the Act respecting the Barreau du Québec (R.S.Q., chapter B-1) is amended by replacing the third paragraph by the following paragraph:

Security for pay-
ment of
bonds “They may hypothecate movable and immovable property to secure payment of the bonds or securities issued by them.”

BUILDING ACT

c. B-1.1,
s. 140,
repealed

442. Section 140 of the Building Act (R.S.Q., chapter B-1.1), amended by section 169 of chapter 74 of the statutes of 1991, is repealed.

CULTURAL PROPERTY ACT

c. B-4,
s. 20, am.

443. Section 20 of the Cultural Property Act (R.S.Q., chapter B-4) is amended by striking out the word “privileges,” in the fourth line of the third paragraph.

c. B-4,
s. 32.1, am.

444. Section 32.1 of the said Act is amended

(1) by replacing the words “a giving in payment” in the third line of the second paragraph by the words “the exercise of a right to take in payment”;

(2) by striking out subparagraph 2 of the second paragraph.

ESCHEAT AND CONFISCATION ACT

c. B-5,
repealed

445. The Escheat and Confiscation Act (R.S.Q., chapter B-5) is repealed.

REGISTRY OFFICE ACT

c. B-9,
title,
replaced

446. The title of the Registry Office Act (R.S.Q., chapter B-9) is replaced by the following title:

“Act respecting registry offices”.

c. B-9,
Div. I to
XII and
forms, re-
placed
Registrar

447. Divisions I to XII and the forms of the said Act are replaced by the following:

“1. The Minister of Justice appoints, for each registry office, a registrar entrusted with the keeping of that office.

Registrar

The Minister of Justice may, however, where the circumstances so require, entrust the keeping of more than one registry office to the same registrar.

Deputy
registrar

Each registrar is, by virtue of his office and as long as he remains in office, deputy registrar for every registry office other than that for which he was appointed.

Deputy registrars **“2.** The Minister of Justice appoints one or more deputy registrars for each registration division.

Powers, duties and obligations Deputy registrars have, in all respects, the same powers, duties and obligations as the registrar and exercise or perform them under the authority of the registrar.

Deputy registrar Each deputy registrar is, by virtue of his office and as long as he remains in office, a deputy registrar for every registry office other than that for which he was appointed.

Deputy registrars The Minister of Justice or any officer of his department designated by him in writing may, where the circumstances so require, appoint deputy registrars for the time he fixes, from among the personnel of the registry offices. The instrument of appointment may limit their powers and functions and specify the conditions governing the exercise thereof.

Documents **“3.** The Minister of Justice may order a registrar to replace or reconstitute the whole or part of any document kept by the registrar so as to ensure the conservation of the rights published and to facilitate the consultation of the document.

Documents The replacement or reconstitution may be effected by transcription, photocopy, microfilm or any other means that will ensure the conservation of the information recorded in the document and facilitate the consultation of the document.

Authenticity **“4.** The Minister determines the means to be used to replace or reconstitute the document and the manner of proceeding with such replacement or reconstitution so as to ensure its authenticity.

Replacement of documents Where a document is replaced, the registrar collates the reproduction with the original and certifies in writing and under his oath of office that it is a true reproduction of the original.

Reconstitution of documents Where a document is reconstituted, the registrar certifies in writing and under his oath of office that the reproduction has been carried out in accordance with the order of the Minister.

Certified reproduction Any reproduction so certified has the same authenticity, validity and effect as the document it replaces or of which it is a reconstitution and the provisions of the Civil Code of Québec relating to the organization of registry offices apply.

Regulations **“5.** The Government may determine, by regulation, for documents requiring publication, the quality and dimensions of the

paper used, the lay-out of the text, the types of copies that may be presented for registration and the manner of keeping the documents forming part of the records of the registry office.

Microfilms “6. Where a document is replaced or reconstituted by microfilm, the Minister of Justice determines the means and manner of recording any particular relating to an entry appearing on the microfilm.

Oath “7. Every registrar and every deputy registrar shall, upon his appointment, take, before a judge of the Superior Court, before the clerk of the district in which the office for which he is appointed is located or before an officer designated in writing by the Minister of Justice, the following oath:

“I, (*surname and given name*) solemnly affirm that I will faithfully, impartially and honestly perform, to the best of my ability and knowledge, all the duties of the office of (*registrar or deputy registrar*) and that I will so exercise all the powers thereof.”

Filing The oath is filed at the office of the branch of the Ministère de la Justice responsible for registry offices. An officer designated in writing by the Minister of Justice issues, on request, a certified copy of the oath.

Tariffs of fees “8. The Government may, by order, make tariffs of fees to be collected by registrars for the various services performed by them. It may, in such tariffs,

(1) determine the persons, departments or bodies that are exempt from the payment of fees or the documents or services for which an exemption applies;

(2) prescribe, for the services it determines, the terms and conditions of payment of the fees, and determine the persons, departments or bodies that may benefit therefrom.

Tariffs of fees In addition, the Government shall take into account, when fixing tariffs, the percentage established by the order made under section 8 of the Act to promote the reform of the cadastre in Québec (R.S.Q., chapter R-3.1).

Orders Every such order may be amended, repealed or replaced and apply to one or more or to all the registration divisions of Québec.

Publication The order shall be published in the *Gazette officielle du Québec* and come into force 30 days after publication.

Fees “**9.** Where the tariff established in accordance with section 8 prescribes that fees must be paid for the registration of a document or the performance of a service in a registry office, no such document may be presented to the registrar, and, subject to the terms and conditions of payment prescribed under subparagraph 2 of the first paragraph of section 8, no such service may be performed by the registrar, unless the prescribed fees have been paid.

Exceptions “**10.** No fee is exigible

(1) for the registration of acts evidencing a loan, a line of credit or a special loan made under the Act respecting farm financing (R.S.Q., chapter F-1.2) or a loan made under the Farm Credit Act (R.S.C., [1985], chapter F-2) or the Farm Syndicates Credit Act (R.S.C., [1985], chapter F-5) or for the registration of address notices related thereto;

(2) for searches made in registry offices for the purposes of such loans;

(3) for the issue by a registrar, for the purposes of such loans, of certificates, extracts from or copies of the documents entered in the land register.

Notice “**11.** The Government may, when application to that effect is made to it by a resolution of the council of a municipality, order the registrar of the registration division to which such municipality belongs to give notice in writing to the clerk or secretary-treasurer of the transfer of any immovable situated within the territory of that municipality. Such notice, which is given by letter, shall contain the description of the immovable, the surname, given name and address of each party to the act transferring the ownership, and the nature of the act.

Fees The Government may change or cancel such order, at its discretion. It may also fix the fees payable to the registrar for such services. The fees are payable by the municipality to which the notice is sent.

Territory “**12.** The territory of the registration divisions in which there is a land register, within the meaning of article 2972 of the Civil Code of Québec, is described by government regulation.

Territory The territory of the registration division is the territory described in the Territorial Division Act (R.S.Q., chapter D-11) where the land register takes the form of the index of immovables, the register of real rights of State resource development or the register

of the public service networks and of immovables situated in a territory without a cadastral survey.”

CADASTRE ACT

c. C-1,
s. 10, am. **448.** Section 10 of the Cadastre Act (R.S.Q., chapter C-1) is amended by striking out the word “, privileges” in the eighth line.

c. C-1,
s. 12,
repealed **449.** Section 12 of the said Act is repealed.

ACT RESPECTING THE CAISSE DE DÉPÔT ET PLACEMENT DU QUÉBEC

c. C-2,
s. 27, am. **450.** Section 27 of the Act respecting the Caisse de dépôt et placement du Québec (R.S.Q., chapter C-2), amended by section 9 of chapter 22 of the statutes of 1992, is again amended

(1) by replacing the words “pledge of” in the second line of subparagraph *a* of the first paragraph by the words “hypothec on”;

(2) by replacing the word “privilege” in the first line of subparagraph *b* of the first paragraph by the word “hypothec”.

c. C-2,
s. 33, am. **451.** Section 33 of the said Act is amended by replacing the words “pledge of” in the first line by the words “hypothec on”.

c. C-2,
s. 35, am. **452.** Section 35 of the said Act is amended by replacing the words “in pledge any security as security” in the first and second lines by the words “a hypothec on any securities as a guarantee”.

ACT RESPECTING THE CAISSES D'ENTRAIDE ÉCONOMIQUE

c. C-3,
s. 7, am. **453.** Section 7 of the Act respecting the caisses d'entraide économique (R.S.Q., chapter C-3) is amended by striking out the words “, mortgage or pledge” in the second line of the second paragraph.

c. C-3,
s. 17, am. **454.** Section 17 of the said Act is amended by replacing the words “the pledge of” in the second line of the second paragraph by the words “hypothec on”.

c. C-3,
s. 20, am. **455.** Section 20 of the said Act is amended by striking out the words “, mortgage or pledge” in the second line of the first paragraph.

SAVINGS AND CREDIT UNIONS ACT

c. C-4,
s. 64, am. **456.** Section 64 of the Savings and Credit Unions Act (R.S.Q., chapter C-4) is amended by striking out the words “, mortgage or pledge” in the fourth line of the second paragraph.

c. C-4,
s. 64.1,
am. **457.** Section 64.1 of the said Act is amended by striking out the words “, mortgage or pledge” in the second line of the first paragraph.

c. C-4,
s. 64.2,
am. **458.** Section 64.2 of the said Act is amended by striking out the words “, mortgage or pledge” in the first and second lines.

c. C-4,
s. 78, am. **459.** Section 78 of the said Act is amended by replacing the words “the pledge of” in the second line of the second paragraph by the words “hypothec on”.

SAVINGS AND CREDIT UNIONS ACT

c. C-4.1,
s. 256, am. **460.** Section 256 of the Savings and Credit Unions Act (R.S.Q., chapter C-4.1) is amended

(1) by striking out the words “privilege or” in the first line of subparagraph *a* of paragraph 4;

(2) by replacing the word “privilege” in the first line of subparagraph *c* of paragraph 4 by the word “hypothec”.

c. C-4.1,
s. 263, am. **461.** Section 263 of the said Act is amended by striking out the words “, mortgage, pledge” in the first line of the first paragraph.

ACT RESPECTING THE CENTRE DE RECHERCHE INDUSTRIELLE DU QUÉBEC

c. C-8,
s. 18, am. **462.** Section 18 of the Act respecting the Centre de recherche industrielle du Québec (R.S.Q., chapter C-8) is amended

(1) by replacing the words “or pledge its immoveables, give as security or otherwise encumber its moveable property” in the first and second lines of paragraph *b* by the words “its movable and immovable property or encumber it with another charge”;

(2) by replacing the words “, mortgage or pledge” in the second line of paragraph *c* by the words “or hypothecate”;

(3) by striking out paragraph *d*;

(4) by striking out the words “without being subject to the Mortmain Act (chapter M-1)” in the third line of paragraph *e*.

ACT RESPECTING THE CHANGE OF NAME AND OF OTHER PARTICULARS OF CIVIL STATUS

c. C-10,
repealed

463. The Act respecting the change of name and of other particulars of civil status (R.S.Q., chapter C-10) is repealed.

RAILWAY ACT

c. C-14,
s. 10, am.

464. Section 10 of the Railway Act (R.S.Q., chapter C-14) is amended

(1) by striking out the words “provision to the contrary notwithstanding, any” in the first line of the first paragraph;

(2) by striking out the words “, mortgage or pledge” in the sixth line of the first paragraph;

(3) by striking out the second, fourth, fifth and sixth paragraphs.

c. C-14,
s. 11, am.

465. Section 11 of the said Act is amended

(1) by replacing the word “, pledge,” in the sixth and tenth lines by the word “or”;

(2) by striking out the words “, lien or privilege” in the sixth and tenth lines;

(3) by replacing the words “evidence of indebtedness” in the ninth line by the words “titles of indebtedness”;

(4) by replacing the words “evidences of indebtedness” in the sixteenth line by the words “titles of indebtedness”.

c. C-14,
s. 184, am.

466. Section 184 of the said Act is amended by replacing the words “privileged claim against” in the tenth and eleventh lines by the words “legal hypothec on”.

CITIES AND TOWNS ACT

c. C-19,
s. 26, am.

467. Section 26 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by replacing the word “privileges” in the second line of subsection 2 by the words “prior claims”.

c. C-19,
s. 412.16,
am.

468. Section 412.16 of the said Act is amended

(1) by replacing the words “after registration a privileged charge” in the fourth line by the words “a claim secured by a legal hypothec”;

(2) by striking out the words “, of the same nature and rank as a municipal tax. The registration of the privilege is made by the filing of a notice by the clerk” in the fifth, sixth and seventh lines.

c. C-19,
s. 413, am. **469.** Section 413 of the said Act, amended by section 5 of chapter 27 of the statutes of 1992, is again amended

(1) by replacing the words “privileged claim against such lot, and shall be recoverable in the same manner as a special tax thereon” in the eighth and ninth lines of subparagraph 14 of paragraph V by the words “claim secured by a legal hypothec on such lot”;

(2) by replacing the words “charge upon the property of the same rank as the real estate tax and shall be recoverable in the same manner” in the third and fourth lines of the third paragraph of subparagraph 25 of paragraph IX by the words “legal hypothec”.

c. C-19,
s. 461,
replaced **470.** Section 461 of the said Act is replaced by the following section:

Sale of
unclaimed
movables **“461.** The municipality may cause to be sold at auction, by a bailiff, without judicial formalities and after giving the notices required by the Civil Code, any lost or forgotten movables it holds which have not been claimed within 60 days, any movables it holds which are referred to in article 943 of the Civil Code, and any movables without an owner which it collects in its territory.

Presumption **Vehicles without a motor or in a ruinous state which are left in public places and not claimed within 10 days are deemed to be abandoned and without an owner.”**

c. C-19,
s. 482, am. **471.** Section 482 of the said Act is amended

(1) by striking out the first paragraph;

(2) by replacing the words “are assimilated to a real estate tax imposed” in the fourth and fifth lines of the second paragraph by the words “carry, from publication, a legal hypothec”.

c. C-19,
s. 497, am. **472.** Section 497 of the said Act is amended

(1) by replacing the word “privileges” in the third line of the first paragraph by the words “prior claims”;

(2) by replacing the words “moveable or immoveable” in the fourth line of the first paragraph by the word “immovable”;

(3) by replacing the words “privileges of the municipality on the moveable and immoveable property” in the fifth and sixth lines of the second paragraph by the words “prior claims and legal hypothecs of the municipality on the movable and immovable property”;

(4) by replacing the word “privileges” in the second line of the third paragraph by the words “prior claims and legal hypothecs”.

c. C-19,
s. 498, am. **473.** Section 498 of the said Act is amended by replacing the word “land”, wherever it appears, by the word “immovable”.

c. C-19,
s. 523, am. **474.** Section 523 of the said Act is amended by striking out the word “, privileges” in the fourth line of the fourth paragraph.

c. C-19,
s. 525, am. **475.** Section 525 of the said Act is amended by replacing the word “privileged” in the third line of the second paragraph by the word “prior”.

c. C-19,
s. 529, am. **476.** Section 529 of the said Act is amended

(1) by striking out the words “privileges and” in the second line of the first paragraph;

(2) by striking out the words “privileges and” in the second line of the second paragraph;

(3) by replacing the word “privilege” in the second line of the third paragraph by the words “prior claim or legal hypothec”.

c. C-19,
s. 532, am. **477.** Section 532 of the said Act is amended by replacing the words “privileged and hypothecary debts,” in the third line of the second paragraph by the words “prior claims and hypothecary claims”.

c. C-19,
s. 534, am. **478.** Section 534 of the said Act is amended by striking out the last sentence.

c. C-19,
s. 536, am. **479.** Section 536 of the said Act is amended by replacing the words “privileged debts” in the third line of the second paragraph by the words “prior or hypothecary claim”.

c. C-19,
s. 540, am. **480.** Section 540 of the said Act is amended by replacing the words “meet any privileged debt” in the third line of the second paragraph by the words “satisfy any prior or hypothecary claim”.

PROFESSIONAL CODE

c. C-26,
s. 29, am. **481.** Section 29 of the Professional Code (R.S.Q., chapter C-26) is amended by replacing the first paragraph by the following paragraph:

Hypothecary powers **“29.** A professional corporation may hypothecate its movable or immovable property to secure payment of the obligations or securities it issues.”

MUNICIPAL CODE OF QUÉBEC

c. C-27.1,
a. 186, am. **482.** Article 186 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by replacing the words “all hypothecs and privileges” in the fifth line of the third paragraph by the words “the amount of all prior claims due and hypothecary claims”.

c. C-27.1,
a. 188, am. **483.** Article 188 of the said Code is amended by replacing the words “when the bond is registered” in the second paragraph by the words “on which it is registered”.

c. C-27.1,
a. 442, am. **484.** Article 442 of the said Code is amended by replacing the words “, according to section 17 of the Registry Office Act (chapter B-9)” in the second and third lines of paragraph *a* by the words “pursuant to the Civil Code”.

c. C-27.1,
a. 510, am. **485.** Article 510 of the said Code is amended by replacing the last two sentences by the following: “The costs thus incurred by the council constitute, from registration, a legal hypothec on the land where the immovable was situated.”

c. C-27.1,
a. 559, am. **486.** Article 559 of the said Code is amended by replacing the words “be assimilated to a tax imposed upon the immovable by reason of which the said compensation is due” in the third, fourth and fifth lines by the words “, from registration, constitute a legal hypothec”.

c. C-27.1,
a. 693,
replaced **487.** Article 693 of the said Code is replaced by the following article:

“693. The municipality may cause to be sold at auction, by a bailiff, without judicial formalities and after giving the notices required by the Civil Code, any lost or forgotten movables it holds which have not been claimed within 60 days, any movables it holds which are referred to in article 943 of the Civil Code, and any movables without an owner which it collects in its territory.

Vehicles without a motor or in a ruinous state which are left in public places and not claimed within 10 days are deemed to be abandoned and without an owner.”

c. C-27.1,
a. 701, am. **488.** Article 701 of the said Code is amended by replacing the words “, without registration, legally subrogated in all the rights, privileges and hypothecs” in the first and second lines by the words “legally subrogated in all the rights”.

c. C-27.1,
a. 983, am. **489.** Article 983 of the said Code is amended by replacing the words “in the privileges of the corporation on the movable and immovable property” in the third and fourth lines by the words “in the prior claims and in the hypothecary claims of the municipality on the immovables”.

c. C-27.1,
a. 984, am. **490.** Article 984 of the said Code is amended

(1) by replacing the words “privileges of the municipality on the movable and immovable property” in the fourth and fifth lines of the first paragraph by the words “prior claims and legal hypothecs of the municipality on the movable or immovable property”;

(2) by replacing the word “privileges” in the second line of the second paragraph by the words “prior claims and legal hypothecs”;

(3) by replacing the words “the privileges” in the first line of the third paragraph by the words “his right under prior claims and legal hypothecs”.

c. C-27.1,
a. 1032, am. **491.** Article 1032 of the said Code is amended by striking out the word “, privileges” in the third line of the fifth paragraph.

c. C-27.1,
a. 1038, am. **492.** Article 1038 of the said Code is amended by replacing the words “privileged claim” in the third line of the second paragraph by the words “prior or hypothecary claim”.

c. C-27.1,
a. 1042, am. **493.** Article 1042 of the said Code is amended by replacing the word “eight” in the second line of the first paragraph by the word “ten”.

c. C-27.1,
a. 1044, am. **494.** Article 1044 of the said Code is amended by replacing the word “privileged” in the third line of the second paragraph by the word “prior”.

c. C-27.1,
a. 1048, am. **495.** Article 1048 of the said Code is amended

(1) by striking out the words “privileges and” in the fourth line of the first paragraph;

(2) by replacing the word “privilege” in the second line of the third paragraph by the words “prior claim or legal hypothec”.

c. C-27.1,
a. 1051, am. **496.** Article 1051 of the said Code is amended by replacing the words “privileged, and rank with municipal and school taxes” in the first and second lines of the second paragraph by the words “considered to be legal costs, and rank after the costs of the seisor”.

c. C-27.1,
a. 1058, am. **497.** Article 1058 of the said Code is amended by striking out the third, fourth, fifth, sixth and seventh lines of the third paragraph.

c. C-27.1,
a. 1060, am. **498.** Article 1060 of the said Code is amended by striking out the second paragraph.

GENERAL AND VOCATIONAL COLLEGES ACT

c. C-29,
s. 6, am. **499.** Section 6 of the General and Vocational Colleges Act (R.S.Q., chapter C-29) is amended

(1) by replacing subparagraph *c* of the first paragraph by the following subparagraph:

“(c) hypothecate its movable or immovable property to secure payment of its loans or the performance of its obligations;”;

(2) by replacing the words “, mortgage or pledge” in the second line of subparagraph *d* of the first paragraph by the words “or hypothecate”;

(3) by striking out subparagraph *e* of the first paragraph;

(4) by striking out the words “without being subject to the Mortmain Act (chapter M-1)” in the third line of subparagraph *h* of the first paragraph;

(5) by replacing the letter “e” in the first line of the third paragraph by the letter “d”.

ACT RESPECTING THE COMMISSION MUNICIPALE

c. C-35,
s. 55, am. **500.** Section 55 of the Act respecting the Commission municipale (R.S.Q., chapter C-35) is amended by replacing the words “privileged claim on the immoveable” in the second line of subparagraph 5 of the first paragraph by the words “prior or hypothecary claim”.

c. C-35,
s. 75, am.

501. Section 75 of the said Act is amended

(1) by striking out the words “privileges and” in the fourth line of the first paragraph;

(2) by striking out the words “privileges and” in the second line of the third paragraph;

(3) in the French text, by replacing the word “purgés” in the second line of the third paragraph by the word “purgées”;

(4) by replacing the word “privilege” in the second line of the fourth paragraph by the words “prior claim or legal hypothec”.

c. C-35,
s. 78, am.

502. Section 78 of the said Act is amended by striking out the words “privileges and” in the fourth line of the second paragraph, and, in the French text, by replacing the word “acquittés” in the fifth line of that paragraph by the word “acquittées”.

c. C-35,
s. 79, am.

503. Section 79 of the said Act is amended by replacing the second paragraph by the following paragraph:

Certificate

“The certificate of redemption shall identify the person who effected the redemption.”

c. C-35,
s. 80, am.

504. Section 80 of the said Act is amended by replacing the words “privilege upon the immovable and a right of retention, in which rights” in the first and second lines of the second paragraph by the words “right of retention on the immovable, in which right”.

c. C-35,
s. 82, am.

505. Section 82 of the said Act is amended by replacing the words “privileged debt” in the third line of the second paragraph by the words “prior or hypothecary claim”.

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE L'OUTAOUAIS

c. C-37.1,
s. 178, am.

506. Section 178 of the Act respecting the Communauté urbaine de l'Outaouais (R.S.Q., chapter C-37.1) is amended by striking out the words “and guarantees” wherever they appear.

c. C-37.1,
s. 226, am.

507. Section 226 of the said Act is amended

(1) by replacing paragraph *b* by the following paragraph:

“(b) hypothecate its movable or immovable property and encumber it with another charge to secure payment of its loans or the performance of its obligations;”;

(2) by replacing the words “, mortgage or pledge” in the second line of paragraph *c* by the words “or hypothecate”;

(3) by striking out paragraph *d*.

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

c. C-37.2,
s. 291.26,
am.

508. Section 291.26 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is amended by striking out the words “and guarantees” wherever they appear.

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE QUÉBEC

c. C-37.3,
s. 195, am.

509. Section 195 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3) is amended by striking out the words “and guarantees” wherever they appear.

COMPANIES ACT

c. C-38,
s. 31, am.

510. Section 31 of the Companies Act (R.S.Q., chapter C-38) is amended

(1) by striking out the words “privileges or” in the first line of subparagraph *n* of the second paragraph;

(2) by striking out the words “privileged and” in the third line of subparagraph *n* of the second paragraph.

c. C-38,
s. 50, am.

511. Section 50 of the said Act is amended by replacing the words “privilege against” in the fourth line of subsection 3 by the words “hypothec on”.

c. C-38,
Part I,
Div. XXII,
heading,
replaced

512. The heading of Division XXII of Part I of the said Act is replaced by the following heading:

“BORROWING AND HYPOTHECATING POWERS”.

c. C-38,
s. 77, am.

513. Section 77 of the said Act is amended

(1) by striking out paragraph *c* of subsection 1;

(2) by replacing paragraph *d* of subsection 1 by the following paragraph:

Hypotheca-
tion

“(d) Hypothecate the immovable and movable or otherwise affect the movable property of the company.”

c. C-38,
s. 123.44,
am.

514. Section 123.44 of the said Act is amended by replacing the word “pledgee,” in the second line of the first paragraph by the words “hypothecary creditor”.

c. C-38,
s. 134, am.

515. Section 134 of the said Act is amended

(1) by striking out the words “privileges or” in the second line of subparagraph *m* of the second paragraph;

(2) by striking out the words “privileges or” in the first line of subparagraph *n* of the second paragraph;

(3) by striking out the words “privileged and” in the third line of subparagraph *n* of the second paragraph.

c. C-38,
s. 148, am.

516. Section 148 of the said Act is amended by replacing the word “privilege” in the fourth line of subsection 3 by the word “hypothec”.

c. C-38,
Part II,
Div. XIV,
heading,
replaced

517. The heading of Division XIV of Part II of the said Act is replaced by the following heading:

“BORROWING AND HYPOTHECATING POWERS”.

c. C-38,
s. 169, am.

518. Section 169 of the said Act is amended

(1) by striking out paragraph *c* of subsection 1;

(2) by replacing paragraph *d* of subsection 1 by the following paragraph:

Hypotheca-
tion

“(d) Hypothecate the immovable or movable or otherwise affect the movable property of the company.”

TIMBER-DRIVING COMPANIES ACT

c. C-42,
s. 29, am.

519. Section 29 of the Timber-Driving Companies Act (R.S.Q., chapter C-42) is amended by replacing paragraph 2 by the following paragraph:

Loans

“(2) Borrow a sufficient sum of money to complete the works, secured by hypothec on the works and tolls thereof;”.

ACT RESPECTING BILLS OF LADING, RECEIPTS AND TRANSFERS OF PROPERTY IN STOCK

c. C-53,
repealed

520. The Act respecting bills of lading, receipts and transfers of property in stock (R.S.Q., chapter C-53) is repealed.

CHURCH INCORPORATION ACT

c. C-63,
s. 1, am. **521.** Section 1 of the Church Incorporation Act (R.S.Q., chapter C-63) is amended by striking out the words “and has obtained power to keep registers of civil status,” in the second line.

CONSTITUT OR TENURE SYSTEM ACT

c. C-64,
repealed **522.** The Constitut or Tenure System Act (R.S.Q., chapter C-64) is repealed.

COOPERATIVES ACT

c. C-67.2,
s. 27, am. **523.** Section 27 of the Cooperatives Act (R.S.Q., chapter C-67.2) is amended

(1) by replacing the words “article 1571*d* of the Civil Code” in the second and third lines of paragraph 2 by the words “the provisions of the Civil Code of Québec relating to the assignment of claims”;

(2) by striking out paragraph 3;

(3) by replacing paragraph 4 by the following paragraph:

“(4) hypothecate its movable or immovable property;”;

(4) by striking out the word “pledge,” in the first line of paragraph 5.

c. C-67.2,
s. 89, am. **524.** Section 89 of the said Act is amended by striking out the word “pledge,” in the first line of the second paragraph.

ACT RESPECTING ROMAN CATHOLIC CEMETERY CORPORATIONS

c. C-69,
s. 23, am. **525.** Section 23 of the Act respecting Roman Catholic cemetery corporations (R.S.Q., chapter C-69) is amended

(1) by replacing paragraph *h* by the following paragraph:

“(*h*) hypothecate its movable or immovable property or otherwise encumber its movable property with any charge to secure payment of its loans or the performance of its obligations;”;

(2) by replacing the words “, mortgage or pledge” in the second line of paragraph *i* by the words “or hypothecate”;

(3) by striking out paragraph *j*.

c. C-69,
s. 34, am. **526.** Section 34 of the said Act is amended by striking out the letter “j,” in the first line of paragraph *e*.

c. C-69,
s. 43,
repealed **527.** Section 43 of the said Act is repealed.

ACT RESPECTING SECURITY FUND CORPORATIONS

c. C-69.1,
s. 37, am. **528.** Section 37 of the Act respecting security fund corporations (R.S.Q., chapter C-69.1) is amended

(1) by replacing the words “privilege or hypothec ranking first” in the first line of paragraph 1 by the words “first hypothec”;

(2) by replacing the words “pledge of” in the second line of paragraph 1 by the words “hypothec on”;

(3) by replacing the words “privilege ranking first” in the first line of paragraph 2 by the words “first hypothec”.

c. C-69.1,
s. 38, am. **529.** Section 38 of the said Act is amended by striking out the words “first privilege or” in the ninth and tenth lines.

ACT RESPECTING MUNICIPAL AND INTERMUNICIPAL TRANSIT CORPORATIONS

c. C-70,
s. 59, am. **530.** Section 59 of the Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70) is amended by striking out the words “and guarantees” wherever they appear.

RELIGIOUS CORPORATIONS ACT

c. C-71,
s. 9, am. **531.** Section 9 of the Religious Corporations Act (R.S.Q., chapter C-71) is amended by striking out subparagraph *f* of the first paragraph of subsection 3.

REAL ESTATE BROKERAGE ACT

c. C-73,
s. 1, am. **532.** Section 1 of the Real Estate Brokerage Act (R.S.Q., chapter C-73) is amended by striking out the words “or pledging” in the fourth line of paragraph *c*.

c. C-73,
s. 5, am. **533.** Section 5 of the said Act is amended

(1) by replacing the words “or pledge of” in the second line of paragraph *g* by the word “on”;

(2) by striking out the words “or pledging” in the third line of paragraph *i*.

FORESTRY CREDIT ACT

c. C-78,
s. 3, am. **534.** Section 3 of the Forestry Credit Act (R.S.Q., chapter C-78), amended by section 43 of chapter 32 of the statutes of 1992, is again amended

(1) by replacing the words “pledge of forest property of” in the second and third lines of the first paragraph by the words “movable hypothec on”;

(2) by replacing the word “pledged” in the first and third paragraphs by the word “hypothecated”.

c. C-78,
s. 20, am. **535.** Section 20 of the said Act is amended by replacing the words “must be pledged in accordance with articles 1979*a* and following of the Civil Code” in the second, third and fourth lines of the first paragraph by the words “shall be charged with a movable hypothec”.

c. C-78,
s. 43, am. **536.** Section 43 of the said Act, amended by section 43 of chapter 32 of the statutes of 1992, is again amended by replacing the words “privileges, hypothecs and pledges” in the fourth line of paragraph *j* by the word “hypothecs”.

c. C-78,
s. 45, am. **537.** Section 45 of the said Act, amended by section 43 of chapter 32 of the statutes of 1992, is again amended by striking out the words “or forestry pledge” in the fourth line of the second paragraph.

c. C-78,
s. 46.1,
am. **538.** Section 46.1 of the said Act, amended by section 43 of chapter 32 of the statutes of 1992, is again amended

(1) by replacing the words “the transfer of the whole or a part of the debts owing to it on” in the second and third lines of the first paragraph by the words “a hypothec on all or some”;

(2) by replacing the words “debt thus transferred any other debt” in the third line of the second paragraph by the words “any claim thus hypothecated any other claim”.

c. C-78,
s. 46.7,
am. **539.** Section 46.7 of the said Act, amended by section 43 of chapter 32 of the statutes of 1992, is again amended

(1) by replacing the words “the transfer of a debt” in the second line of the first paragraph by the words “the hypothecation of a claim”;

(2) by replacing the word “transfer” in the second line of the second paragraph by the word “hypothecation”.

ACT TO PROMOTE FOREST CREDIT BY PRIVATE INSTITUTIONS

c. C-78.1,
s. 11, am.

540. Section 11 of the Act to promote forest credit by private institutions (R.S.Q., chapter C-78.1) is amended by replacing the word “pledged” in the first line of paragraph 2 by the word “hypothecated”.

c. C-78.1,
s. 15, am.

541. Section 15 of the said Act is amended by replacing the words “pledge of forest property” in the second line of the second paragraph by the words “movable hypothec”.

c. C-78.1,
s. 18, am.

542. Section 18 of the said Act, amended by section 43 of chapter 32 of the statutes of 1992, is again amended

(1) by replacing the words “forest property” in the first and second lines by the words “movable hypothec”;

(2) by replacing the words “pledge of forest property” in the third line of paragraph 2 by the words “movable hypothec”.

c. C-78.1,
s. 33, am.

543. Section 33 of the said Act, amended by section 43 of chapter 32 of the statutes of 1992, is again amended by striking out the words “or forest pledge” in the second line of the first paragraph.

c. C-78.1,
s. 37, am.

544. Section 37 of the said Act is amended

(1) by replacing the words “pledged property” in the seventh line of paragraph 5 by the word “movable”;

(2) by replacing the word “sheriffs” wherever it appears in paragraph 6 by the word “forced”;

(3) by replacing the words “pursuant to a giving in payment clause” in the third line of paragraph 6 by the words “following a taking in payment”.

c. C-78.1,
s. 43, am.

545. Section 43 of the said Act, amended by section 43 of chapter 32 of the statutes of 1992, is again amended

(1) by striking out the words “or pledge of forest property” in the second line of paragraph 2;

(2) by striking out the words “property, as the case may be,” in the third line of paragraph 2.

c. C-78.1,
s. 44, am.

546. Section 44 of the said Act, amended by section 43 of chapter 32 of the statutes of 1992, is again amended by replacing the word “pledged” in the second line of paragraph 1 by the word “hypothecated”.

c. C-78.1,
s. 47, am.

547. Section 47 of the said Act is amended by replacing the words “pledge of forest property” in the first line by the words “movable hypothec”.

c. C-78.1,
Div. X,
heading,
replaced

548. The heading of Division X of the said Act is replaced by the following heading:

“SALE AND HYPOTHECATION OF CLAIMS”.

c. C-78.1,
s. 52, am.

549. Section 52 of the said Act, amended by section 43 of chapter 32 of the statutes of 1992, is again amended

(1) by replacing the words “assign or transfer to any person as security for a loan, all or part of the debts owing” in the fifth and sixth lines of the first paragraph by the words “hypothecate, as security for a loan all or some of the claims arising”;

(2) by replacing the words “debts, provided that the person to whom the assignment, transfer or sale is made” in the seventh and eighth lines of the first paragraph by the words “claims, provided that the person to whom the hypothec or sale is granted or made”;

(3) by replacing the words “assignment, transfer” in the ninth line of the first paragraph by the word “hypothec”;

(4) by replacing the words “assignment of a debt owing” in the first line of the second paragraph by the words “hypothec on a claim arising”.

c. C-78.1,
s. 54, am.

550. Section 54 of the said Act, amended by section 43 of chapter 32 of the statutes of 1992, is again amended

(1) by replacing the words “the transfer of the whole or part of the debts owing to it on” in the second and third lines of the first paragraph by the words “a hypothec on all or some of the claims arising from”;

(2) by replacing the words “any debt thus transferred and any other debt” in the second and third lines of the second paragraph by the words “any claim thus hypothecated and any other claim”.

c. C-78.1,
s. 60, am.

551. Section 60 of the said Act, amended by section 43 of chapter 32 of the statutes of 1992, is again amended

(1) by replacing the words “transfer of a debt” in the second line of the first paragraph by the words “hypothecation of a claim”;

(2) by replacing the word “transfer” in the second line of the second paragraph by the word “hypothecation”.

PUBLIC CURATOR ACT

c. C-81,
s. 13, am.

552. Section 13 of the Public Curator Act (R.S.Q., chapter C-81) is amended by replacing the words “in the event of his disability” in the second line of paragraph 2 by the words “in anticipation of his incapacity”.

c. C-81,
s. 16,
repealed

553. Section 16 of the said Act is repealed.

c. C-81,
s. 17,
replaced

554. Section 17 of the said Act is replaced by the following section:

Duties

“**17.** The person to whom the performance of certain duties of tutorship or curatorship to a person of full age is delegated must, so far as possible, maintain a personal relationship with the person of full age, obtain his opinion, where applicable, and keep him informed of the decisions taken in his regard.”

c. C-81,
s. 18, am.

555. Section 18 of the said Act is amended by replacing the words and figure “327 of the Civil Code of Lower Canada” in the first and second lines by the words and figure “258 of the Civil Code of Québec”.

c. C-81,
s. 24, am.

556. Section 24 of the said Act is amended

(1) by striking out the words “until the institution of curatorship” in the first line of subparagraph 1 of the first paragraph;

(2) by striking out the words “curator or a” in the second line of subparagraph 6 of the first paragraph;

(3) by replacing the figure “2” in the first line of the third paragraph by the figure “1”.

c. C-81,
s. 29, am.

557. Section 29 of the said Act is amended by striking out the third paragraph.

c. C-81,
s. 34, am. **558.** Section 34 of the said Act is amended by striking out the words “subrogate-tutor or the subrogate-curator, as the case may be, shall act on behalf of the minor or the person of full age under tutorship or curatorship represented by the Public Curator; otherwise, the” in the third, fourth, fifth and sixth lines of the first paragraph.

c. C-81,
s. 38, am. **559.** Section 38 of the said Act is amended by replacing the figures and word “1342 and 1344” in the third line of the first paragraph by the figures and word “1303 and 1305”.

c. C-81,
s. 39, am. **560.** Section 39 of the said Act is amended

(1) by replacing the second comma in the third line of the first paragraph by the word “or”;

(2) by striking out the words “or a subrogate-tutor or subrogate-curator, as the case may be” in the fourth and fifth lines of the first paragraph.

c. C-81,
s. 40, am. **561.** Section 40 of the said Act is amended by replacing the word “curator” in the first line of subparagraph 2 of the first paragraph by the word “tutor”.

c. C-81,
s. 44, am. **562.** Section 44 of the said Act is amended by replacing the figure “1380” in the third line of the second paragraph by the figure “1339”.

c. C-81,
s. 54, am. **563.** Section 54 of the said Act is amended by replacing the words “for the eventuality” in the third line of the first paragraph by the words “in anticipation”.

c. C-81,
s. 55, am. **564.** Section 55 of the said Act is amended

(1) by replacing the words “and the supervision” in the fourth line by the words “, the supervision”;

(2) by inserting the words “and the other functions assigned to him by the law” after the word “curatorships” in the fourth line.

c. C-81,
s. 62, am. **565.** Section 62 of the said Act is amended by replacing the figures and word “56 to 58” in the second line by the figures and word “55 to 57”.

c. C-81,
s. 68, am. **566.** Section 68 of the said Act, amended by section 7 of chapter 72 of the statutes of 1991 and by section 146 of chapter 21 of the statutes of 1992, is again amended

(1) by replacing the words and figure “article 686 of the Civil Code of Lower Canada” in the third and fourth lines of paragraph 4 by the words “any other provision of law”;

(2) by replacing the word “and” in the third line of paragraph 7 by a comma;

(3) by adding, at the end of paragraph 7, the words “or for the performance of the other functions assigned to him by law”.

c. C-81,
s. 200, am. **567.** Section 200 of the said Act is amended by replacing the first line by the following:

Provisions
deemed to
be in force **“200.** Until the coming into force of the Civil Code of Québec (1991, chapter 64), articles 1338 to 1411 of the Civil Code of Québec (1987, chapter 18), which deal”.

TERRITORIAL DIVISION ACT

c. D-11,
s. 1, am. **568.** Section 1 of the Territorial Division Act (R.S.Q., chapter D-11), amended by section 3 of chapter 62 of the statutes of 1986, is again amended by replacing subparagraph 3 of the first paragraph by the following subparagraph:

Registra-
tion divi-
sions **“(3) For the purposes of the publication of rights, into 73 registration divisions,”.**

c. D-11,
s. 11, am. **569.** Section 11 of the said Act, amended by section 4 of chapter 62 of the statutes of 1986, is again amended by replacing the first two lines by the following:

Registra-
tion divi-
sions **“11.** The 73 registration divisions of Québec are named and composed as follows:”.

LAND TRANSFER DUTIES ACT

c. D-17,
s. 1, am. **570.** Section 1 of the Land Transfer Duties Act (R.S.Q., chapter D-17) is amended by replacing the word “privileges” in the first line of subparagraph *c* of the definition of the word “consideration” by the words “prior claims as well as the”.

c. D-17,
s. 40, am. **571.** Section 40 of the said Act is amended by replacing the words “have been made by reason of the application of a stipulation of the deed of security agreed by the transferor to secure payment of a debt or” in the first, second and third lines of paragraph *a* by the words “result from the exercise of a right to take in payment or must have been effected”.

ACT RESPECTING PROTESTANT CHURCHES ENTITLED TO KEEP CIVIL STATUS REGISTERS

c. E-2,
repealed

572. The Act respecting Protestant churches entitled to keep civil status registers (R.S.Q., chapter E-2) is repealed.

ROMAN CATHOLIC BISHOPS ACT

c. E-17,
s. 10, am.

573. Section 10 of the Roman Catholic Bishops Act (R.S.Q., chapter E-17) is amended

(1) by replacing paragraph *g* by the following paragraph:

“(*g*) to hypothecate its movable or immovable property or encumber it with another charge to secure payment of its loans or the performance of its obligations;”;

(2) by replacing the words “, mortgage or pledge” in the second line of paragraph *h* by the words “or hypothecate”;

(3) by striking out paragraph *i*.

EXPROPRIATION ACT

c. E-24,
s. 53.17,
am.

574. Section 53.17 of the Expropriation Act (R.S.Q., chapter E-24) is amended by striking out the words “a giving in payment clause and” in the first and second lines.

ACT RESPECTING FABRIQUES

c. F-1,
s. 18, am.

575. Section 18 of the Act respecting fabriques (R.S.Q., chapter F-1) is amended

(1) by replacing paragraph *f* by the following paragraph:

“(*f*) hypothecate its movable or immovable property or encumber it with another charge to secure payment of its loans or the performance of its obligations;”;

(2) by replacing the words “, mortgage or pledge” in the second line of paragraph *g* by the words “or hypothecate”;

(3) by striking out paragraph *h*;

(4) by striking out the words “or the Mortmain Act” in the fourth line of paragraph *m*.

c. F-1,
s. 24, am.

576. Section 24 of the said Act is amended by striking out the word and letter “or *h*” in the first line.

c. F-1,
s. 26, am.

577. Section 26 of the said Act is amended by striking out the letter “*h*,” in the first line of paragraph *g*.

ACT RESPECTING FARM FINANCING

c. F-1.2,
s. 20, am.

578. Section 20 of the Act respecting farm financing (R.S.Q., chapter F-1.2) is amended

(1) by replacing the words “, pledge of agricultural property,” in the second line of the first paragraph by the word “or”;

(2) by striking out the words “or transfer under the Act respecting bills of lading, receipts and transfers of property in stock (chapter C-53)” in the third, fourth and fifth lines of the first paragraph;

(3) in the French text, by replacing the word “consenti” in the fifth line of the first paragraph by the word “consentie”.

c. F-1.2,
s. 60, am.

579. Section 60 of the said Act is amended

(1) by replacing the words “assign or transfer to” in the third line of the first paragraph by the words “hypothecate in favour of”;

(2) by striking out the words “, or sell to any person all or part of the said debts” in the fourth and fifth lines of the first paragraph;

(3) by replacing the words “, transfer or sale is made” in the fifth and sixth lines of the first paragraph by the words “or hypothec is granted”;

(4) by replacing the words “sale or assignment of a debt arising from a loan is made” in the first line of the second paragraph by the words “hypothec on or the assignment of a debt arising from a loan is granted”;

(5) by replacing the word “acquirer” in the second line of the second paragraph by the word “latter”.

c. F-1.2,
s. 112, am.

580. Section 112 of the said Act is amended by replacing the words “pursuant to a giving in payment clause” in the fourth and fifth lines of paragraph 5 by the words “following a taking in payment”.

c. F-1.2,
s. 129, am.

581. Section 129 of the said Act is amended

(1) by replacing the words “transfer of all or part of the debts” in the second and third lines of the first paragraph by the words “hypothecation of all or part of the claims”;

(2) by replacing the words “debt so transferred any other debt” in the second line of the second paragraph by the words “claim so hypothecated any other claim”.

c. F-1.2,
s. 136, am.

582. Section 136 of the said Act is amended

(1) by replacing the words “transfer of a debt” in the second line of the first paragraph by the words “hypothecation of a claim”;

(2) by replacing the word “transfer” in the second line of the second paragraph by the words “hypothecation of a claim”.

c. F-1.2,
s. 141, am.

583. Section 141 of the said Act is amended by replacing the words “pledge or transfer” in the second line of paragraph 10 by the word “hypothec”.

ACT RESPECTING MUNICIPAL TAXATION

c. F-2.1,
s. 174, am.

584. Section 174 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), amended by section 16 of chapter 29 and by section 81 of chapter 32 of the statutes of 1991, is again amended by replacing the words “50 of the Registry Office Act (chapter B-9)” in the second line of paragraph 3 by the words “11 of the Act respecting registry offices”.

ACT TO ESTABLISH THE FONDS DE SOLIDARITÉ DES TRAVAILLEURS DU QUÉBEC (F.T.Q.)

c. F-3.2.1,
s. 15, am.

585. Section 15 of the Act to establish the Fonds de solidarité des travailleurs du Québec (F.T.Q.) (R.S.Q., chapter F-3.2.1) is amended by striking out the words “, mortgage, pledge, privilege” in the second and third lines of the second paragraph.

FOREST ACT

c. F-4.1,
s. 9, am.

586. Section 9 of the Forest Act (R.S.Q., chapter F-4.1) is amended

(1) by replacing the word “privilege” in the second line of the first paragraph by the words “legal hypothec”;

(2) by replacing the word “privilege” in the first line of the second paragraph by the word “hypothec”;

(3) by replacing the word “privilege” in the third line of the second paragraph by the word “hypothec”;

(4) by replacing the word “privilege” in the fifth line of the second paragraph by the word “hypothec”;

(5) by replacing the third paragraph by the following paragraph:

Reference

“For the purposes of the publication of rights, the reference to the number of the common area mentioned in the forest management permit is deemed to be a sufficient description of the encumbered property.”

ACT RESPECTING MANPOWER VOCATIONAL TRAINING AND QUALIFICATION

c. F-5,
s. 7, am.

587. Section 7 of the Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5) is amended

(1) by replacing the words “, mortgage or pledge” in the second line of paragraph *e* by the words “or hypothecate”;

(2) by replacing paragraph *f* by the following paragraph:

“(f) hypothecate their movable or immovable property;”.

HYDRO-QUÉBEC ACT

c. H-5,
s. 31,
replaced

588. Section 31 of the Hydro-Québec Act (R.S.Q., chapter H-5) is replaced by the following section:

Exemption
from
seizure

31. (1) The conduits, wires, meters and other apparatus placed by the Corporation in any immovable cannot be seized by or against the owner of the immovable and do not form part of the immovable in which they are placed.

Right to
revendi-
cate pro-
perty

(2) Where the Corporation has sold movable property and the price has not been paid, it may exercise the right to revendicate the property subject only to the condition that the property can be identified, notwithstanding article 1741 of the Civil Code of Québec.

Imprescrip-
tibility

(3) The property in the possession of the Corporation is imprescriptible in the same way as the property of the public domain. This provision does not apply to debts owing to the Corporation or for which it is liable, which are subject to the ordinary provisions of law.

Legal
hypothec

(4) The Corporation shall have a legal hypothec for the price of power supplied for the carrying on of an industrial or commercial enterprise.

Movable or
immovable
property

The legal hypothec affects the debtor's movable or immovable property designated in the notice of registration and used for the carrying on of the enterprise."

TAXATION ACT

c. I-3,
s. 11.2,
added

589. The Taxation Act (R.S.Q., chapter I-3) is amended by inserting, after section 11.1, the following section:

Determina-
tion of
residence

"11.2 The application of this Act is not affected by article 77 of the Civil Code of Québec as regards the determination of whether or not a person resides in Québec, in Canada or elsewhere."

ENGINEERS ACT

c. I-9,
s. 13, am.

590. Section 13 of the Engineers Act (R.S.Q., chapter I-9) is amended by replacing the first paragraph by the following paragraph:

Acquisition
of property

"13. The Order may acquire, administer, sell, hypothecate, lease, exchange or transfer movable or immovable property situated in Québec."

BURIAL ACT

c. I-11,
ss. 1 and
2, repealed

591. Sections 1 and 2 of the Burial Act (R.S.Q., chapter I-11) are repealed.

c. I-11,
s. 4,
repealed

592. Section 4 of the said Act is repealed.

ACT RESPECTING THE INSPECTOR GENERAL OF FINANCIAL INSTITUTIONS

c. I-11.1,
Sched. I,
am.

593. Schedule I to the Act respecting the Inspector General of Financial Institutions (R.S.Q., chapter I-11.1) is amended by striking out the words "The Mortmain Act (chapter M-1)".

EDUCATION ACT

c. I-13.3,
s. 331, am.

594. Section 331 of the Education Act (R.S.Q., chapter I-13.3) is amended by replacing the first paragraph by the following paragraph:

Opposition

"331. The debtor or any person having a right to claim the movable property seized may oppose the seizure and sale, the former on any of the grounds listed in article 596 of the Code of Civil Procedure (R.S.Q., chapter C-25), and the latter on any of the grounds listed in article 597 of the said Code."

c. I-13.3,
s. 342, am. **595.** Section 342 of the said Act is amended by replacing the word “privileged” in the third line of the third paragraph by the word “prior”.

EDUCATION ACT FOR CREE, INUIT AND NASKAPI NATIVE PERSONS

c. I-14,
s. 45, am. **596.** Section 45 of the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14) is amended by replacing the word “privileges” in the third line of the fourth paragraph by the word “rank”.

c. I-14,
s. 226, am. **597.** Section 226 of the said Act is amended by replacing the second sentence of the fourth paragraph by the following sentence: “If not paid, the assessment becomes a special charge carrying a legal hypothec.”

c. I-14,
s. 370, am. **598.** Section 370 of the said Act is amended

(1) by replacing the word “privileges” in the third line of the first paragraph by the words “prior claims”;

(2) by striking out the words “moveable and” in the third line of the first paragraph.

c. I-14,
s. 388, am. **599.** Section 388 of the said Act is amended by replacing the word “privileged” in the twelfth line by the word “prior”.

c. I-14,
s. 505, am. **600.** Section 505 of the said Act is amended by striking out the words “, without being subject to the Mortmain Act (chapter M-1)” in the third line of subparagraph *d* of the first paragraph.

c. I-14,
s. 557, am. **601.** Section 557 of the said Act is amended by replacing the second sentence of the second paragraph by the following sentence: “If not paid, the tax becomes a prior claim on the taxable property.”

INTERPRETATION ACT

c. I-16,
s. 41, am. **602.** Section 41 of the Interpretation Act (R.S.Q., chapter I-16) is amended by replacing the first paragraph by the following paragraph:

Presumed
object **“41.** Every provision of an Act is deemed to be enacted for the recognition of rights, the imposition of obligations or the furtherance of the exercise of rights, or for the remedying of some injustice or the securing of some benefit.”

c. I-16,
ss. 41.1-
41.4,
added
Interpre-
tation

603. The said Act is amended by inserting, after section 41, the following sections:

“41.1 The provisions of an Act are construed by one another, ascribing to each provision the meaning which results from the whole Act and which gives effect to the provision.

Obligation
to adju-
dicate

“41.2 A judge cannot refuse to adjudicate under pretext of the silence, obscurity or insufficiency of the law.

Nullity

“41.3 Prohibitive laws entail nullity, even if nullity is not pronounced therein.

Private
agreement

“41.4 No one may by private agreement validly contravene the laws of public order.”

c. I-16,
s. 54, am.

604. Section 54 of the said Act is amended by adding, at the end, the following sentence: “The plural number can apply to one person only or to one thing only if the context so permits.”

c. I-16,
s. 61, am.

605. Section 61 of the said Act is amended

(1) by striking out paragraph 11;

(2) by replacing paragraph 16 by the following paragraph:

“person”

“(16) The word “person” includes natural or legal persons, their heirs or legal representatives, unless inconsistent with the statute or with special circumstances of the case;”;

(3) by replacing the words “corporation, society” in the second line of paragraph 17 by the words “legal person, partnership”;

(4) by replacing the words “corporation, society” in the third line of paragraph 17 by the words “legal person, partnership”;

(5) by striking out paragraph 22.

JURORS ACT

c. J-2,
s. 22, am.

606. Section 22 of the Jurors Act (R.S.Q., chapter J-2) is amended by striking out the words “in conformity with article 906 of the Code of Civil Procedure (chapter C-25)” in the second and third lines.

WINDING-UP ACT

c. L-4,
s. 23,
replaced

607. Section 23 of the Winding-up Act (R.S.Q., chapter L-4) is replaced by the following section:

Rendering
accounts

“23. The liquidators are required to render their accounts and pay over the moneys for which they are accountable in the same manner as the liquidator of a legal person under the Civil Code of Québec.”

ACT RESPECTING LOTTERIES, PUBLICITY CONTESTS AND AMUSEMENT MACHINES

c. L-6,
s. 81, am.

608. Section 81 of the Act respecting lotteries, publicity contests and amusement machines (R.S.Q., chapter L-6) is amended by replacing the second paragraph by the following paragraph:

Securing
by hypothec

“Any sum owing to the Crown under this Act shall be secured by a legal hypothec on the licence holder’s movable or immovable property designated in the notice of registration.”

MORTMAIN ACT

c. M-1,
repealed

609. The Mortmain Act (R.S.Q., chapter M-1) is repealed; the Déclaration Du Roi, concernant les Ordres Religieux et les Gens de main morte, établis aux Colonies Françaises of 25 November 1743 and registered on 5 October 1744 in the Conseil supérieur de Québec (Ins. Cons. Sup. Reg. I., Folio 16. V.) no longer has effect in Québec.

MASTER ELECTRICIANS ACT

c. M-3,
s. 10, am.

610. Section 10 of the Master Electricians Act (R.S.Q., chapter M-3) is amended by replacing paragraph *e* by the following paragraph:

“(e) undertake obligations and borrow on the credit of the corporation; hypothecate all or part of its property.”

MASTER PIPE-MECHANICS ACT

c. M-4,
s. 9, am.

611. Section 9 of the Master Pipe-Mechanics Act (R.S.Q., chapter M-4) is amended by replacing paragraph *e* by the following paragraph:

“(e) Undertake obligations and borrow on the credit of the Corporation; hypothecate all or part of its property.”

MINING ACT

c. M-13.1,
s. 232.9,
replaced

612. Section 232.9 of the Mining Act (R.S.Q., chapter M-13.1) is replaced by the following section:

Sum owing

“232.9 Any sum owing to the Crown under section 230, 231, 232 or 232.8 gives rise to a legal hypothec of the Crown on all the property of the debtor.”

ACT RESPECTING THE MINISTÈRE DE L'ENVIRONNEMENT

c. M-15.2,
s. 8.1,
repealed

613. Section 8.1 of the Act respecting the Ministère de l'Environnement (R.S.Q., chapter M-15.2), amended by section 65 of chapter 38 of the statutes of 1983, is repealed.

ACT RESPECTING THE MINISTÈRE DE LA JUSTICE

c. M-19,
s. 3, am.

614. Section 3 of the Act respecting the Ministère de la Justice (R.S.Q., chapter M-19) is amended by replacing paragraph *e* by the following paragraph:

“(e) is in charge of the judicial organization, civil status and registry offices and of the inspection of the offices of the courts and registry offices;”

c. M-19,
s. 4, am.

615. Section 4 of the said Act is amended by inserting the words “or” the Attorney General of Québec” after the word “Québec” in the third line of paragraph *b*.

c. M-19,
s. 9.1,
added

616. The said Act is amended by inserting, after section 9, the following section:

Registrar

“9.1 The Minister shall appoint a public servant as registrar of civil status.”

c. M-19,
Div. II,
repealed

617. Division II of the said Act is repealed.

ACT RESPECTING THE MINISTÈRE DES TRANSPORTS

c. M-28,
s. 12.3,
am.

618. Section 12.3 of the Act respecting the Ministère des Transports (R.S.Q., chapter M-28) is amended by adding, at the end, the following paragraph:

Disposal

“The Minister may also dispose of the property in accordance with the rules of the Civil Code of Québec governing abandoned, lost or forgotten movable property.”

c. M-28,
s. 12.3.1,
repealed

619. Section 12.3.1 of the said Act is repealed.

ACT RESPECTING THE MINISTÈRE DU REVENU

c. M-31,
s. 8.0.1,
repealed

620. Section 8.0.1 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31), enacted by section 3 of chapter 7 of the statutes of 1991, is repealed.

c. M-31,
s. 12, am.

621. Section 12 of the said Act, amended by section 559 of chapter 67 of the statutes of 1991, is again amended by striking out the second paragraph.

c. M-31,
s. 98,
repealed

622. Section 98 of the said Act is repealed.

ACT RESPECTING THE MODE OF PAYMENT FOR ELECTRIC AND
GAS SERVICE IN CERTAIN BUILDINGS

c. M-37,
s. 12, am.

623. Section 12 of the Act respecting the mode of payment for electric and gas service in certain buildings (R.S.Q., chapter M-37) is amended by replacing the word “privilege” in the fourth line by the words “prior claim”.

ACT RESPECTING DUTIES ON TRANSFERS OF IMMOVABLES

c. M-39,
s. 1, am.

624. Section 1 of the Act respecting duties on transfers of immovables (R.S.Q., chapter M-39), amended by section 232 of chapter 32 of the statutes of 1991, is again amended

(1) by replacing the word “privileges” in paragraph *c* of the definition of the word “consideration” by the words “prior claims”;

(2) by striking out the definition of the word “immoveable”.

c. M-39,
s. 12, am.

625. Section 12 of the said Act is amended

(1) by replacing the word “privilege” in the third line by the words “legal hypothec”;

(2) by striking out the last sentence.

c. M-39,
s. 18, am.

626. Section 18 of the said Act is amended by replacing the words “have been made by reason of the application of a stipulation of the deed of security agreed by the transferor to secure the payment of a debt or” in the first, second and third lines of paragraph *a* by the words “result from the exercise of a right to take in payment or must have been effected”.

c. M-39,
s. 20, am.

627. Section 20 of the said Act is amended by replacing the words “real security encumbering the immovable” in the third line of paragraph *g* by the words “reservation of ownership”.

ACT RESPECTING THE MONTRÉAL MUSEUM OF FINE ARTS

c. M-42,
s. 16, am.

628. Section 16 of the Act respecting the Montréal Museum of Fine Arts (R.S.Q., chapter M-42) is amended by replacing subparagraphs *c* and *d* of the first paragraph by the following subparagraph:

“(c) hypothecate the movable or immovable or otherwise affect the movable property of the corporation.”

NOTARIAL ACT

c. N-2,
s. 9, am.

629. Section 9 of the Notarial Act (R.S.Q., chapter N-2) is amended by replacing the words “for the cancellation of privileges or hypothecs which are prescribed, discharged or inoperative, or for the rectification of acts of civil status” in the third, fourth, fifth and sixth lines of subparagraph *e* of the first paragraph by the words “or relating to the acquisition of the right of ownership by prescription, or for the rectification, reduction or cancellation of an entry in the land book or in the register of personal and movable real rights”.

c. N-2,
s. 15, am.

630. Section 15 of the said Act is amended

(1) by striking out paragraph *k*;

(2) by replacing the period at the end of paragraph *l* by a semicolon;

(3) by adding, after paragraph *l*, the following paragraph:

“(m) to give notice of any marriage contract to the person responsible for keeping the register of personal and movable real rights.”

c. N-2,
s. 31, am.

631. Section 31 of the said Act is amended by replacing subsection 1 by the following subsection:

Obligatory

“**31.** (1) Declarations, the advice of a tutorship council and the appointments and reports of experts in matters respecting minors and protected persons of full age must be executed *en brevet*.”

c. N-2,
s. 33, am. **632.** Section 33 of the said Act is amended by replacing the words and figure “of article 845” in the first line of subsection 1 by the words “the provisions”.

c. N-2,
s. 43, am. **633.** Section 43 of the said Act is amended by replacing the words “enacted by article 843 of the Civil Code respecting authentic wills” in the first and second lines by the words “of the Civil Code of Québec governing notarial wills”.

c. N-2,
s. 140, am. **634.** Section 140 of the said Act is amended by striking out the last sentence of subsection 1.

ACT RESPECTING LIQUOR PERMITS

c. P-9.1,
s. 39, am. **635.** Section 39 of the Act respecting liquor permits (R.S.Q., chapter P-9.1), amended by section 51 of chapter 12 of the statutes of 1987 and by section 5 of chapter 51 of the statutes of 1991, is again amended by replacing the words “the execution of a clause of giving in payment or a similar” in the third and fourth lines of the third paragraph by the words “the exercise of a right to take in payment or the carrying out of an”.

c. P-9.1,
s. 50, am. **636.** Section 50 of the said Act, amended by section 10 of chapter 51 of the statutes of 1991, is again amended by replacing the words “execution of a clause of giving in payment or of any other” in the third and fourth lines of the fourth paragraph by the words “exercise of a right to take in payment or the carrying out of a”.

c. P-9.1,
s. 79, am. **637.** Section 79 of the said Act, amended by section 15 of chapter 51 of the statutes of 1991, is again amended by replacing the words “execution of a clause of giving in payment or” in the sixth and seventh lines of the second paragraph by the words “exercise of a right to take in payment or the carrying out of”.

c. P-9.1,
s. 94, am. **638.** Section 94 of the said Act, amended by section 22 of chapter 51 of the statutes of 1991, is again amended by replacing the words “execution of a clause of giving in payment or” in the third line of the first paragraph by the words “exercise of a right to take in payment or the carrying out of”.

c. P-9.1,
s. 97, am. **639.** Section 97 of the said Act, amended by section 25 of chapter 51 of the statutes of 1991, is again amended by replacing the words “execution of a clause of giving in payment or another” in the third line of paragraph 3 by the words “exercise of a right to take in payment or the carrying out of a”.

c. P-9.1,
s. 99, am.

640. Section 99 of the said Act is amended by replacing the words “group of persons contemplated in article 60 of the Code of Civil Procedure (chapter C-25)” in the first and second lines of the first paragraph by the words “association within the meaning of the Civil Code”.

PHARMACY ACT

c. P-10,
s. 30, am.

641. Section 30 of the Pharmacy Act (R.S.Q., chapter P-10) is amended by striking out the words “, an assignment of property in stock under the Act respecting bills of lading, receipts and transfers of property in stock (chapter C-53)” in the fourth, fifth and sixth lines.

SPECIAL CORPORATE POWERS ACT

c. P-16,
Div. VII,
heading,
replaced

642. The heading of Division VII of the Special Corporate Powers Act (R.S.Q., chapter P-16) is replaced by the following heading:

“POWERS OF CERTAIN COMPANIES TO HYPOTHECATE THEIR PROPERTY, AND TO ISSUE AND REISSUE BONDS OR OTHER TITLES OF INDEBTEDNESS”.

c. P-16,
s. 27,
replaced

643. Section 27 of the said Act is replaced by the following section:

Hypotheca-
tion

27. Any joint stock legal person which does not carry on an enterprise, constituted as a legal person under an Act or by letters patent and empowered to borrow and to hypothecate or any legal person thus constituted outside Québec, if so empowered by its charter or by the law governing it, may avail itself of the provisions of the Civil Code of Québec and grant a hypothec, even a floating hypothec, on a universality of property, movable or immovable, present or future, corporeal or incorporeal.”

c. P-16,
ss. 28 to
31, re-
pealed

644. Sections 28 to 31 of the said Act are repealed.

c. P-16,
s. 32,
replaced

645. Section 32 of the said Act is replaced by the following section:

Prohibited
activities

32. The person holding the power of attorney of the creditors in whose favour a hypothec is granted to secure payment of bonds or other titles of indebtedness cannot purchase from the company the first issue, by underwriting, purchase, subscription or otherwise, of the bonds or other titles of indebtedness secured by hypothec, and likewise no partnership or legal person whereof the said person is a member or officer, as the case may be, may become purchaser of the above-mentioned bonds or other titles of indebtedness.”

c. P-16,
s. 33, am.

646. Section 33 of the said Act is amended

(1) by replacing the words “or debentures” and “or debenture”, wherever they appear in subsections 1, 2, 3 and 4, by the words “or other titles of indebtedness” and “or other title of indebtedness”, respectively;

(2) by replacing subsection 5 by the following subsection:

Effect of
issue

“(5) The reissue of a bond or other title of indebtedness, or the issue of another bond or of another title of indebtedness in its place, shall not be considered to be the issue of a new bond or new title of indebtedness for the purposes of a provision limiting the amount or number of bonds or of other titles of indebtedness to be issued.”

c. P-16,
Div. VIII,
heading,
replaced

647. The heading of Division VIII of the said Act is replaced by the following heading:

“BORROWING POWERS OF CERTAIN LEGAL PERSONS WITHOUT CAPITAL STOCK”.

c. P-16,
s. 34, am.

648. Section 34 of the said Act is amended by replacing the first paragraph by the following paragraph:

Hypotheca-
tion

“**34.** Any legal person without capital stock which does not carry on an enterprise, constituted as a legal person under an Act or by letters patent and empowered to borrow and to hypothecate or any legal person thus constituted outside Québec, if so empowered by its charter or by the law governing it, may, notwithstanding the provisions of the Civil Code of Québec, grant a hypothec, even a floating hypothec, on a universality of property, movable or immovable, present or future, corporeal or incorporeal.”

c. P-16,
Div. IX,
heading,
replaced

649. The heading of Division IX of the said Act is replaced by the following heading:

“ACTS CONSTITUTING THE HYPOTHEC OF CERTAIN RAILWAY COMPANIES”.

c. P-16,
s. 35,
repealed

650. Section 35 of the said Act is repealed.

c. P-16,
s. 36,
replaced

651. Section 36 of the said Act is replaced by the following section:

Deposit
of act

“**36.** Whenever a company governed by the Railway Act (R.S.Q., chapter C-14) is concerned, it shall be sufficient, notwithstanding the Civil Code of Québec, in order to preserve the hypothec, to deposit with the Inspector General of Financial

Institutions the act granting the hypothec, as well as every transfer, or other instrument affecting it in any manner, and notice of such deposit shall be immediately published in the *Gazette officielle du Québec*.”

c. P-16,
s. 37, am. **652.** Section 37 of the said Act is amended by replacing the word “registration” in the third line by the word “publication”.

c. P-16,
s. 38,
replaced **653.** Section 38 of the said Act is replaced by the following section:

Validity
of hypothec **“38.** Notwithstanding the provisions of article 2694 of the Civil Code of Québec, if a company mentioned in section 36 is concerned, the hypothec granted on the immovables of such company shall be valid and shall have full and entire effect although the act does not specifically describe the immovable hypothecated, with mention of the properties conterminous thereto, and the number assigned to the immovable property on the plan.”

c. P-16,
s. 40,
replaced **654.** Section 40 of the said Act is replaced by the following section:

Publication
of right **“40.** Within the year following the date fixed under the Railway Act (R.S.Q., chapter C-14) for the opening, for the public conveyance of passengers, of the railway or of the part of the railway hypothecated, publication of that right must, in order to retain its rank as regards third parties, be made at the registry offices of the proper registration divisions, in accordance with the provisions of the Civil Code of Québec.”

c. P-16,
s. 41, am. **655.** Section 41 of the said Act is amended by replacing the word “registration” in the first and third lines by the word “publication”.

PHOTOGRAPHIC PROOF OF DOCUMENTS ACT

c. P-22,
repealed **656.** The Photographic Proof of Documents Act (R.S.Q., chapter P-22) is repealed.

YOUTH PROTECTION ACT

c. P-34.1,
Chap. IV,
Div. VII,
heading,
am. **657.** The heading of Division VII of Chapter IV of the Youth Protection Act (R.S.Q., chapter P-34.1) is amended by striking out the words “TUTORSHIP AND”.

c. P-34.1,
ss. 71 and
72, repealed **658.** Sections 71 and 72 of the said Act are repealed.

PUBLIC HEALTH PROTECTION ACT

c. P-35,
s. 42,
repealed

659. Section 42 of the Public Health Protection Act (R.S.Q., chapter P-35) is repealed.

c. P-35,
s. 43, am.

660. Section 43 of the said Act is amended by striking out the words “; if the person is a minor, the consent of the person having parental authority shall not be required” in the second, third and fourth lines.

c. P-35,
Div. VIII,
heading,
am.

661. The heading of Division VIII of the said Act is amended by replacing the word “DECLARATIONS” by the word “CERTIFICATES”.

c. P-35,
s. 45, am.

662. Section 45 of the said Act is amended by replacing the word “declaration” in the third line by the word “certificate”.

c. P-35,
s. 46, am.

663. Section 46 of the said Act is amended by replacing the word “declaration” in the second line by the word “certificate”.

c. P-35,
s. 47, am.

664. Section 47 of the said Act, amended by section 11 of chapter 44 of the statutes of 1991 and by section 254 of chapter 21 of the statutes of 1992, is again amended

(1) by replacing the word “declaration” in the second line of the first paragraph by the word “certificate”;

(2) by replacing the word “declaration” in the second line of the second paragraph by the word “certificate”;

(3) by replacing the word “declaration” in the third line of the second paragraph by the word “certificate”;

(4) by replacing the word “declaration” in the sixth line of the second paragraph by the word “certificate”;

(5) by replacing the word “declaration” in the fourth line of the third paragraph by the word “certificate”;

(6) by replacing the word “declaration” in the first line of the fourth paragraph by the word “certificate”.

c. P-35,
s. 48,
repealed

665. Section 48 of the said Act is repealed.

c. P-35,
s. 50,
replaced

666. Section 50 of the said Act is replaced by the following section:

Notice to Minister

“50. The registrar responsible for keeping the register of personal and movable real rights shall forward to the Minister copy

of the notices entered in that register pursuant to article 817.2 of the Code of Civil Procedure.”

c. P-35,
s. 51, am. **667.** Section 51 of the said Act is amended by replacing the word “declaration” in the second line by the word “certificate”.

c. P-35,
s. 60, am. **668.** Section 60 of the said Act is amended by inserting the words “of the succession, or, if there is no succession, at the expense” after the word “expense” in the fourth line of the first paragraph.

c. P-35,
s. 62, am. **669.** Section 62 of the said Act is amended by replacing the word “declaration” in the second line by the word “certificate”.

c. P-35,
s. 69, am. **670.** Section 69 of the said Act, amended by section 11 of chapter 55 of the statutes of 1990 and by section 256 of chapter 21 of the statutes of 1992, is again amended by replacing subparagraph *e* of the first paragraph by the following subparagraph:

“(e) establish the content of the declarations and certificates provided for in sections 5, 45, 46 and 47 and the rules relating to the sending and keeping of such declarations and certificates and to the use of the documents relating to such declarations and certificates, and determine to what person the declarations made under section 6 must be addressed and determine the role of the Minister, the head of the community health department, the physician and the head of a laboratory in or outside an institution or a department of medical biology when a disease that must be declared or a venereal disease has been declared;”

CONSUMER PROTECTION ACT

c. P-40.1,
s. 22.1,
added **671.** The Consumer Protection Act (R.S.Q., chapter P-40.1) is amended by adding, after section 22, the following section:

Election of domicile **“22.1** An election of domicile with a view to the execution of a juridical act or the exercise of the rights arising therefrom may not be set up against the consumer, except if it is made by notarial act.”

MENTAL PATIENTS PROTECTION ACT

c. P-41,
s. 13, am. **672.** Section 13 of the Mental Patients Protection Act (R.S.Q., chapter P-41) is amended by replacing the first paragraph by the following paragraph:

Order by judge **“13.** If a person refuses to undergo a clinical psychiatric examination required in his respect under section 4 or 5 or to

confinement or close treatment as recommended in a report made under section 7, the judge may order him to undergo that examination or confinement or close treatment in accordance with the rules prescribed in the Code of Civil Procedure.”

c. P-41,
ss. 14 to
20, re-
pealed

673. Sections 14 to 20 of the said Act are repealed.

c. P-41,
s. 21, am.

674. Section 21 of the said Act, amended by section 269 of chapter 21 of the statutes of 1992, is again amended by replacing the second paragraph by the following paragraph:

Limit

“Such a person shall not be kept for more than forty-eight hours without his consent or the court’s authorization.”

c. P-41,
s. 30, am.

675. Section 30 of the said Act is amended by replacing the word “Every” in the first line by the words “Subject to decisions rendered under articles 26 to 30 of the Civil Code, every”.

ACT TO PRESERVE AGRICULTURAL LAND

c. P-41.1,
s. 1, am.

676. Section 1 of the Act to preserve agricultural land (R.S.Q., chapter P-41.1) is amended

(1) by striking out the words “articles 1585 and 1591 of” in the first line of subparagraph *b* of paragraph 3;

(2) by replacing subparagraph *c* of paragraph 3 by the following subparagraph:

“(c) the effect of a taking in payment, to the extent that the creditor becomes the owner of the whole lot or all the lots subject to the hypothec;”.

c. P-41.1,
s. 32, am.

677. Section 82 of the said Act is amended by striking out the word “, privileges” in the second line.

c. P-41.1,
s. 84, am.

678. Section 84 of the said Act is amended by replacing the third paragraph by the following paragraph:

Hypothec

“Registration of the notice constitutes a legal hypothec in favour of the Government.”

ACT RESPECTING BUILDING CONTRACTORS VOCATIONAL QUALIFICATIONS

c. Q-1,
s. 18, am.

679. The second paragraph of section 18 of the Act respecting building contractors vocational qualifications (R.S.Q., chapter Q-1) is repealed.

ENVIRONMENT QUALITY ACT

c. Q-2,
s. 113, am. **680.** Section 113 of the Environment Quality Act (R.S.Q., chapter Q-2) is amended

(1) by replacing the words “constitutes a claim carrying a privilege upon” in the second line of the second paragraph by the words “is secured by a legal hypothec on”;

(2) by striking out the words “, which ranks immediately after law costs” in the third and fourth lines of the second paragraph.

ACT RESPECTING THE RECONSTITUTION OF CIVIL STATUS REGISTERS

c. R-2,
repealed **681.** The Act respecting the reconstitution of civil status registers (R.S.Q., chapter R-2), amended by chapter 26 of the statutes of 1991, is repealed.

ACT TO PROMOTE THE REFORM OF THE CADASTRE IN QUÉBEC

c. R-3.1,
s. 8, am. **682.** Section 8 of the Act to promote the reform of the cadastre in Québec (R.S.Q., chapter R-3.1) is amended by replacing the words “Registry Office Act (chapter B-9)” in the fourth line by the words “Act respecting registry offices”.

ACT RESPECTING THE RÉGIE DE L'ASSURANCE-MALADIE DU QUÉBEC

c. R-5,
s. 16, am. **683.** Section 16 of the Act respecting the Régie de l'assurance-maladie du Québec (R.S.Q., chapter R-5) is amended by striking out the second paragraph.

ACT RESPECTING THE RÉGIE DU LOGEMENT

c. R-8.1,
s. 46, am. **684.** Section 46 of the Act respecting the Régie du logement (R.S.Q., chapter R-8.1) is amended

(1) by replacing the word “habitation” in the third line of the first paragraph by the word “use”;

(2) by replacing the second paragraph by the following paragraph:

Interpreta-
tion “The forced sale, expropriation, taking in payment or retaking of possession of the immovable following an agreement made in good faith does not result in an alienation.”

c. R-8.1,
s. 64, am.

685. Section 64 of the said Act is amended by replacing paragraph 8 by the following paragraph:

“(8) if he is the tutor, curator or adviser, successor or donee of any of the parties;”.

c. R-8.1,
Sched. II,
am.

686. Schedule II to the said Act is amended by inserting the words “and the Civil Code of Québec” after the words “Act respecting the Régie du logement (R.S.Q., chapter R-8.1)”.

ACT RESPECTING THE QUÉBEC PENSION PLAN

c. R-9,
s. 25.1,
repealed

687. Section 25.1 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9), replaced by section 79 of chapter 38 of the statutes of 1983, is repealed.

c. R-9,
s. 203, am.

688. Section 203 of the said Act is amended by striking out the words “, by reason of marriage or otherwise,” in the second and third lines of the first paragraph.

WATERCOURSES ACT

c. R-13,
ss. 42, 43,
repealed

689. Sections 42 and 43 of the Watercourses Act (R.S.Q., chapter R-13) are repealed.

SUPPLEMENTAL PENSION PLANS ACT

c. R-15.1,
s. 265,
repealed

690. Section 265 of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1) is repealed.

REGULATIONS ACT

c. R-18.1,
s. 3, am.

691. Section 3 of the Regulations Act (R.S.Q., chapter R-18.1), amended by section 297 of chapter 21 of the statutes of 1992, is again amended by inserting the figure “, 3.1” after the figure “3” in the sixth line of paragraph 1.

ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

c. S-2.1,
s. 158,
repealed

692. Section 158 of the Act respecting occupational health and safety (R.S.Q., chapter S-2.1) is repealed.

ACT RESPECTING THE SOCIÉTÉS D'ENTRAIDE ÉCONOMIQUE

c. S-25.1,
s. 121, am. **693.** Section 121 of the Act respecting the sociétés d'entraide économique (R.S.Q., chapter S-25.1) is amended by striking out the words “, mortgage, pledge” in the first line of the first paragraph.

ACT RESPECTING TRUST COMPANIES AND SAVINGS COMPANIES

c. S-29.01,
s. 1, am. **694.** Section 1 of the Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01) is amended by striking out the words “to property, subrogated tutor” in the second and third lines of the first paragraph.

c. S-29.01,
s. 170, am. **695.** Section 170 of the said Act is amended by striking out the words “to property, subrogated tutor” in the third line of the first paragraph.

c. S-29.01,
s. 191, am. **696.** Section 191 of the said Act is amended

- (1) by striking out the word “pledge,” in the first line;
- (2) by striking out the words “or pawn” in the first line.

COOPERATIVE SYNDICATES ACT

c. S-38,
s. 16, am. **697.** Section 16 of the Cooperative Syndicates Act (R.S.Q., chapter S-38) is amended

(1) by replacing the word “; pledge” in the fourth line of paragraph *b* of subsection 1 by the word “and”;

(2) by replacing the word “pledging” in the sixth line of subsection 2 by the word “hypothecation”.

c. S-38,
s. 40, am. **698.** Section 40 of the said Act is amended by striking out the words “first privilege or” in the twelfth line of the second paragraph.

c. S-38,
s. 46, am. **699.** Section 46 of the said Act is amended by replacing the word “interdiction” in the first line of the third paragraph by the words “placing under tutorship or curatorship”.

ACT RESPECTING THE LANDS IN THE PUBLIC DOMAIN

c. T-8.1,
s. 20, am. **700.** Section 20 of the Act respecting the lands in the public domain (R.S.Q., chapter T-8.1) is amended by striking out the words “or privileged” in the third line of the second paragraph.

ACT RESPECTING LAND TITLES IN CERTAIN ELECTORAL DISTRICTS

c. T-11,
s. 6, am.

701. Section 6 of the Act respecting land titles in certain electoral districts (R.S.Q., chapter T-11), amended by section 13 of chapter 29 of the statutes of 1992, is again amended by striking out the words “or privileged” in the third line.

ACT RESPECTING TRANSPORTATION BY TAXI

c. T-11.1,
s. 35, am.

702. Section 35 of the Act respecting transportation by taxi (R.S.Q., chapter T-11.1) is amended

(1) by replacing the words “hand over the” in the first line of the second paragraph by the words “surrender his”;

(2) by replacing the words “of commercial pledge” in the second line of the second paragraph by the words “granting a hypothec”.

c. T-11.1,
s. 39, am.

703. Section 39 of the said Act is amended

(1) by replacing the words “of commercial pledge” in the first line of the second paragraph by the words “granting a hypothec”;

(2) by inserting the word “hypothecary” before the word “creditor” in the fourth line of the second paragraph.

TRANSPORT ACT

c. T-12,
s. 84, am.

704. Section 84 of the Transport Act (R.S.Q., chapter T-12) is amended by striking out the last sentence.

COURTS OF JUSTICE ACT

c. T-16,
s. 4.1, am.

705. Section 4.1 of the Courts of Justice Act (R.S.Q., chapter T-16) is amended by replacing the letter “k” in the first line by the letter “e”.

c. T-16,
s. 219, am.

706. Section 219 of the said Act is amended by replacing the words “keep the registers of civil status” in the first and second lines of subparagraph *d* of the first paragraph by the words “solemnize marriages”.

ACT RESPECTING THE UNIVERSITÉ DU QUÉBEC

c. U-1,
s. 4, am.

707. Section 4 of the Act respecting the Université du Québec (R.S.Q., chapter U-1) is amended

(1) by replacing paragraph *e* by the following paragraph:

“(e) hypothecate its movable or immovable property to secure payment of its loans or the performance of its obligations;”;

(2) by replacing the words “, mortgage or pledge” in the second line of paragraph *f* by the words “or hypothecate”;

(3) by striking out paragraph *g*;

(4) by striking out the words “without being subject to the Mortmain Act (chapter M-1)” in the third line of paragraph *h*.

SECURITIES ACT

708. Section 10.2 of the Securities Act (R.S.Q., chapter V-1.1) is amended

c. V-1.1,
s. 10.2, am.

(1) by replacing the words “transfer or pledge” in the first line by the words “assignment or hypothecation”;

(2) by replacing the words “transferred or pledged” in the fifth line by the words “assigned or hypothecated”.

709. Section 10.4 of the said Act is amended

c. V-1.1,
s. 10.4, am.

(1) by replacing the words “pledge by” in the first line by the words “hypothec granted” and the words “created the pledge” in the fourth line by the words “granted the hypothec”;

(2) by replacing the word “pledge” in the fifth line by the word “hypothec”.

ACT RESPECTING THE SALE OF UNCLAIMED GOODS

710. The Act respecting the sale of unclaimed goods (R.S.Q., chapter V-3) is repealed.

c. V-3,
repealed

MISCELLANEOUS PROVISIONS

711. Section 40 of the Act to amend the Environment Quality Act and other legislation (1982, chapter 25) is repealed.

1982, c. 25,
s. 40,
repealed

712. Sections 65, 78 and 79 of the Archives Act (1983, chapter 38) are repealed.

1983, c. 38,
ss. 65, 78,
79, re-
pealed

1986, c. 62,
s. 3,
repealed

713. Section 3 of the Act to amend the Civil Code, the Registry Office Act and the Territorial Division Act (1986, chapter 62) is repealed.

1991, c. 67,
s. 519, am.

714. Section 519 of the Act respecting the Québec sales tax and amending various fiscal legislation (1991, chapter 67) is amended by replacing the words “contemplated in article 2479 of the Civil Code of Lower Canada” in the second and third lines by the words “the form and conditions of which are approved by the Inspector General of Financial Institutions”.

1991, c. 67,
s. 520, am.

715. Section 520 of the said Act is amended by replacing the words “marine insurance or of reinsurance” in the first and second lines of paragraph 7 by the words “reinsurance or of insurance covering the risks mentioned in article 2490 of the Civil Code of Québec other than risks relating to the use of a pleasure boat on inland waters only”.

1991, c. 64,
English
text, am.

716. The English text of the Civil Code of Québec, adopted by chapter 64 of the statutes of 1991, is amended

(1) in article 21, by replacing the word “required” at the end of the first paragraph and at the end of the second paragraph by the word “necessary”;

(2) in article 423, by replacing the words “notarial deed” in the fourth line of the second paragraph by the words “notarial act”;

(3) in article 717, by replacing the word “instrument” in the fourth line of the first paragraph by the word “act”;

(4) in article 726, by striking out the words “with his own hand” in the second line of the first paragraph;

(5) in article 757, by replacing the words “deemed null” in the last line of the second paragraph by the words “deemed unwritten”;

(6) in article 948, by adding, in the second line, the words “naturally or artificially,” immediately before the words “from the time of union”;

(7) in article 993, by adding the words “upon the neighbouring land” after the words “may have” in the first line of the first paragraph;

(8) in article 1101, by replacing the word “null” at the end by the words “deemed unwritten”;

(9) in article 1575, by replacing the word “deed” in the first and second lines of the second paragraph by the word “act”;

(10) in article 1641, by replacing the word “abstract” in the third line of the first paragraph by the word “extract”;

(11) in article 1644, by replacing the word “abstract” in the first line by the word “extract”;

(12) in article 1696, by striking out the words “related to or” in the second line and by adding the words “or a person related to him” after the word “him” in that line;

(13) in article 2124, by adding the words “of an immovable” after the word “promoter” in the first line;

(14) in article 2726, by adding the words “or prepared” after the word “supplied” in the sixth line;

(15) in article 2779, by adding the words “, the debtor” after the words “the grantor” in the first line of the second paragraph;

(16) in article 2783, by striking out the word “a” before the word “property” in the first line of the first paragraph;

(17) in article 2839, by replacing the words “on any grounds” at the end by the words “in any manner”;

(18) in article 2939, by replacing the words “Restrictions of” in the first line by the words “Restrictions on”;

(19) in article 2985, by replacing the word “abstract” wherever it occurs by the word “extract”;

(20) in article 3024, by adding the words “or file” after the word “register” in the second line of the third paragraph;

(21) in article 3033, by replacing the word “abstract” in the third line of the second paragraph by the word “extract”;

(22) in article 3069, by replacing the words “real property taxes” in the third line of the first paragraph by the words “immovable taxes”;

(23) in article 3104, by striking out the words “the occurrence of” in the fourth line of the first paragraph;

(24) in article 3105, by replacing the words “provision contained in the first paragraph does” in the first line of the third paragraph by the words “provisions of this article do”;

(25) in article 3119, by striking out the words “or insurance” before the words “of persons” in the first line of the second paragraph;

(26) in article 3133, by replacing the words “arbitral award” in the third line by the words “arbitration procedure”.

Training
courses

717. The Bureau of the Ordre des arpenteurs-géomètres du Québec, the Bureau of the Chambre des notaires du Québec and the General Council of the Barreau du Québec may, by regulation or by-law approved by the Government, oblige the members of their professional corporation, in accordance with the conditions and modalities provided therein, to take training courses bearing on all or part of the reform of the Civil Code of Québec.

Exemptions
and fees

The regulation or by-law must provide for the conditions and modalities allowing a member to be exempted temporarily or permanently from this requirement and, where applicable, the fees relating to the courses.

Adoption

The regulation or by-law may be adopted only if the secretary of the professional corporation has transmitted a draft thereof to all the members 30 days or more before its adoption.

Publication

The draft regulation or by-law is not subject to the requirement for publication contained in section 8 of the Regulations Act (R.S.Q., chapter R-18.1).

Suspension

718. The Bureau of the Ordre des arpenteurs-géomètres du Québec, the Bureau of the Chambre des notaires du Québec and the General Council of the Barreau du Québec must, by resolution, suspend or restrict the right to practise the profession of any member of their professional corporation who, although not duly exempted therefrom by the Bureau or by a committee established by the Bureau in accordance with a regulation or by-law under section 717, fails to take the training courses imposed by the regulation or by-law.

Effect

The effect of the suspension or restriction is maintained as long as the member concerned has not taken the training courses and until it is lifted by a resolution of the Bureau of the professional corporation.

FINAL PROVISIONS

Coming into
force

719. With the exception of sections 717 and 718 of this Act, which will come into force on 18 December 1992, the Civil Code of Québec and this Act will come into force on the date which will be fixed by government order. The order shall be made at least six months before the said date.

Exception

However, the provisions of this Act which amend texts not yet in force will take effect only on the date of coming into force of those texts, and the provisions which replace such texts will come into force on the date or dates fixed by order of the Government.