

1990, chapter 18

**AN ACT TO AMEND THE CIVIL CODE
OF QUÉBEC WITH RESPECT TO PARTITION
OF THE FAMILY PATRIMONY AND THE CODE
OF CIVIL PROCEDURE**

Bill 47

Introduced by Madam Violette Trépanier, Minister for the Status of Women and Minister responsible for Family Policy

Introduced 2 May 1990

Passage in principle 15 June 1990

Passage 22 June 1990

Assented to 22 June 1990

Coming into force: 22 June 1990

Acts amended:

Civil Code of Québec

Code of Civil Procedure (R.S.Q., chapter C-25)





CHAPTER 18

An Act to amend the Civil Code of Québec with respect to partition of the family patrimony and the Code of Civil Procedure

[Assented to 22 June 1990]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

C.C.Q.,
a. 462.2, am. **1.** Article 462.2 of the Civil Code of Québec is amended by adding the words “or established” after the word “governed” in the second line of the third paragraph.

C.C.,
a. 462.3, am. **2.** Article 462.3 of the Civil Code is amended by replacing the period at the end of the second paragraph by a semicolon and adding the following: “where a new partition is effected, the date when the spouses resumed living together is substituted for the date of the marriage for the purposes of this section.”

C.C.,
a. 462.5,
replaced **3.** Article 462.5 of the Civil Code is replaced by the following article:

“462.5 Once the net value of the family patrimony has been established, a deduction is made from it of the net value, at the time of the marriage, of the property then owned by one of the spouses that is included in the family patrimony; similarly, a deduction is made from it of the net value of a contribution made by one of the spouses during the marriage for the acquisition or improvement of property included in the family patrimony, where the contribution was made out of property devolved by succession, legacy or gift, or its reinvestment.

A further deduction from the net value is made, in the first case, of the increase in value acquired by the property during the marriage,

proportionately to the ratio existing at the time of the marriage between the net value and the gross value of the property, and, in the second case, of the increase in value acquired since the contribution, proportionately to the ratio existing at the time of the contribution between the value of the contribution and the gross value of the property.

Reinvestment during the marriage of property included in the family patrimony that was owned at the time of the marriage gives rise to the same deductions, adapted as required.”

Interpreta-
tion

4. The first two paragraphs of article 462.5, as amended, are deemed always to have read as in their new version.

C.C.,
a. 462.8, am.

5. Article 462.8 of the Civil Code is amended by inserting the words “or misappropriated” after the word “alienated” in the second line of the first paragraph.

C.C.,
a. 455.1, am.

6. Article 455.1 of the Civil Code is amended by striking out the words “In the absence of a declaration of family residence,”.

c. C-25,
a. 817, am.

7. Article 817 of the Code of Civil Procedure (R.S.Q., chapter C-25) is amended by replacing the period at the end by a semicolon and adding the following: “at the same time, or later, if circumstances so warrant, it adjudicates in respect of matters relating to the family patrimony and other patrimonial rights resulting from the marriage.”

Coming
into force

8. This Act comes into force on 22 June 1990.