

1986, chapter 85

**AN ACT TO AMEND THE CODE OF CIVIL PROCEDURE  
WITH RESPECT TO TESTIMONY OUT OF COURT  
AND SEIZURE**

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**Bill 125**

Introduced by Mr Herbert Marx, Minister of Justice

Introduced 6 November 1986

Passage in principle 13 November 1986

Passage 25 November 1986

**Assented to 10 December 1986**

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**Coming into force: 10 December 1986**

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**Acts amended:**

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

Act to amend the Code of Civil Procedure (1986, chapter 55)



## CHAPTER 85

### **An Act to amend the Code of Civil Procedure with respect to testimony out of court and seizure**

*[Assented to 10 December 1986]*

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

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

**1.** Article 196 of the Code of Civil Procedure (R.S.Q., chapter C-25) is amended

(1) by striking out the following: “Subject to the provisions of the second paragraph of article 404,” in the first and second lines of the first paragraph;

(2) by inserting, after the first paragraph, the following paragraph:

“Notwithstanding the foregoing, the court cannot maintain an application for the annulment of marriage unless the plaintiff’s evidence has been given before the court.”

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

**2.** Article 404 of the said Code is amended by replacing the second paragraph by the following paragraph:

“Notwithstanding the foregoing, the court cannot maintain an application for the annulment of marriage nor, where the defendant has filed his defence, an application for separation as to bed and board or for divorce unless the evidence of the plaintiff has been given before the court.”

c. C-25,  
Book X,  
Sch. 2, am.      **3.** Schedule 2 to Book X of the said Code is amended by replacing the following: “\$2,000”, in the second line of paragraph 2, by the following: “\$4,000”.

1986, c. 55,  
s. 9, am.      **4.** Section 9 of the Act to amend the Code of Civil Procedure (1986, chapter 55) is amended by adding, after the first paragraph, the following paragraph:

Applicability      “Notwithstanding the foregoing, from 1 January 1987, section 4 also applies to every seizure of salary or wages for which the writ was issued before 1 August 1986.”

Coming into  
force      **5.** This Act comes into force on 10 December 1986.