

NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

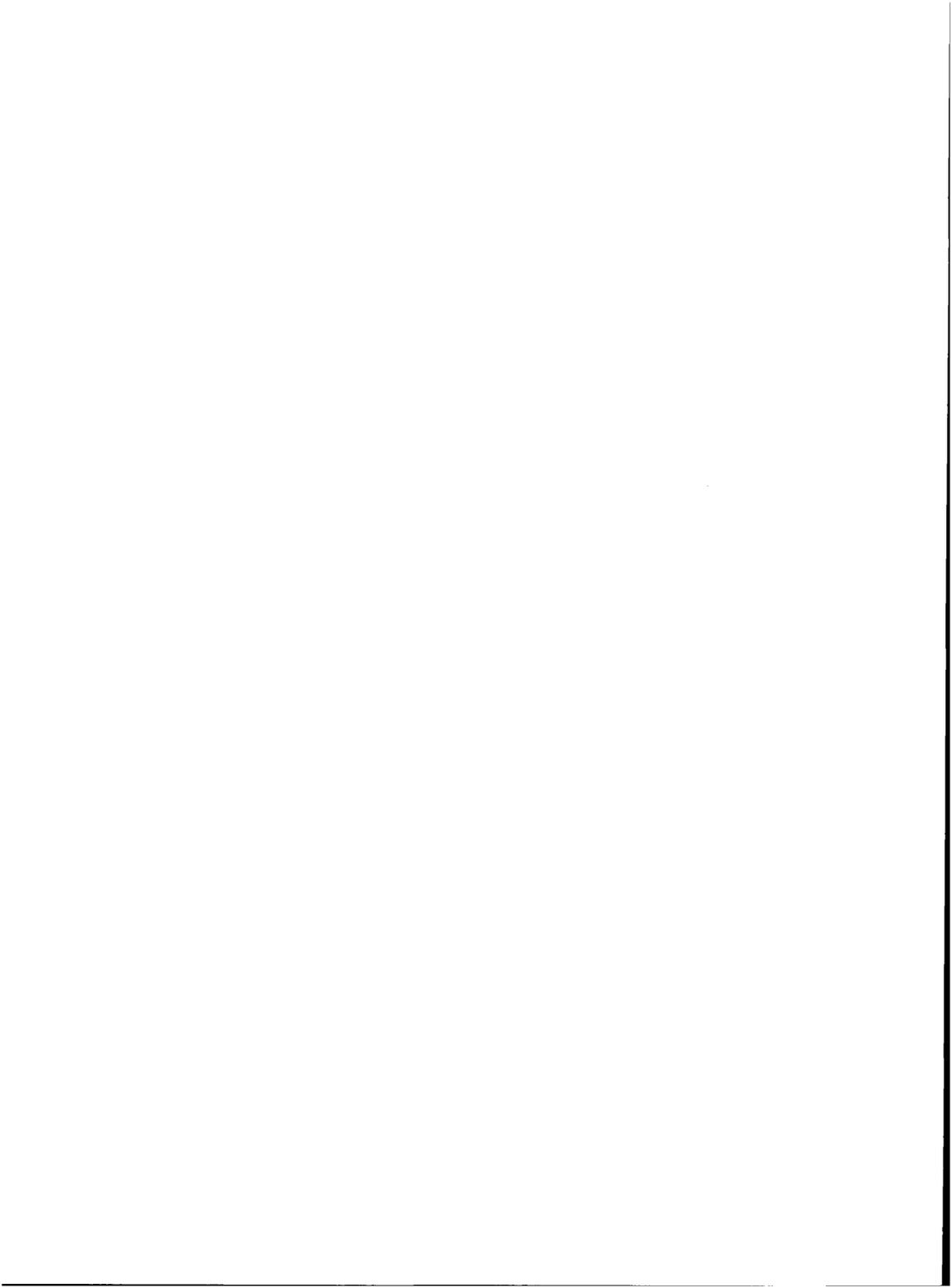
Bill 38

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

Introduction

**Introduced by
Mr Gil Rémillard
Minister of Justice**

**Québec Official Publisher
1992**



EXPLANATORY NOTES

The object of this bill is to implement the reform of the Civil Code. The bill is composed of three titles, dealing respectively with transitional provisions, the Code of Civil Procedure, and other legislation.

The first title, concerning the transitional provisions, has two chapters. Chapter I lays down general principles or basic rules applicable to the resolution of conflicts between the former law and the new law resulting from the coming into force of the Civil Code of Québec and the corresponding amendments to the Code of Civil Procedure and other legislation.

Chapter II sets forth special rules for each book of the Civil Code of Québec in order to complete, clarify or establish exceptions to the general rules laid down in Chapter I.

Title II amends the Code of Civil Procedure, with the principal aim of enabling all the remedies provided by the Civil Code of Québec to be exercised. Books V and VI of the Code of Civil Procedure, dealing respectively with special procedures and non-contentious matters, are modified considerably to take into account certain important changes introduced by the reform of the Civil Code, in particular with respect to the law of persons, property, security and publication of rights.

In order to facilitate the exercise of the remedies provided by the Civil Code of Québec, the bill introduces a procedural regime into the Code of Civil Procedure in respect of motions to introduce proceedings in such matters, and makes certain clarifications to the procedure relating to applications for permission or favour. Finally, other amendments are also made with the more general aim of making justice more accessible.

Title III of the bill is composed of two chapters, and its object is to bring all the other legislation into conformity with the Civil Code

of Québec. Chapter I contains provisions for interpretation and establishes the principle that the statutes and statutory instruments are to be read in the light of the expressions and concepts of the Civil Code of Québec.

Chapter II amends a number of statutes to avoid certain incompatibilities with the Civil Code of Québec, mainly in matters concerning the law of persons and the law of security. Finally, it repeals several statutes whose rules have been incorporated into the Civil Code of Québec, or which the reform renders inoperative.

ACTS REPEALED OR REPLACED BY THIS BILL:

- 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);

ACTS AMENDED BY THIS BILL:

- 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 detective or security agencies (R.S.Q., chapter A-8);
- Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- 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);
- 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);
- Public Officers Act (R.S.Q., chapter E-6);
- 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);
- Winding-up Act (R.S.Q., chapter L-4);
- Act respecting lotteries, publicity contests and amusement machines (R.S.Q., chapter L-6);
- Master Electricians Act (R.S.Q., chapter M-3);
- Master Pipe-Mechanics Act (R.S.Q., chapter M-4);
- 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 to authorize municipalities to collect 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);
- 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);
- Environment Quality Act (R.S.Q., chapter Q-2);
- 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);
- Act respecting occupational health and safety (R.S.Q., chapter S-2.1);
- Public Buildings Safety Act (R.S.Q., chapter S-3);
- 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).

Bill 38

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

TITLE I

TRANSITIONAL PROVISIONS

PRELIMINARY PROVISION

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.

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.

CHAPTER I

GENERAL PROVISIONS

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

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.

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

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

4. Contractual stipulations made prior to the new legislation which are contrary to its imperative provisions are without effect for the future.

5. Where a contractual stipulation refers to the former legislation, either by giving the reference to it or by substantially repeating its provisions, the corresponding provisions of the new legislation apply, unless they are supplementary provisions and are incompatible with the stipulation.

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.

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.

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.

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.

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.

9. Pending lawsuits continue to be governed by the former legislation, unless the judgment to be made establishes rights.

10. Procedural provisions take effect immediately.

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 may either be retained by its holder or handed over to the registrar of civil status.

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.

Where a register which ought to have been kept has not been kept or has been kept in an incomplete manner, the registrar of civil status may, with the authorization of the Minister of Justice, reconstitute it. For that purpose, the registrar has the immunity and powers provided by the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to order imprisonment.

16. 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.

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

18. 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).

19. When issuing a certificate of civil status, the registrar of civil status is not bound to make notations on the certificate which he himself has not made on the acts of birth, marriage or 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.

20. 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*

21. A curator to a legally emancipated minor becomes a tutor to an emancipated minor.

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

23. 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.

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.

24. 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.

25. 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.

26. Subrogate tutors and subrogate curators become tutorship councils composed of only one person. They have the powers and duties of tutorship councils.

Any interested person may apply to the court for the establishment of a new council without invoking grave reasons.

27. By way of exception to article 188 of the new Code, a tutor to property who is a party to a lawsuit pending when the new legislation comes into force has continuance of suit.

28. 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*

29. 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

30. Marriages solemnized before the coming into force of the new legislation may not be annulled except for causes recognized by that legislation.

31. 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.

32. 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 but not yet liquidated on that date.

33. 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.

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

35. 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

36. Unless otherwise provided, successions are governed by the legislation in force on the day they open.

37. The causes of unworthiness and revocation of wills and legacies set forth in articles 610 and 893, respectively, of the former

Code, if not invoked before the date of coming into force of the new legislation, do not apply to successions which open before that date, except so far as they are recognized by the new Code.

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.

38. 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 or 636 of the new Code to be recognized as an heir or to apply for the annulment of an option 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.

39. 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.

40. 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.

41. 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.

42. 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.

If liquidation has already begun, the rules of the new Code are applicable only with the agreement of all the heirs and legatees by particular title.

Article 835 of the new Code, concerning the right of an heir to move that his liability be reduced or limited to the value of the property he has taken, is applicable to successions that are liquidated in accordance with the new legislation pursuant to this section.

43. 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, except where an action in partition has been instituted before such coming into force.

44. For successions which open after the coming into force of the new legislation, gifts *mortis causa* made before such coming into force are excluded from the application of article 630 of the former Code and are not subject to return except under the new Code.

DIVISION IV

PROPERTY

45. All disbursements made before the coming into force of the new legislation continue to be governed by the former legislation.

46. In matters concerning divided co-ownership of immovables, a group of coproprietors becomes a syndicate. The rights and obligations of the administrators of the co-ownership are transferred to the syndicate.

The administrators of the co-ownership become the directors of the syndicate and constitute the board of directors thereof, except in case of incapacity.

47. The right to a revision of the relative value of the fractions and of the apportionment of expenses provided for in article 1068 of the new Code is applicable to every existing divided co-ownership of an immovable. The period for exercising this right runs from the date on which the new legislation comes into force.

48. 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.

49. Article 1058 of the new Code does not apply to any existing divided co-ownership of an immovable in which several persons have a periodic and successive right of enjoyment in the same fraction.

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.

50. Articles 1104 to 1107 of the new Code are applicable where, on the date on which they come into force, the promoter of a divided co-ownership no longer holds a majority of voting rights in the general meeting of the co-owners but the board of directors is composed of administrators who were appointed or elected when the promoter held such a majority. The period of ninety days provided in article 1104 runs from the coming into force of the new legislation.

51. An immovable governed by the former Constitut or Tenure System Act (R.S.Q., chapter C-64) is considered to be a superficies established by means of a construction lease.

Offers to acquire an immovable made under the former Constitut or Tenure System Act or the former Act respecting constituts and the system of tenure in the city of Hull (S.Q., 1923-1924, chapter 99) are governed by those Acts.

52. Failure by the usufructuary to make an inventory or to furnish 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.

53. 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 date of assent to this Act.

54. 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.

55. 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.

56. 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.

57. 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

58. 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.

59. 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.

60. 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.

61. 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 existing contracts.

62. 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.

63. The confirmation of a contract given prior to the coming into force of the new legislation is valid if it satisfies the conditions established by article 1423 of the new Code.

II—Interpretation of contracts

64. 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

65. 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.

66. The conditions for the exercise of the right to revoke a stipulation for another are governed by the legislation in force when the right is exercised.

67. The provisions of article 1456 of the new Code, concerning the bearing of risks attached to a property charged with a real right transferred by contract, do not apply to situations in which the obligation to deliver the property becomes executory after the coming into force of the new legislation but arises from a transfer made before that time.

IV—Civil liability

68. Civil liability is governed by the legislation in force at the time of the act which causes the injury.

However, the new cases of exemption are applicable to previous acts causing injury.

V—Performance of obligations

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

70. 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.

71. A stipulation or statement made prior to 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.

72. The provisions of article 1604 of the new Code, concerning the resolution or rescission 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.

73. 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 made after the coming into force of the new legislation, even where the act causing the injury or the nonperformance of the obligation occurred before such coming into force.

The right to damages owed to a person who dies in consequence of an act causing injury which occurred prior to the new legislation is transmitted in accordance with the provisions of article 1056 of the former Code.

74. 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.

75. 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

76. 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.

77. Stipulations made prior to the new legislation which render subrogation dependent on the prior consent of the debtor are without effect.

VII—Extinction of obligations

78. The discharge of a debtor following the acquisition by a prior or hypothecary creditor of property belonging to him is governed by the legislation in force at the time of the acquisition.

VIII—Restitution of prestations

79. 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

80. The warranty of the seller against eviction or latent defects in respect of sales made prior to the new legislation continues to be governed in its entirety by the former legislation.

81. Reservation of ownership or a right of redemption of movable property which was acquired for the service or carrying on of an enterprise before publication of the notice of the Minister of Justice provided for in section 147 may be set up against third persons from the time of the acquisition provided it is published within six months after publication of the notice; otherwise, it may be set up against third persons who do not know of its existence or to whom it was not declared only from the time of its publication.

82. 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.

83. 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.

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

85. Article 1801 of the new Code applies to clauses of giving in payment stipulated before its coming into force but not yet executed at that time.

II—Contracts of gift

86. 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.

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.

87. 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 to the extent that it is proportional to the value of the property given.

88. The warranties of the donor which are contemplated in articles 1827 and 1828 of the new Code continue to be governed in all respects by the former legislation.

89. 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.

90. 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

91. The rights of ownership of a lessor which result from a contract of leasing in force may still be set up against third persons if they are published within six months after publication of the notice of the Minister of Justice provided for in section 147; otherwise, they may be set up against third persons who do not know of their existence or to whom they were not declared only from the time of their publication.

IV—Contracts of lease

92. 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.

93. 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.

94. Except in the case contemplated in article 1958 of the new Code, the owner of an undivided share of an immovable may repossess a dwelling therein if the conditions set forth in subparagraph 2 or 3 of the second paragraph of article 1659 of the former Code are fulfilled.

95. 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.

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

V—Contracts of carriage

96. 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 entirely by the provisions of article 1680 of the former Code.

97. The provisions of articles 2080 to 2084 of the new Code concerning the liability of the handling contractor apply only to acts causing damage which occur after the coming into force of the new legislation; acts occurring earlier continue to be governed by the

former law, even where the damage becomes evident only after the coming into force of the new legislation.

VI—Contracts of enterprise or for services

98. The division of liability established in articles 2118 to 2121 and 2124 of the new Code in respect of contractors, subcontractors, architects, engineers and promoters for the loss of immovable works is applicable only to losses resulting from a defect which is subsequent to the date on which the new legislation comes into force.

VII—Contracts of partnership and of association

99. Civil partnerships become general partnerships.

They 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.

100. Anonymous partnerships become undeclared partnerships.

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.

101. 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, provided they have been declared under the former legislation.

102. 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.

103. 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.

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

104. 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 the relations of the partnership and the partners with third persons.

105. 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.

106. 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.

107. 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.

108. 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.

VIII—Contracts of deposit

109. 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

110. The liability incurred by a borrower by reason of the loss of property which was the subject of a loan for use is governed by the legislation in force at the time of the loss.

111. 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

112. 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.

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

114. The provisions of article 2357 of the new Code, concerning the remedy for reimbursement of a surety against the principal debtor, are applicable to any payment made by the surety before the coming into force of the new legislation, provided the payment does not date back more than three years.

115. 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.

116. A suretyship attached to the performance of special duties which cease before the date on which the new legislation comes into force terminates on that date, except with respect to debts existing at that time.

XI—Contracts of annuity

117. Article 2377 of the new Code, limiting the effect of stipulations of unseizability and inalienability of an annuity, applies upon its coming into force, even with respect to stipulations made prior to that time and regardless of the nature of the annuity.

Article 2378 of the new Code, concerning the unseizability of capital accumulated for the payment of an annuity, also applies from its coming into force.

118. 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

119. Property charged as security under the rules of the former legislation continues to be governed entirely by that legislation to the extent that the process leading to the realization of the security is begun before the coming into force of the new legislation.

If the process of realizing the security has not begun at that time, the new legislation alone is applicable, subject to the following transitional provisions.

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

(1) conventional securities other than transfers of claims contemplated by section 122 become conventional, movable or immovable hypothecs, depending on whether the property charged is movable or immovable property;

(2) hypothecs created by will become conventional hypothecs;

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

(4) legal hypothecs in favour of minors or persons of full age under tutorship or curatorship continue to be legal hypothecs 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 hypothecs, 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 abovementioned securities conserve their initial rank in all cases.

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.

121. 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.

122. 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.

Transfers by bill of lading become conventional hypothecs and conserve their initial rank, provided they are published within thirty days from the coming into force of the new legislation.

123. A stipulation of unseizability made before the coming into force of the new legislation, in respect of movable property, may not be set up against third persons who do not know of its existence or to whom it has not been declared unless it is published within six months after the notice of the Minister of Justice provided for in section 147.

124. An alienation of property having been the object of a transfer of property in stock, 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.

However, the period for registration of the notice provided in that article runs from the coming into force of the new legislation.

125. 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.

126. 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.

127. Notwithstanding the provisions of section 119, the exercise of a right under a clause of giving in payment stipulated before the coming into force of the new legislation is subject to the provisions of article 2778 of the new Code where, at the time of registration of the notice of omission or breach referred to in article 1040*a* of the former Code, the debtor has already discharged one-half or more of the obligation secured by the hypothec.

The provisions of article 2782 of the new Code are also applicable to the exercise of a right to a giving in payment.

DIVISION VII

PROOF

128. 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.

129. 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

130. Only the provisions of the first paragraph of article 2918 of the new Code apply to a person who has for ten years 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.

However, where a land file has been opened for the immovable under an immatriculation number in the land register, the provisions of the second paragraph of article 2918 of the new Code apply to the immovable.

DIVISION IX

PUBLICATION OF RIGHTS

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

131. 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 daily newspapers published and distributed in Québec, of a notice indicating that the land register, within the meaning of the new Code, is fully operational for the publication of rights concerning the immovables or the territory designated in the notice.

The notice 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 descriptive by-law of the territories of the registration divisions which will have the new land register.

132. 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.

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.

133. 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 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.

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.

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 names of the holders of mining rights will be known as the file of the holders of real rights of State resource development.

134. 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 supplementary file 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.

135. 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.

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. A card-index file of the names of the owners supplements the register.

The register and card-index file 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.

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

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.

137. 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.

138. 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.

139. 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.

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.

140. 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 by notarial act *en minute*, 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.

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.

141. 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.

142. 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.

143. 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*

144. Publications of transfers of property in stock, pledges of agricultural and forest property, commercial pledges and other movable real securities created and published 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.

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.

If the publication is not renewed, no prior notice of the exercise of a hypothecary right may be registered.

145. 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.

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

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.

146. 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 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.

147. 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 81, 91 and 123, rights created previously are maintained and preserve their original opposability, provided they are published in the appropriate register within six months after publication, by the Minister of Justice, in the daily newspapers published and distributed in Québec, of a notice indicating that the register of personal and movable real rights is fully operational for the publication of such rights.

148. 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.

149. 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.

The registrar who is depositary of the registers is, during that period, qualified to make certified statements of subsisting rights in respect of rights created before the coming into force of the new legislation.

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 created and 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 144.

§ 3.—*Regulations*

150. The Government may, by regulation, take 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.

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.

151. 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.

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

152. 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.

153. 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.

154. 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 not yet partitioned on that date.

155. The provisions of the new Code concerning the recognition and enforcement of foreign decisions apply to applications for recognition or execution pending when the new legislation comes into force.

TITLE II

CODE OF CIVIL PROCEDURE

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

“4. In this Code, unless the context otherwise requires,

(a) “affidavit” means a written statement supported by the solemn affirmation 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 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 his 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 deposition;

(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 his chambers, or a clerk.”

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

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

158. Article 18 of the said Code is repealed.

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

160. The heading of Chapter I of Title II of Book I of the said Code is amended by replacing, in the French text, the word “jurisdiction” by the word “compétence”.

161. Article 26 of the said Code is amended by adding the following paragraph:

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

162. 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.”

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

164. 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 and other bodies”;

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

165. 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”.

166. 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”.

167. 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”.

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

“36.2 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.”

169. 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”.

170. 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”.

171. Article 45 of the said Code is amended by adding the following paragraph:

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

172. 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.

173. 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 as to the elements constituting the contempt or as to the identity of the defendant.”

174. 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 fully able to 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 fully able to exercise”.

175. 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 fully able to 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.”

176. Article 60 of the said Code is amended

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

“**60.** “An association within the meaning of the Civil Code may be a party to legal proceedings through its directors.”;

(2) by replacing the words “Such a group may also institute legal proceedings” in the first line of the second paragraph by the words “An association of employees may be a party to legal proceedings”;

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

177. 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;”;

(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”.

178. 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”.

179. 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 “if the child has no domicile in Québec or” in the second and third lines of the third paragraph.

180. Article 70.2 of the said Code is amended by inserting, after the word “integrity,” in the first line of the first paragraph, the word “emancipation,”.

181. 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 application was heard.”

182. 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, if his domicile is known.”

183. 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, with the authorization of the court, submit complementary proof.”

184. 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.”

185. 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”.

186. 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”.

187. 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.”

188. 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.”

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

190. 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.”

191. 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”.

192. 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.”

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

194. 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”.

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

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

197. 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 application 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.”

198. 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.

199. 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”.

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

“115. A minister of the government, clerk, registrar or sheriff 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 may be designated by his surname and given names or initials as they appear in the writing.

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

A legal person is designated by the name under which it is constituted, 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.

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; written proceedings drawn up before service of the notice are valid, unless the court decides otherwise, in which case the suit is suspended until it is continued by the liquidator, subject to the conditions determined by the court.

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.”

201. 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.

202. 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.”

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

204. 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”.

205. 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.”

206. 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”.

207. 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.”

208. 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.”

209. 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.”

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

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

“Unless the judge 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.”

212. 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.

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

“SECTION III

“NOTIFICATION

“146.1 Unless prescribed otherwise, notification of the original or of a copy or abstract of an act, document or notice is made by regular mail or any other means of communication, including electronic mail.

“146.2 Notification may also be made by sending the original or a certified copy of the act, document or notice by recommended 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 Notification may also be made by delivering the original or a certified copy of the act, document or notice to the person to be notified and obtaining a receipt therefor.”

214. 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.”

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

216. 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.”

217. Article 151 of the said Code is amended by replacing the words “recording of default” in the first line by the word “inscription”.

218. 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;”.

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

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

221. 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 special clerk.

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

222. 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.”

223. Article 188 of the said Code is repealed.

224. 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.

225. 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”.

226. 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”.

227. 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.”

228. 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.

An inscription made prematurely or irregularly is without effect.”

229. 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”.

230. Article 198 of the said Code is repealed.

231. 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”.

232. 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,”.

233. 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”.

234. 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;”.

235. 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.

236. 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 natural or legal person”.

237. 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.”

238. 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,”.

239. Article 293 of the said Code is repealed.

240. 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,”.

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

242. 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.”

243. Article 300 of the said Code is repealed.

244. Article 301 of the said Code is repealed.

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

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

246. 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 the consequences of his default before judgment is rendered.”

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

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

249. 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 case, 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 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.”

250. 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”.

251. 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”.

252. 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.”

253. 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”.

254. 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”;

(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 the consequences of his default.”;

(3) by replacing the third paragraph by the following paragraphs:

“The unjustified refusal to admit the genuineness or correctness of a material thing may result in a condemnation to the costs resulting from the refusal.

The production of a material thing as evidence is at the expense of the person who produces it.”

255. Article 405 of the said Code is amended by replacing the words “recording of” in the first line by the words “inscription in the case of”.

256. 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”.

257. 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”.

258. 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.

259. 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”.

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

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

262. 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.”

263. 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.”

264. 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”.

265. 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”.

266. 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.”

267. 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.”

268. 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.”

269. 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 for the period and on the conditions he determines, so that the appeal from the initial judgment and the appeal from the judgment ruling on the application for additional damages be heard jointly.”

270. 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.”

271. 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”.

272. 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.”

273. 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”.

274. 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”.

275. Article 540 of the said Code is amended

(1) by replacing the words “anything moveable or immoveable” in the second line by the words “a movable or an immovable”;

(2) by replacing the words “moveable object” and “immoveable” in the third line by the words “movable” and “immovable”, respectively.

276. Article 541 of the said Code is amended by striking out the words “privilege or” in the second line.

277. 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”.

278. 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;”.

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

552. The debtor may 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 \$5 000 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 principal professional activity, up to the value of \$5 000.

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.”

280. Article 553 of the said Code is amended

(1) by replacing subparagraphs 3 and 4 of the first paragraph by the following subparagraph:

“(4) Property declared by a donor or testator to be exempt from seizure, judicially awarded support as well as sums given or

bequeathed as support, even if not declared to be exempt from seizure by the instrument evidencing the gift or bequest; nevertheless, such property may be seized by creditors posterior to the judgment, the gift or the opening of the legacy, with the permission of the court and to the extent that it determines;”;

(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 “\$150” and “\$25”, respectively;

(3) by replacing the figure “\$80” in subparagraph *b* of the first paragraph of subparagraph 11 of the first paragraph by the figure “\$100”;

(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”.

281. Article 553.2 of the said Code is amended by striking out the words “pledge, privilege or” in the first line of subparagraph 1 of the first paragraph.

282. 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,”.

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

284. The said Code is amended by inserting, after article 564, the following article:

“**564.1** 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.”

285. 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”.

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

“**571.** Movables considered to be 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.”

287. Article 590 of the said Code is amended by adding to the first paragraph the following subparagraph:

“(e) a summary list and the market value of the movables left to the debtor in accordance with article 552.”

288. Article 592 of the said Code is amended by striking out the words “, indicating on each triplicate the place, day and hour of the sale” in the first and second lines of the first paragraph.

289. 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 or of a person who operates an enterprise and the property seized includes a property or a universality of property of an apparent market value of \$5 000 or more according to the summary valuation of the seizing officer, the latter must obtain from the registrar a certified statement of the rights granted by the debtor on the property or universality 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 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 decides otherwise, the application stays execution for as long as the application is pending.”

290. 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) a summary description 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 without delay serve on the debtor a certified copy of the notice of sale.”

291. Article 595 of the said Code is repealed.

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

293. 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 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.”

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

“599. The service of the opposition stays upon 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 opposition suspends only the distribution of the sums seized.”

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

296. 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 need only file with the seizing officer, within five 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 five days of service of a statement of a prior or hypothecary claim, the debtor may apply to the court to contest the claim.”

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

“If no bid was made by reason of the reserve price or any condition of sale determined by the court in accordance with article 592.4, the seizing officer cannot publish new notices of sale until the court has fixed a new reserve price or modified the condition of sale.”

298. 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 seizing officer must also transmit a notice of the certificate of sale to the registrar so that he may make the required cancellations.”

299. 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 must return 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.”

300. 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”.

301. 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”.

302. 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”.

303. 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”.

304. Article 642 of the said Code is amended by replacing the second paragraph by the following paragraph:

“Neither can he, subject to other applicable rules, 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.”

305. Article 652 of the said Code is amended

(1) by replacing the word “furniture” in the sixth line of the first paragraph by the words “movable property”;

(2) by replacing the words “in the exercise of a privilege or of” in the seventh line of the first paragraph by the words “in executing a prior claim or exercising”.

306. 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.

307. 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.”

308. Article 661 of the said Code is repealed.

309. 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”.

310. 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.”

311. 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”.

312. 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;”.

313. Article 668 of the said Code is repealed.

314. 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.”

315. 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”.

316. 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.”

317. 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.”

318. 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”.

319. 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”.

320. 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”.

321. 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”.

322. 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 “of superficies,” 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.”

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

324. 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 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.”

325. 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."

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

327. 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".

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

329. 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".

330. 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".

331. 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”.

332. 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”.

333. Article 714 of the said Code is amended by striking out paragraphs 4 and 5.

334. 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”.

335. 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”.

336. 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.

337. 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”.

338. 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”.

339. Article 734 of the said Code is amended

(1) by striking out paragraph 2;

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

340. 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”.

341. 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 bank guarantee, 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.”

342. 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”.

343. 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.”

344. Articles 746 to 749 of the said Code are repealed.

345. Article 751 of the said Code is amended by replacing the word “officers” in the second line by the words “senior officers”.

346. 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”.

347. 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. 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 exercise of the right of examination or rectification of a file;

(c) applications relating to respect for 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.

Except to the extent provided, applications made under this Title follow the general rules applicable to other applications, 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 sets out all the facts giving rise thereto and allegations must be supported by an affidavit.

“765. 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 five days of the date on which it will be presented.

The notice indicates that 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; the notice must also contain, in easily legible type, the text appearing in Schedule 3 to this Code.

“766. Where there is no respondent or impleaded party by reason of the nature of the application, the motion may be presented to the judge or to the special clerk, without notice of presentation.

However, if he considers it necessary in the interest of justice, the judge or the special clerk may order that the motion be served on any person he designates, or that it be presented before the court.

Motions that may be presented to the special clerk may be reviewed by the judge on an application made within ten days after the decision.

“767. The applicant must file at the office of the court the original of the motion 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.

“768. At the time of presentation of a motion, the court

(1) determines the questions of law and fact at issue; it may also, if it believes it useful and if it is so required, rule on means to simplify the proceedings and shorten the hearing, including the advisability of amendments to the written proceedings, of admitting some fact or document and of providing the list of authorities the parties intend to submit;

(2) orders, if it deems it appropriate, the contestation of the application in writing on the conditions it determines;

(3) fixes, where applicable, the date of production of the detailed affidavits and of all documents which, in its opinion, must be produced, or authorizes a party to present oral proof at the hearing if serious reasons so justify;

(4) orders that the motion be served on any person it designates and whose interests may be affected by the judgment;

(5) makes all orders necessary to protect the rights of the parties for the time and on the conditions it determines;

(6) fixes the date of the hearing, for the same day or, if not, orders that the motion be entered on the general roll of motions.

“769. 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 govern, as far as they go, the hearing of the application, unless the court decides otherwise.

“770. 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.

“771. 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.

“772. 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.

“773. At the hearing, the parties present their proof by means of affidavits sufficiently detailed to establish all the facts in support of their claims. However, the court may authorize a party to present oral proof

(a) where the party shows that, notwithstanding his diligence, he was unable to obtain, in due time, an affidavit that was to constitute part of his proof;

(b) where the party intends to question a deponent on the contents of the detailed affidavit given by him;

(c) where the party was so authorized at the time of presentation or where the complexity of the evidence justifies the presentation of additional oral proof.

“774. 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.

“775. 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

“**776.** 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. Where applicable, applications are accompanied with the opinion of the tutorship council and of at least one expert concerning the person named in the application.

“**777.** Except applications for *habeas corpus*, an application relating to the integrity of the person has precedence over any other application whether in first instance or in appeal.

“SECTION I

“CONSENT TO CARE

“**778.** 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.

“**779.** 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

“**780.** 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 date it is made, unless the court decides otherwise.

“781. The application may not be presented to the court 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 or on the person having custody of the person concerned.

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.

“782. The court is bound to question the person concerned by the application except if he cannot be found or has fled or if hearing his testimony would be manifestly unreasonable owing to his state of health.

The person concerned may be questioned by a judge of the district in which he resides even if the application is made in another district.

“783. 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.

“784. The clerk sends a copy of the judgment rendered and a copy of the record to the Commission des affaires sociales without delay and free of charge.

“SECTION III

“APPEAL

“785. 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 in the record.

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.

“786. 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

“787. An application for recognition and enforcement of a judicial or administrative 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.

“788. 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

“789. 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, damage 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.

“790. 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.

“791. 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.

“792. 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.

“793. 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.

“794. 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.

“795. 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.

“796. 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

“HYPOTHECARY APPLICATIONS

“797. 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.

Applications relating to the performance of an obligation or the recovery of a prior or hypothecary claim are made by declaration. They may be inscribed for proof and hearing before the special clerk if they are not contested.

“798. Applications for forced surrender must be accompanied with a recent statement of the appropriate register, certified by the registrar; they must be served on the person who owns or has possession of the property and on the debtor and the grantor, where applicable.

“799. Within five days of service of the order, 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.

“800. 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.

“801. In urgent cases, the judge authorizes 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.

“CHAPTER VI

“APPLICATIONS CONCERNING HYPOTHECATED PROPERTY
WHERE THE OWNER'S IDENTITY IS UNKNOWN OR UNCERTAIN

“802. 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.

“803. The application is made before the court of the place where 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.

“804. 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.

“805. 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

“806. Applications 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.

“307. A person who has become the owner of an immovable by prescription may, by motion, apply to the court of the district in which the immovable is situated to obtain judicial recognition of his right of ownership.

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.

“308. The court called upon to pronounce the recognition of 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.

“309. The court may also, on a motion, confirm the carry-over of an uncertain right in an immovable.

“310. Applications made under this chapter may in no case be heard by the clerk.

“CHAPTER VIII

“INDIVISION AND PARTITION

“311. Applications for partition and for nullity of partition are introduced by declaration; 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 the property is situated in whole or in part.

“812. 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.

“812.1 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

“812.2 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 declaration.

“812.3 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.”

348. 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.

349. 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 shall register in the land register.

If a spouse applies for cancellation of the registration, it may be granted provided sufficient security is furnished, where applicable.”

350. Article 813.6 of the said Code is amended

(1) by striking out the words “together a motion in evocation and” in the second line of the first paragraph;

(2) by striking out the words “motion and” in the second line of the second paragraph.

351. Section III of Chapter I of Title IV of Book V of the said Code, comprising articles 816 to 816.3, is repealed.

352. 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.”

353. 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”.

354. Article 818 of the said Code is repealed.

355. 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.”

356. 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”.

357. The heading of Chapter III of Title IV of Book V and article 820 of the said Code are repealed.

358. 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”.

359. Article 825.7 of the said Code is amended by replacing the word “registers” in the third line by the word “register”.

360. 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.

361. 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.

362. 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”.

363. Article 827 of the said Code is repealed.

364. 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.

365. Title V of Book V of the said Code, comprising articles 828 to 833, is replaced by the following:

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“TITLE V

“PROCEEDINGS RELATING TO LEGAL PERSONS

“828. The Attorney General and any interested person may ask the court to cancel the constituting act of a legal person established for a private interest and impose any other sanction 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 the constituting act of a legal person established in the public interest or the annulment of letters patent granted by the State for the reasons set out in article 828.

Such remedy may also be exercised by any interested person. In such case, the application must be served on the Attorney General who may, within thirty days, intervene in the application in the name of the State.

“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 an association to have been illegally formed, the persons composing it are personally bound to pay the costs; if the judgment is rendered against a legal person, 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 declaration.

“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.”

366. Article 838 of the said Code is amended

(1) by replacing the words “in a public or private corporation, a public body or board” in the second and third lines by the words “or function in a legal person established in the public interest or for a private interest, a public body”;

(2) by striking out the words “or a franchise” in the second line and “or franchise” in the sixth line.

367. 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.

368. 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.

369. 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”.

370. Article 852 of the said Code is amended by replacing the words “in a hospital for the mentally ill, a prison or a reformatory, the petition” in the first and second lines by the words “admitted, without his consent, for confinement by an establishment governed by the Acts respecting health services and social services, or a person confined in a house of detention or a penitentiary, the motion”.

371. 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.”

372. 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”.

373. Article 863 of the said Code is replaced by the following articles:

“363. 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 made 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.

“363.1 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.”

374. 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.”

375. 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.”

376. 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”.

377. 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”.

378. 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.”

379. 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 the 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 of the person of full age who is incapable of giving his consent.

“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 council and indicates the object, place, day and time of the meeting.

“874. The meeting is presided by the person who called it. 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.

“376. 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.

“376.1 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.”

380. 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”.

381. Article 878.1 of the said Code is replaced by the following article:

“378.1 The rules relating to the representation and hearing of a minor or a person of full age incapable of giving his consent 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.”

382. Article 880 of the said Code is replaced by the following article:

“380. Where the advice of the tutorship council is required, the meeting of relatives, persons connected by marriage or friends is called on an order of the clerk and is presided by the clerk or by a notary.”

383. 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.

384. 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”.

385. 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.

386. 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 confirm a fact;

(b) applications for the appointment, designation or replacement of any person, including the administrator of the property of others, which by law must 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, either 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 to sales by judicial authority or 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 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 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.

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 does not correspond to the value of the property.

“905. In the case of an immovable, the application must be 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 must be 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. The attestations must give the price list 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.

“SECTION III

“REPORT AND DISTRIBUTION OF THE PROCEEDS OF THE SALE

“907. 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.

“908. If the sale could not take place, or if the report is not filed ten days before the time limit prescribed, the clerk may give new instructions.

“909. The proceeds of the sale are distributed among the persons entitled thereto, according to the instructions of 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.”

387. 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 an obligation other than an obligation resulting from the law 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,”.

388. 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”.

389. Article 955 of the said Code is amended

(1) by replacing the words “A physical person” in the first line of the first paragraph by the words “The applicant”;

(2) 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;

(3) 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”.

390. Article 955.1 of the said Code is repealed.

391. 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”.

392. 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”.

393. Article 1050 of the said Code is repealed.

394. 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 \$5 000 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, within the same limit, 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.”

395. The said Code is amended by replacing the word “prothonotary” wherever it appears by the word “clerk”.

396. The said Code is amended by striking out the words “en chambre” wherever they appear in the French text.

TITLE III

PROVISIONS RELATING TO OTHER ACTS

CHAPTER I

INTERPRETATIVE PROVISIONS

397. 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 “extra-contractual obligations”;

(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 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”;

(8) in matters concerning security, “judicial sale” corresponds to “sale made under judicial authority”.

— IN RESPECT OF THE LAW OF PRIOR CLAIMS AND HYPOTHECS:

(1) “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:

(1) “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”.

398. 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 981*o* 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

399. 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

400. Section 324 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) is replaced by the following section:

“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

401. 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.

402. 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”.

403. 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 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”;

(3) 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”;

(4) by striking out subparagraph 2 of the second paragraph.

FINANCIAL ADMINISTRATION ACT

404. 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 DETECTIVE OR SECURITY AGENCIES

405. Section 4 of the Act respecting detective or security agencies (R.S.Q., chapter A-8) is amended by replacing the figure “36” in the first line of subsection 4 by the figure “34”.

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

406. 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 concerned in the deed;”.

AUTOMOBILE INSURANCE ACT

407. Section 3 of the Automobile Insurance Act (R.S.Q., chapter A-25) is repealed.

408. Section 12 of the said Act is amended

(1) by striking out the words “or any transfer in collateral guarantee or otherwise” in the first and second lines of the first paragraph;

(2) by striking out the words “or transfer” in the second line of the second paragraph.

HEALTH INSURANCE ACT

409. Section 22 of the Health Insurance Act (R.S.Q., chapter A-29), amended by section 77 of chapter 4 of the statutes of 1990 and by section 568 of chapter 42 of the statutes of 1991, 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

410. 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, 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”.

411. Section 19 of the said Act is 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”.

412. Section 25.1 of the said Act is amended 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”.

ACT RESPECTING INSURANCE

413. Section 93.207 of the Act respecting insurance (R.S.Q., chapter A-32) is repealed.

414. Section 93.248 of the said Act 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”.

415. Section 404 of the said Act is repealed.

416. Section 422 of the said Act is amended by adding, at the end, the following paragraph:

“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

417. 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:

“They may hypothecate movable and immovable property to secure payment of the bonds or securities issued by them.”

BUILDING ACT

418. 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

419. 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.

420. 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

421. The Escheat and Confiscation Act (R.S.Q., chapter B-5) is repealed.

REGISTRY OFFICE ACT

422. The title of the Registry Office Act (R.S.Q., chapter B-9) is replaced by the following title:

“Act respecting registry offices”.

423. Divisions I to XII and the forms of the said Act are replaced by the following:

1. The Minister of Justice shall appoint for, each registry office, a registrar entrusted with the keeping of that office.

The Minister of Justice may, however, where the circumstances so require, entrust the keeping of more than one registry office to the same 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.

“2. The Minister of Justice shall appoint one or more deputy registrars for each registration division.

Deputy registrars have, in all respects, the same powers, duties and obligations as the registrar and shall exercise or perform them under the authority of the 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.

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.

“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.

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.

“4. The Minister shall determine 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.

Where a document is replaced, the registrar shall collate the reproduction with the original and certify in writing and under his oath of office that it is a true reproduction of the original.

Where a document is reconstituted, the registrar shall certify in writing and under his oath of office that the reproduction has been carried out in accordance with the order of the Minister.

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.

“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.

“6. Where a document is replaced or reconstituted by microfilm, the Minister of Justice shall determine the means and manner of recording any particular relating to an entry appearing on the microfilm.

“7. Every registrar and every deputy registrar shall, upon his appointment, take, before a judge of the Superior Court, 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.”

The oath shall be 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 shall issue, on request, a certified copy of the oath.

“8. The Government may, by order, make tariffs of fees to be taken 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.

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).

Every such order may be amended, repealed or replaced and apply to one or more or to all the registration divisions of Québec.

The order shall be published in the *Gazette officielle du Québec* and come into force 30 days after publication.

“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.

“10. No fee shall be 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.

“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.

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 shall be payable by the municipality to which the notice is sent.

“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, shall be described by government regulation.

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.

“13. The regulations, orders in council and orders made under the former legislation continue to apply until they are replaced by new regulations made under Book IX of the Civil Code of Québec.”

CADASTRE ACT

424. Section 10 of the Cadastre Act (R.S.Q., chapter C-1) is amended by striking out the word “, privileges” in the eighth line.

425. Section 12 of the said Act is amended by striking out the word “, privileges” in the fourth and fifth lines.

ACT RESPECTING THE CAISSE DE DÉPÔT ET PLACEMENT DU QUÉBEC

426. Section 27 of the Act respecting the Caisse de dépôt et placement du Québec (R.S.Q., chapter C-2) is amended

(1) by striking out the words “pledge of” in the second line of subparagraph *a* of the first paragraph;

(2) by inserting the words “or other security” after the word “hypothec” in the first line of subparagraph *a* of the first paragraph;

(3) by replacing the word “privilege” in the first line of subparagraph *b* of the first paragraph by the words “hypothec or other security”.

427. Section 33 of the said Act is amended by replacing the words “pledge of” in the first line by the words “hypothec or other security on”.

428. 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 or other security on any securities as a guarantee”.

ACT RESPECTING THE CAISSES D'ENTRAIDE ÉCONOMIQUE

429. 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.

430. 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”.

431. 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

432. 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.

433. 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.

434. Section 64.2 of the said Act is amended by striking out the words “, mortgage or pledge” in the first and second lines.

435. 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

436. 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”.

437. 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

438. 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”;

(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

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

RAILWAY ACT

440. Section 10 of the Railway Act (R.S.Q., chapter C-14), amended by section 138 of chapter 4 of the statutes of 1990, is again 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 words “, present or future, which it may own in Québec” in the seventh and eighth lines of the first paragraph;

(4) by striking out the second, fourth, fifth and sixth paragraphs.

441. 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 striking out the words “, or any assignment, cession or transfer of,” in the sixth and seventh lines;

(4) by striking out the words “or an assignment, cession or transfer of,” in the eleventh line;

(5) by replacing the words “evidence of indebtedness” and “evidences of indebtedness” in the ninth and sixteenth lines, respectively, by the words “titles of indebtedness”;

(6) by replacing the word “trustee” in the fourteenth line by the words “person holding the power of attorney of the creditors”.

442. Section 93 of the said Act is amended by striking out the word “, conveyance” in the first and in the seventh lines.

443. Section 97 of the said Act is repealed.

444. 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

445. Section 26 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended

(1) by striking out the words “, shall be of the nature of a tax upon the taxable immoveables of the new municipality. It” in the third and fourth lines of subsection 1;

(2) by replacing the word “privileges” in the second line of subsection 2 by the word “hypothecs”.

446. 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.

447. Section 413 of the said Act is 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”.

448. Section 461 of the said Act is replaced by the following section:

“461. The municipality may cause to be sold at auction, by a bailiff, without any judicial formalities and after the notices required by the Civil Code of Québec, any lost or forgotten movable property it holds which has not been claimed within 60 days, any property confiscated by the municipality, its employees and police officers having jurisdiction over its territory, any property it holds which is property referred to in article 943 of the Civil Code, and any property 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 motor vehicles built more than seven years previously and which are in the custody of the municipality, when left in public places and not claimed within 10 days, are deemed to be abandoned and without an owner.”

449. 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”.

450. 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 immovable” 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 immovable 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”.

451. Section 498 of the said Act is amended by replacing the word “land”, wherever it appears, by the word “immovable”.

452. Section 523 of the said Act is amended by striking out the word “, privileges” in the fourth line of the fourth paragraph.

453. 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”.

454. Section 529 of the said Act is amended

(1) by replacing the word “privileges” in the second line of the first paragraph by the words “prior claims”;

(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”.

455. Section 532 of the said Act is amended by replacing the word “privileged” in the third line of the second paragraph by the words “prior claims”.

456. Section 534 of the said Act is amended by striking out the last sentence.

457. Section 536 of the said Act is amended by replacing the words “privileged debts” in the third line of the second paragraph by the word “claim”.

458. 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 claim”.

PROFESSIONAL CODE

459. Section 29 of the Professional Code (R.S.Q., chapter C-26) is amended by replacing the first paragraph by the following paragraph:

“**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

460. Article 186 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by replacing the words “hypothecs and privileges registered” in the fifth line of the third paragraph by the words “prior claims and hypothecs”.

461. 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”.

462. 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.”

463. 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”.

464. 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 the notices required by the Civil Code of Québec, any lost or forgotten movable property in its possession that has not been claimed within 60 days, any property confiscated by the municipality, its employees and police officers having jurisdiction over its territory, any property referred to in article 943 of the Civil Code that is in its possession and any property without an owner which it collects in its territory.

Vehicles without a motor or in a ruinous state, and motor vehicles built more than seven years previously and which are in the custody of the municipality, when left in public places and not claimed within 10 days, are deemed to be abandoned and without an owner.”

465. 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”.

466. Article 983 of the said Code is amended

(1) by replacing the word “privileges” in the third line by the words “prior claims”;

(2) by replacing the words “movable and immovable property” in the fourth line by the word “immovables”.

467. 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”.

468. Article 1032 of the said Code is amended by striking out the word “, privileges” in the third line of the fifth paragraph.

469. Article 1038 of the said Code is amended by striking out the word “privileged” in the third line of the second paragraph.

470. 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”.

471. Article 1048 of the said Code is amended

(1) by replacing the word “privileges” in the fourth line of the first paragraph by the words “prior claims”;

(2) by replacing the word “privilege” in the second line of the third paragraph by the words “prior claim or legal hypothec”.

472. 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 “secured by a legal hypothec on the immovable”.

473. Article 1058 of the said Code is amended by striking out the third, fourth, fifth, sixth and seventh lines of the third paragraph.

474. Article 1060 of the said Code is amended by striking out the second paragraph.

GENERAL AND VOCATIONAL COLLEGES ACT

475. 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.

ACT RESPECTING THE COMMISSION MUNICIPALE

476. 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 immovable” in the second line of subparagraph 5 of the first paragraph by the words “prior or hypothecary claim”.

477. Section 75 of the said Act is amended

(1) by replacing the word “privileges” in the fourth line of the first paragraph by the words “prior claims”;

(2) by striking out the words “privileges and” in the second line of the third paragraph;

(3) by replacing the word “privilege” in the second line of the fourth paragraph by the words “prior claim or legal hypothec”.

478. Section 78 of the said Act is amended by replacing the word “privileges” in the fourth line of the second paragraph by the words “prior claims”.

479. Section 79 of the said Act is amended by replacing the second paragraph by the following paragraph:

“The certificate of redemption shall describe the person who effected the redemption.”

480. 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”.

481. Section 82 of the said Act is amended by replacing the words “privileged debt” in the third line of the second paragraph by the word “claim”.

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE L'OUTAOUAIS

482. Section 178 of the Act respecting the Communauté urbaine de l'Outaouais (R.S.Q., chapter C-37.1), amended by section 110 of chapter 85 of the statutes of 1990, is again amended by striking out the words “and guarantees” wherever they appear.

483. Section 226 of the said Act is amended

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

“(b) 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 *c* by the words “or hypothecate”;

(3) by striking out paragraph *d*.

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

484. 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

485. 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

486. 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.

487. 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”.

488. The heading of Division XXII of Part I of the said Act is replaced by the following heading:

“BORROWING AND HYPOTHECATING POWERS”.

489. 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:

“(d) Hypothecate the immovable and movable or otherwise affect the movable property of the company.”

490. Section 98 of the said Act is amended by striking out the words “or other lien” in the first and second lines of paragraph *h* of subsection 3.

491. Section 105 of the said Act, amended by section 302 of chapter 4 of the statutes of 1990, is again amended by replacing subsection 1 by the following subsection:

“**105.** (1) Every company shall keep a register of hypothecs and enter therein any hypothec affecting the property of the company, giving in each case, a summary description of the hypothecated property, the amount of the hypothec and, except in the case of bonds or other titles of indebtedness payable to order or to bearer, the names of the hypothecary creditors or successors. As regards the hypothecs securing payment of the bonds or other titles of indebtedness payable to order or to bearer, the name of the person holding the power of attorney of the creditors in whose favour the hypothec is granted is sufficient.”

492. 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”.

493. 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.

494. The heading of Division XIV of Part II of the said Act is replaced by the following heading:

“BORROWING AND HYPOTHECATING POWERS”.

495. 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:

“(d) Hypothecate the immovable or movable or otherwise affect the movable property of the company.”

496. Section 191 of the said Act is amended by striking out the words “or other lien” in the first and second lines of paragraph *h* of subsection 3.

497. Section 198 of the said Act, amended by section 302 of chapter 4 of the statutes of 1990, is again amended by replacing subsection 1 by the following subsection:

“198. (1) Every company shall keep a register of hypothecs and enter therein any hypothec affecting the property of the company, giving in each case, a summary description of the hypothecated property, the amount of the hypothec and, except in the case of bonds or other titles of indebtedness payable to order or to bearer, the names of the hypothecary creditors or successors. As regards the hypothecs securing payment of the bonds or other titles of indebtedness payable to order or to bearer, the name of the person holding the power of attorney of the creditors in whose favour the hypothec is granted is sufficient.”

TIMBER-DRIVING COMPANIES ACT

498. Section 29 of the Timber-Driving Companies Act (R.S.Q., chapter C-42) is amended by replacing paragraph 2 by the following paragraph:

“(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

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

CHURCH INCORPORATION ACT

500. 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

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

COOPERATIVES ACT

502. 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.

503. 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

504. 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 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*.

505. Section 43 of the said Act is repealed.

506. Section 48 of the said Act is amended by replacing the word “trustee” in the fourth line of subparagraph *e* of the first paragraph by the words “person holding the power of attorney of the creditors”.

ACT RESPECTING SECURITY FUND CORPORATIONS

507. 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”.

508. 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

509. 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

510. 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

511. 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*.

512. 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

513. Section 3 of the Forestry Credit Act (R.S.Q., chapter C-78) is 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”.

514. 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”.

515. Section 43 of the said Act is amended by replacing the words “privileges, hypothecs and pledges” in the fourth line of paragraph *j* by the word “hypothecs”.

516. Section 45 of the said Act, amended by section 362 of chapter 4 of the statutes of 1990, is again amended by striking out the words “or forestry pledge” in the fourth line of the second paragraph.

517. Section 46.1 of the said Act is 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”.

518. Section 46.7 of the said Act is amended

(1) by replacing the second and third lines of the first paragraph by the words and figures “2127 of the Civil Code with regard to the hypothecation of a claim referred to in section 46.1 or the sale of a claim referred to in”;

(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

519. 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”.

520. 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”.

521. Section 18 of the said Act is amended by replacing the words “pledge of forest property” in the third line of paragraph 2 by the words “movable hypothec”.

522. Section 19 of the said Act is amended by replacing the word “security” in the second line by the word “hypothec”.

523. Section 20 of the said Act is amended by replacing the word “securities” in the third line by the word “hypothec”.

524. Section 33 of the said Act is amended by striking out the words “or forest pledge” in the second line of the first paragraph.

525. Section 37 of the said Act is amended

(1) by striking the words “verify the charges encumbering” in the third and fourth lines of paragraph 4;

(2) by replacing the words “pledged property” in the seventh line of paragraph 5 by the word “movable”;

(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”.

526. Section 43 of the said Act is 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.

527. Section 44 of the said Act is amended by replacing the word “pledged” in the second line of paragraph 1 by the word “hypothecated”.

528. Section 47 of the said Act is amended

(1) by replacing the words “pledge of forest property” in the first line by the words “movable hypothec”;

(2) by replacing the word “securities” in the fourth line by the word “hypothec”;

(3) by replacing the word “securities” in the fifth line by the word “hypothec”.

529. Section 52 of the said Act is 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”.

530. Section 54 of the said Act is 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”.

531. Section 60 of the said Act is amended

(1) by replacing the words “the transfer of a debt contemplated in section 54 or the sale of a debt contemplated” in the second and third lines of the first paragraph by the words “the hypothecation of a claim referred to in section 54 or the sale of a claim referred to”;

(2) by replacing the word “transfer” in the second line of the second paragraph by the word “hypothecation”.

PUBLIC CURATOR ACT

532. 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”.

533. Section 16 of the said Act is amended by replacing the words “employed by” in the fifth and in the eighth lines by the words “an employee of”.

534. Section 17 of the said Act is amended by replacing the words “the care which the Public Curator indicates he will provide” in the fourth and fifth lines of the first paragraph by the words “where the Public Curator chooses to do so himself”.

535. 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”.

536. 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”.

537. Section 29 of the said Act is amended by striking out the third paragraph.

538. 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.

539. 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”.

540. Section 39 of the said Act is amended by replacing the words “, a person showing a special interest in the minor or person of full age or a subrogate-tutor or subrogate-curator, as the case may be” in the third, fourth and fifth lines of the first paragraph by the words “or a person showing a special interest in the minor or person of full age”.

541. 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”.

542. 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”.

543. 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.

544. 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”.

545. Section 68 of the said Act, amended by section 7 of chapter 72 of the statutes of 1991, 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 words “or for his supervision” in the third line of paragraph 7 by the words “, for his supervision”;

(3) by adding, at the end of paragraph 7, the words “or for the performance of the other functions assigned to him by law”.

TERRITORIAL DIVISION ACT

546. 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:

“(3) For the purposes of the publication of rights, into 73 registration divisions;”.

547. Section 11 of the said Act, amended by section 4 of chapter 62 of the statutes of 1986, is again amended

(1) by replacing the figure “82” in the first line by the figure “73”;

(2) by striking out paragraph 28;

(3) by striking out paragraph 52.

LAND TRANSFER DUTIES ACT

548. 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”.

549. 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” in the first, second and third lines of paragraph *a* by the words “result from the exercise of a right to take in payment”.

ACT RESPECTING PROTESTANT CHURCHES ENTITLED TO KEEP CIVIL STATUS REGISTERS

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

PUBLIC OFFICERS ACT

551. Section 28 of the Public Officers Act (R.S.Q., chapter E-6) is amended by striking out the second paragraph.

552. Section 34 of the said Act is replaced by the following section:

“**34.** Suretyship by pledge or by hypothec ranks from the day it is registered in accordance with the Book on Publication of rights of the Civil Code of Québec.”

553. Sections 35 and 36 of the said Act are repealed.

ROMAN CATHOLIC BISHOPS ACT

554. 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 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

555. 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.

556. Section 55.3 of the said Act is amended by replacing the words “registered real rights” in the third line by the words “prior claims or hypothecs”.

ACT RESPECTING FABRIQUES

557. 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 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 (chapter M-1)” in the fourth line of paragraph *m*.

ACT RESPECTING FARM FINANCING

558. 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.

559. Section 60 of the said Act is amended

(1) by replacing the words “assign or transfer” in the third line of the first paragraph by the words “hypothecate or assign”;

(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”.

560. Section 65 of the said Act is amended by striking out the words “to verify the charges against” in the seventh line.

561. 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”.

562. 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”.

563. 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 word “hypothecation”.

564. Section 141 of the said Act is amended by replacing the words “pledge or transfer” in the second line of paragraph 10 by the words “hypothec or assignment”.

ACT RESPECTING MUNICIPAL TAXATION

565. 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.)

566. 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

567. 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 striking out the third paragraph.

ACT RESPECTING MANPOWER VOCATIONAL TRAINING AND QUALIFICATION

568. 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

569. Section 31 of the Hydro-Québec Act (R.S.Q., chapter H-5) is replaced by the following section:

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.

(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.

(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.

(4) The Corporation shall have a legal hypothec for the price of power supplied for the carrying on of an industrial or commercial enterprise.

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

570. Section 1 of the Taxation Act (R.S.Q., chapter I-3), amended by section 3 of chapter 59 of the statutes of 1990, by section 13 of chapter 7 and section 2 of chapter 25 of the statutes of 1991, is again amended by inserting, after the definition of "group term life insurance policy" in section 1, the following definition:

"heir" includes a legatee by particular title for the purposes of sections 47.2, 47.4, 47.5, 209.3, 317, 609, 894 and 998;".

571. The said Act is amended by inserting, after section 11.1, the following section:

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."

572. Section 20 of the said Act, amended by section 8 of chapter 59 of the statutes of 1990, is again amended by inserting the words "or otherwise" after the word "contract" in the first line of paragraph *b*.

573. Section 21.20.4 of the said Act, enacted by section 23 of chapter 59 of the statutes of 1990, is amended by inserting the words "or otherwise" after the word "contract" in the sixth line of the first paragraph.

574. Section 184 of the said Act is amended by replacing the words "a bulk sale of a business" in the first line of the first paragraph by the words "the sale of all or substantially all the property used in the carrying on of an enterprise".

575. Sections 430 and 431 of the said Act are amended by replacing the words “an heir” and “the heir”, wherever they appear, by the words “a beneficiary” and “the beneficiary”, respectively.

ENGINEERS ACT

576. Section 13 of the Engineers Act (R.S.Q., chapter I-9) is amended by replacing the first paragraph by the following paragraph:

“**13.** The Order may acquire, administer, sell, hypothecate, lease, exchange or transfer movable or immovable property situated in Québec.”

BURIAL ACT

577. Sections 1 and 2 of the Burial Act (R.S.Q., chapter I-11) are repealed.

ACT RESPECTING THE INSPECTOR GENERAL OF FINANCIAL INSTITUTIONS

578. 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

579. Section 342 of the Education Act (R.S.Q., chapter I-13.3) 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

580. 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”.

581. 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.”

582. 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.

583. Section 388 of the said Act is amended by replacing the word “privileged” in the twelfth line by the word “prior”.

584. 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.

585. 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

586. Section 41 of the Interpretation Act (R.S.Q., chapter I-16) is amended by replacing the first paragraph by the following paragraph:

“**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.”

587. 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.

“**41.2** A judge cannot refuse to adjudicate under pretext of the silence, obscurity or insufficiency of the law.

“**41.3** Prohibitive laws entail nullity, even if nullity is not pronounced therein.

“**41.4** No one may by private agreement validly contravene the laws of public order.”

588. 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.”

589. Section 61 of the said Act, amended by section 527 of chapter 4 of the statutes of 1990, is again amended

(1) by striking out paragraph 11;

(2) by replacing paragraph 16 by the following paragraph:

“(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.

WINDING-UP ACT

590. Section 23 of the Winding-up Act (R.S.Q., chapter L-4) is replaced by the following section:

“**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

591. 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:

“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

592. 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

593. 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

594. 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.”

ACT RESPECTING THE MINISTÈRE DE L'ENVIRONNEMENT

595. 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

596. 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;”.

597. 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*.

598. The said Act is amended by inserting, after section 9, the following section:

“**9.1** The Minister shall appoint the registrar of civil status.”

599. Division II of the said Act is repealed.

ACT RESPECTING THE MINISTÈRE DES TRANSPORTS

600. 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:

“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.”

601. Section 12.3.1 of the said Act is repealed.

ACT RESPECTING THE MINISTÈRE DU REVENU

602. 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.

603. 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.

604. Section 98 of the said Act is repealed.

ACT RESPECTING THE MODE OF PAYMENT FOR ELECTRIC AND GAS SERVICE IN CERTAIN BUILDINGS

605. 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 TO AUTHORIZE MUNICIPALITIES TO COLLECT DUTIES ON TRANSFERS OF IMMOVEABLES

606. Section 1 of the Act to authorize municipalities to collect duties on transfers of immoveables (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”.

607. 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.

608. 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”.

609. 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

610. 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

611. Section 9 of the Notarial Act (R.S.Q., chapter N-2) is amended

(1) by striking out the words “privileges or” in the fourth line of subparagraph *e* of the first paragraph;

(2) by striking out the words “, or for the rectification of acts of civil status” in the fifth and sixth lines of subparagraph *e* of the first paragraph.

612. Section 15 of the said Act is amended

(1) by striking out paragraph *k*;

(2) 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.”

613. Section 31 of the said Act is amended by replacing subsection 1 by the following subsection:

“**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*.”

614. 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”.

615. 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”.

616. Section 140 of the said Act is amended by replacing the words and figures “Articles 901 and 902 of the Code of Civil Procedure” in the eighth line of subsection 1 by the words “The provisions of the Code of Civil Procedure”.

ACT RESPECTING LIQUOR PERMITS

617. 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”.

618. 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”.

619. 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”.

620. 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”.

621. 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”.

SPECIAL CORPORATE POWERS ACT

622. 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 ISSUE AND REISSUE BONDS OR OTHER TITLES OF INDEBTEDNESS”.

623. Section 27 of the said Act is replaced by the following section:

“**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.”

624. Sections 28 to 31 of the said Act are repealed.

625. Section 32 of the said Act is replaced by the following section:

“**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.”

626. 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:

“(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 the issue of a new bond or other 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.”

627. The heading of Division VIII of the said Act is replaced by the following heading:

“BORROWING POWERS OF CERTAIN LEGAL PERSONS WITHOUT CAPITAL STOCK”.

628. Section 34 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**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.”

629. The heading of Division IX of the said Act is replaced by the following heading:

“ACTS CONSTITUTING THE HYPOTHEC OF CERTAIN RAILWAY COMPANIES”.

630. Section 35 of the said Act is repealed.

631. Section 36 of the said Act is replaced by the following section:

“**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*.”

632. Section 37 of the said Act is amended by replacing the word “registration” in the third line by the word “publication”.

633. Section 38 of the said Act is replaced by the following section:

33. 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.”

634. Section 40 of the said Act is replaced by the following section:

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.”

635. 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

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

YOUTH PROTECTION ACT

637. 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”.

638. Sections 71 and 72 of the said Act are repealed.

PUBLIC HEALTH PROTECTION ACT

639. Section 42 of the Public Health Protection Act (R.S.Q., chapter P-35) is repealed.

640. 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.

641. The heading of Division VIII of the said Act is amended by replacing the word “DECLARATIONS” by the word “CERTIFICATES”.

642. Section 45 of the said Act is amended by replacing the word “declaration” in the third line by the word “certificate”.

643. Section 46 of the said Act is amended by replacing the word “declaration” in the second line by the word “certificate”.

644. Section 47 of the said Act, amended by section 11 of chapter 44 of the statutes of 1991, is again amended by replacing the word “declaration”, wherever it appears, by the word “certificate”.

645. Section 48 of the said Act is repealed.

646. Section 50 of the said Act is replaced by the following section:

“**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.”

647. Section 51 of the said Act is amended by replacing the word “declaration” in the second line by the word “certificate”.

648. 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.

649. Section 62 of the said Act is amended by replacing the word “declaration” in the second line by the word “certificate”.

650. Section 69 of the said Act, amended by section 11 of chapter 55 of the statutes of 1990, is again amended

(1) by inserting the words “and certificates” after the word “declarations” in the first line of subparagraph *e* of the first paragraph;

(2) by inserting the words “and certificates” after the words “such declarations” in the fourth line of subparagraph *e* of the first paragraph.

CONSUMER PROTECTION ACT

651. Section 1 of the Consumer Protection Act (R.S.Q., chapter P-40.1) is amended

(1) by inserting, after subparagraph *d* of the first paragraph, the following subparagraph:

“(d.1) “merchant” means a person offering goods or services within the scope of an enterprise he operates;”;

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

“(e) “consumer” means a natural person who acquires, leases, borrows or obtains in any other manner goods or services from a merchant for personal, family or domestic purposes;”.

652. Section 2 of the said Act is amended by replacing the words “in the course of his business” in the second and third lines by the words “within the scope of the enterprise operated by the merchant”.

653. The said Act is amended by inserting, after section 22, the following section:

“**22.1** An election of domicile signed by a non-merchant within the limits of the district in which he has his residence is without effect in respect of court jurisdictions, except if it is made by notarial act.”

654. Section 88 of the said Act is amended by striking out the second paragraph.

MENTAL PATIENTS PROTECTION ACT

655. 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:

“**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.”

656. Sections 14 to 20 of the said Act are repealed.

657. Section 21 of the said Act is amended by replacing the second paragraph by the following paragraph:

“Such a person shall not be kept for more than forty-eight hours without his consent or the court’s authorization.”

ACT TO PRESERVE AGRICULTURAL LAND

658. Section 1 of the Act to preserve agricultural land (R.S.Q., chapter P-41.1) is amended by replacing subparagraph *c* of paragraph 3 by the following subparagraph:

“(c) voluntary giving in payment to the extent that the creditor becomes the owner of the whole lot or of all the lots subject to the hypothec;”.

659. Section 82 of the said Act is amended by striking out the word “, privileges” in the second line.

660. Section 84 of the said Act is amended by replacing the third paragraph by the following paragraph:

“Registration of the notice constitutes a legal hypothec in favour of the Government.”

ENVIRONMENT QUALITY ACT

661. Section 113 of the Environment Quality Act (R.S.Q., chapter Q-2) is amended

(1) by replacing the words “claim carrying a privilege” in the second line of the second paragraph by the words “hypothecary claim”;

(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

662. 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 RESPECTING THE RÉGIE DE L'ASSURANCE-MALADIE DU QUÉBEC

663. 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

664. Section 46 of the Act respecting the Régie du logement (R.S.Q., chapter R-8.1) is amended by replacing the second paragraph by the following paragraph:

“The forced sale at auction, the expropriation or the taking in payment of the immovable, or the retaking of possession of the immovable following an agreement made in good faith does not constitute an alienation.”

665. Section 64 of the said Act is amended by replacing paragraph 8 by the following paragraph:

“(8) if he is a tutor, curator or adviser, successor or donee of any of the parties;”.

666. Schedule II to the said Act is amended

(1) by adding the words “and the Civil Code of Québec” after the words “Act respecting the Régie du logement (R.S.Q., chapter R-8.1)”;

(2) by striking out the following: “□ an expert’s report;”.

ACT RESPECTING THE QUÉBEC PENSION PLAN

667. 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.

668. 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

669. Sections 42 and 43 of the Watercourses Act (R.S.Q., chapter R-13) are repealed.

SUPPLEMENTAL PENSION PLANS ACT

670. Section 52 of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1) is amended by replacing the first three lines of the first paragraph by the following:

52. Unless they have acted with prudence and diligence, or unless despite their prudence and diligence, they were”.

671. Section 151 of the said Act is amended by replacing the words “prudence, diligence and skill” in the first and second lines of the first paragraph by the words “prudence and diligence”.

672. Section 265 of the said Act is replaced by the following section:

265. Any amount that an employer fails to pay into the pension fund or to the insurer shall constitute a legal hypothec on his movable and immovable property.

A legal hypothec is created and maintained on the conditions specified in article 2725 of the Civil Code of Québec; the registration required by the said article may be effected by any interested person within 60 days after the date on which the interested person becomes aware of the employer’s default.”

ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

673. Section 158 of the Act respecting occupational health and safety (R.S.Q., chapter S-2.1) is repealed.

PUBLIC BUILDINGS SAFETY ACT

674. Section 34 of the Public Buildings Safety Act (R.S.Q., chapter S-3) is amended by replacing the words “privileged claim” in the sixth line by the words “claim giving rise to a legal hypothec”.

ACT RESPECTING THE SOCIÉTÉS D'ENTRAIDE ÉCONOMIQUE

675. 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

676. 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.

677. 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.

678. 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

679. 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”.

680. Section 40 of the said Act is amended by striking out the words “first privilege or” in the twelfth line of the second paragraph.

681. 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

682. 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

683. Section 6 of the Act respecting land titles in certain electoral districts (R.S.Q., chapter T-11) is amended by striking out the words “or privileged” in the third line.

ACT RESPECTING TRANSPORTATION BY TAXI

684. 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”.

685. 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

686. Section 84 of the Transport Act (R.S.Q., chapter T-12) is amended by replacing the words “privilege on the property entrusted to his administration and such privilege shall rank with law costs” in the fourth, fifth and sixth lines by the words “legal hypothec on the property entrusted to his administration”.

COURTS OF JUSTICE ACT

687. Section 219 of the Courts of Justice Act (R.S.Q., chapter T-16) is amended by striking out the words “authorized to keep the registers of civil status” in the first and second lines of subparagraph *d* of the first paragraph.

ACT RESPECTING THE UNIVERSITÉ DU QUÉBEC

688. 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

689. Section 10.2 of the Securities Act (R.S.Q., chapter V-1.1) is amended

(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”.

690. Section 10.4 of the said Act is amended

(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

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

MISCELLANEOUS PROVISIONS

692. Section 40 of the Act to amend the Environment Quality Act and other legislation (1982, chapter 25) is repealed.

693. Sections 65, 78 and 79 of the Archives Act (1983, chapter 38) are repealed.

694. Section 3 of the Act to amend the Civil Code, the Registry Office Act and the Territorial Division Act (1986, chapter 62) is repealed.

695. 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”.

696. 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”.

FINAL PROVISIONS

697. 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.

The amending provisions of this Act will take effect, as regards amended texts which are not in force, only from the date of coming into force of the latter.