



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-FOURTH LEGISLATURE

Bill 47

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

Introduction

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

**Québec Official Publisher
1990**

EXPLANATORY NOTE

The object of this bill is to clarify, by way of an interpretative clause, the meaning of article 462.5 of the Civil Code of Québec, and to correct a technical error in the English text of article 455.1 of this Code.

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Article 462.5 of the Civil Code of Québec is replaced by the following article:

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

A further deduction from the net value is made, in the first case, of the increase in value acquired by the property during the marriage, proportionately to the ratio existing at the time of the marriage between the net value and the gross value of the property, and, in the second case, of the increase in value acquired since the contribution, proportionately to the ratio existing at the time of the contribution between the value of the contribution and the gross value of the property.”

2. Article 462.5 of the Civil Code is deemed always to have read as in its new version.

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

4. This Act comes into force on *(insert here the date of assent to this Act)*.