

NATIONAL ASSEMBLY

FIRST SESSION

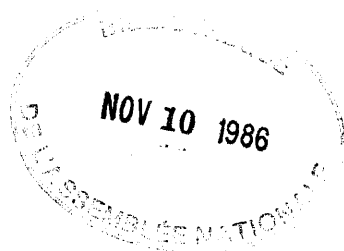
THIRTY-THIRD LEGISLATURE

Bill 125

An Act to amend the Code of Civil Procedure

Introduction

**Introduced by
Mr Herbert Marx
Minister of Justice**



**Québec Official Publisher
1986**

EXPLANATORY NOTES

This bill amends the Code of Civil Procedure to allow the plaintiff to testify out of court in cases of separation as to bed and board and divorce if the defendant fails to appear or to plead his case before the court.

The bill also makes a technical amendment to the Code in the matter of seizure.

Finally, the basic amount of the unseizable portion of a debtor's salary and wages prescribed by the Act to amend the Code of Civil Procedure (1986, chapter 55) becomes applicable from 1 January 1987 to seizures for which the writ was issued before 1 August 1986.

ACTS AMENDED BY THIS BILL:

- Code of Civil Procedure (R.S.Q., chapter C-25);
- Act to amend the Code of Civil Procedure (1986, chapter 55).

Bill 125

An Act to amend the Code of Civil Procedure

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

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

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

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

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

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

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

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

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

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

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