FOURTH SESSION

THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

Bill 89

An Act to establish a new Civil Code and to reform family law

First reading .....
Second reading .....
Third reading .....

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Ministre de la justice

L'ÉDITEUR OFFICIEL DU QUÉBEC

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EXPLANATORY NOTES

The object of this bill is to establish a new Civil Code and to reform family law.

Consequently, section 1 of the bill establishes the Civil Code of Québec *and introduces Book Two of the new Code, on the family.*

Title One of Book Two of the new Code sets down the legal rules governing marriage. The first five chapters deal with the fundamental conditions of marriage, the celebration of marriage, proof of marriage, and nullity of marriage. Chapter 6 states the effects of marriage, particularly in regard to the rights and duties of husband and wife and the administration of the family residence. Chapter 7 deals with matrimonial regimes, setting forth the governing rules for all regimes, and the special rules governing the legal regimes of partnership of acquests and separation as to property. Chapter 8 treats of separation as to bed and board, and Chapter 9 states the causes of dissolution of marriage.

Title Two of Book Two contains the rules applicable to grounds for divorce, divorce proceedings, and the effects of divorce.

Title Three deals with the establishment and the effects of filiation by blood and filiation by adoption.

Finally, Titles Four and Five (still within the scope of section 1 of the bill) set out the rules applicable to the obligation of support between spouses, and between relatives, and to the exercise of parental authority.

Sections 2 to 58 of the bill repeal certain legislation, particularly the Adoption Act (R.S.Q., c. A-7), and enact concordance amendments and related provisions designed to complete the reform of family law, while removing certain distinctions based on sex, age and status.

Sections 59 to 74 contain the necessary transitional provisions for the implementation of this reform.

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of
BOOK TWO
OF THE

CIVIL CODE OF QUÉBEC

BOOK TWO

THE FAMILY

Sec. 1. *This section is new law. It establishes the Civil Code of Québec and enacts Book Two of the Code dealing with the family. The book includes five titles, namely "Marriage", "Divorce", "Filiation", "The Obligation of Support" and "Parental Authority".*

Bill 89

An Act to establish a new Civil Code and to reform family law

WHEREAS the Legislature decided in 1955 to entrust the general revision of the Civil Code of Lower Canada to a jurist;

WHEREAS the Legislature decided in 1960 that the jurist's report would serve as a basis on which a final draft of a new Civil Code would be prepared;

WHEREAS the jurist's report was tabled in the Assemblée nationale on 20 June 1978;

WHEREAS it is advisable to establish a new Civil Code, but the wide range of the proposed reforms and related studies make it necessary to spread the enactment of its various parts over a period of time;

WHEREAS it is expedient moreover to proceed first of all with the reform of family law;

HER MAJESTY, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

1. A Civil Code of Québec is hereby established, Book Two of which reads as follows:

"BOOK TWO

"THE FAMILY

"TITLE ONE

"MARRIAGE

"CHAPTER I

"CONDITIONS REQUIRED FOR CONTRACTING MARRIAGE

"**400.** Marriage requires the free and enlightened consent of the intended spouses.

"**401.** Consent to marriage is the agreement expressed by a man and a woman to take each other as husband and wife.

"**402.** No person may contract marriage before he is eighteen years of age.

"**403.** The court may grant a dispensation when an intended spouse is not less than sixteen years of age.

The person having parental authority, the tutor if the minor has a tutor and any person who has custody of the minor must be summoned to give their opinions.

The minor may apply alone for a dispensation from the age requirement.

"**404.** No new marriage may be contracted before the annulment or dissolution of the previous marriage.

"**405.** No person may contract marriage with any of his ascendants or descendants, nor with his brother or sister or any of their children in the first degree.

"CHAPTER II

"OPPOSITION TO MARRIAGE

"**406.** Any interested person may oppose the celebration of a marriage between persons incapable of contracting it.

"**407.** A minor may oppose a marriage alone. He may also act alone as defendant.

"**408.** An opponent may be liable for damages if he has abused his right of opposition.

"CHAPTER III

"THE CELEBRATION OF MARRIAGE

"**409.** Marriage must be contracted openly, in the presence of two witnesses, before a competent officiant.

"**410.** Every minister of religion authorized by law to celebrate marriage or to keep registers of civil status and, in the judicial district for which he is appointed, the prothonotary, and every deputy whom he designates, is competent to celebrate marriage.

"**411.** No minister of religion may be compelled to celebrate a marriage to which there is any impediment according to his religion and to the discipline of the Church to which he belongs.

"**412.** Before the celebration of a marriage, publication must be effected by means of a notice posted up, for twenty days before the date fixed for the marriage, at the place where the marriage is to be celebrated.

"**413.** A marriage publication contains a declaration of each of the intended spouses stating their given names, surnames, occupations and domiciles, whether they are of age or minors, and the given names and surnames of their fathers and mothers. The correctness of the declaration is confirmed by a witness of full age.

"**414.** The prothonotary or his deputy may, for a valid reason, grant a dispensation from publication.

"**415.** If a marriage is not celebrated within three months from the twentieth day after publication, the publication must be renewed.

"**416.** Before proceeding with a marriage, the officiant assures himself as to the identity and marital status of the intended spouses.

He also assures himself that all the formalities have been completed and that the dispensations, if any, have been granted.

"**417.** In the presence of the witnesses, the officiant reads article 441 to the intended spouses.

He requests and receives, from each intended spouse personally, a declaration of their wish to take each other as husband and wife. He then declares them united in marriage.

"**418.** The officiant immediately enters the act of marriage in the registers of civil status.

If the officiant is not authorized to keep the registers, he draws up an act of marriage and sends it, within thirty days of the celebration, to the prothonotary of the district in which the marriage has been celebrated, with a declaration attesting the truth thereof.

"**419.** The prothonotary or his deputy must comply with the rules made by the Ministre de la Justice for the celebration of marriages and collect from the intended spouses, on behalf of the Ministre des Finances, any amount fixed by order.

"**420.** A marriage celebrated outside Québec between two persons, either or both of whom are subject to its laws, is valid, if celebrated according to the formalities of the place where it is performed, provided that the parties did not go there with the intention of evading the law.

"CHAPTER IV

"PROOF OF MARRIAGE

"**421.** Marriage is proved by an act of marriage, except in cases where the law authorizes another mode of proof.

"**422.** Possession of the status of spouses compensates for a defect of form in the act of marriage.

"CHAPTER V

"NULLITY OF MARRIAGE

"SECTION I

"CAUSES OF NULLITY

"**423.** A marriage contracted by a married person, by a person less than sixteen years of age, or in spite of an impediment due to relationship may be declared null at any time upon the application of any interested person.

"**424.** A marriage contracted by a person who has gone through the formalities of marriage without the intention of assuming the obligations of marriage may be declared null upon the application of any interested person.

No marriage in which there has been cohabitation for one year may be attacked.

"**425.** A marriage contracted by a person incapable of discernment may be declared null upon the application of his curator or of either spouse.

"**426.** No marriage contracted by a person who has not given free consent or who has been misled by an error may be declared null except upon the application of that person.

Error is a cause of nullity only when it bears on an essential characteristic of the spouse, through the fraud of that spouse or of a third person with the knowledge of that spouse, or on the identity of the spouse.

"**427.** No marriage in which there has been cohabitation of the spouses for one year from the recovery of discernment or from the time the spouse acquired complete freedom or became aware of his error may be attacked.

"**428.** A marriage contracted by a person who is impotent at the time of the marriage may be declared null upon the application of either spouse.

No marriage in which there has been cohabitation for one year may be attacked.

"**429.** A marriage contracted without judicial dispensation by a person between sixteen and eighteen years of age may be declared null upon the application of that person or of the persons who must be summoned to give their opinions when a dispensation regarding age is applied for.

No marriage in which one year has elapsed since the condition regarding age was satisfied may be attacked.

"**430.** A marriage which has not been contracted openly before a competent officiant in the presence of two witnesses may be declared null upon the application of any interested person, although the court may decide according to the circumstances.

"SECTION II

"EFFECTS OF NULLITY

"**431.** The nullity of a marriage, for whatever reason, does not deprive the children of the advantages secured to them by law or by the marriage contract.

The rights and duties of fathers and mothers towards their children are unaffected by nullity.

"**432.** A marriage, although declared null, produces civil effects with regard to the spouses if they were in good faith.

In particular, the liquidation of the matrimonial regime that is then presumed to have existed is proceeded with, unless the spouses agree on each taking back his property.

"**433.** If the spouses were in bad faith, each takes back his property.

"**434.** If only one spouse was in good faith, he may either take back his property or apply for the liquidation of the matrimonial regime that is then presumed to have existed.

"**435.** A spouse in good faith is entitled to the gifts *inter vivos* made to him in consideration of his marriage, unless otherwise provided in the contract.

However, the court may, when declaring a marriage null, declare the gifts lapsed, reduce them or order their payment deferred for the period of time fixed by it, taking the circumstances of the parties into account.

"**436.** The nullity of the marriage renders null the gifts *inter vivos* made in consideration of the marriage to a spouse in bad faith.

"**437.** The nullity of the marriage renders null the gifts *mortis causa* made in consideration of the marriage to the spouses.

"**438.** A spouse is presumed to have contracted marriage in good faith unless, when declaring the marriage null, the court declares him to be in bad faith.

"**439.** The court decides, as in divorce proceedings, as to the provisional measures pending suit, the custody, maintenance and education of the children and, in declaring nullity, the right of a spouse in good faith to support, and as to one spouse's contribution to the increase of the assets of the other.

"CHAPTER VI

"EFFECTS OF MARRIAGE

"**440.** In no case may spouses derogate from the provisions of this chapter, whatever their matrimonial regime.

"SECTION I

"RIGHTS AND DUTIES OF SPOUSES

"**441.** The spouses have identical rights and obligations in marriage.

They owe each other respect, fidelity, succour and assistance.

They must live together.

"**442.** Marriage does not diminish the legal capacity of the spouses.

"**443.** In marriage, each spouse retains his surname and given names, and exercises his civil rights under this surname and these given names.

"**444.** The spouses together take in hand the moral and material direction of the family.

"**445.** The spouses choose the family residence together.

"**446.** The spouses contribute towards the expenses of the marriage in proportion to their respective means.

Each spouse may make his contribution by his activity within the home.

"**447.** A spouse who enters into a contract for the current needs of the family also commits his spouse for the whole, if they are not separated as to bed and board.

However, the non-contracting spouse is not responsible for the debt if he had previously informed the other contracting party of his will not to be liable.

"**448.** Either spouse may give the other a mandate to represent him in the acts relating to the moral and material direction of the family.

This mandate is presumed if one spouse is unable to manifest his intention for any reason or if he is unable to do so within the proper time.

"**449.** If the spouses disagree as to the exercise of their rights and the performance of their duties, either of them may apply to the court, which will decide in the interest of the family after endeavouring to conciliate the parties.

"SECTION II

"THE FAMILY RESIDENCE

"**450.** Neither spouse may, without the consent of the other, pledge, alienate or remove from the principal family residence the household furniture used by the family.

"**451.** If a spouse has not consented to an act concerning any household furniture used in the principal family residence, he may apply to have the act annulled, unless he has ratified it.

However, no act by onerous title may be annulled if the other contracting party was in good faith.

"**452.** Neither spouse, if the lessee of the principal family residence, may, without the consent of the other, sublet it, transfer it or terminate the lease when the lessor has been notified, by either of them, that the dwelling is used as the principal residence.

If the other spouse has not consented to the act, he may apply to have it annulled, unless he has ratified it.

"**453.** Neither spouse, if the owner of an immoveable with fewer than five dwellings that is used in whole or in part as the principal family residence, and if a declaration of residence has been registered against the immoveable, may, without the consent of the other, alienate the immoveable, charge it with a real right or lease that part of it reserved for the use of the family.

If the other spouse has not consented to the act, he may apply to have it annulled, unless he has ratified it.

This article applies to a usufructuary, an emphyteutic lessee and a person who has a right of use.

"**454.** The declaration of residence is made by both spouses or by either of them.

"**455.** Either spouse may be authorized by the court to enter alone into any act for which the consent of the other would be required, provided such consent is unobtainable for any reason, or its refusal is not justified by the interest of the family.

The authorization is special and for a definite time; it may be amended or revoked.

"**456.** In the event of separation as to bed and board, divorce or annulment of marriage, the court may, upon the application of either spouse, award to the spouse of the lessee the lease of the principal family residence.

The award binds the lessor upon being served on him and relieves the original lessee of the rights and obligations arising out of the lease from that time forward.

"**457.** In the event of separation as to bed and board, or the dissolution or annulment of a marriage, the court may award to one spouse or, in the event of death, to the surviving spouse, the ownership or use of household furniture belonging to the other that is used in the principal family residence.

"**458.** In the event of the dissolution or annulment of marriage, the court may award to either spouse or, in the event of death, to the surviving spouse, as compensation for his contribution to the increase of the assets of the other, a right of ownership or habitation of the immoveable that was used as the principal family residence and over which the other spouse has a right of ownership.

In the event of separation as to bed and board, only a right of habitation may be awarded.

"**459.** The award of the right of use, habitation or ownership is effected, failing agreement between the parties, on the conditions determined by the court and, in particular, on condition of payment of any balance, immediately or by instalments.

When the balance is payable by instalments, the court fixes the terms and conditions of guarantee and payment.

"**460.** Judicial award of a right of ownership is subject to the provisions relating to sale.

"**461.** A judgment awarding a right of use, habitation or ownership is equivalent to title and has the effects thereof.

"CHAPTER VII

"MATRIMONIAL REGIMES

"SECTION I

"GENERAL PROVISIONS

"§ 1.—*Choice of matrimonial regime*

"**462.** Any kind of stipulation may be made in a marriage contract, subject to the imperative provisions of law, public order and good morals.

"**463.** Spouses who, before the celebration of their marriage, have not fixed their matrimonial regime in a marriage contract, are subject to the regime of partnership of acquests.

"**464.** A matrimonial regime, whether legal or conventional, takes effect on the day when the marriage is celebrated.

A change to the matrimonial regime effected during the marriage takes effect on the day of the act attesting the change.

No parties may stipulate that their matrimonial regime or any change to it will take effect on another date.

"**465.** A minor authorized to marry may, before the marriage is celebrated, make all such matrimonial agreements as the marriage contract admits of, provided he is authorized to that effect by the court.

The person having parental authority or the tutor, if the minor has a tutor, must be summoned to give his opinion.

The minor may apply for the authorization alone.

"**466.** Agreements not authorized by the court may be attacked only by the minor or by the persons who had to be summoned to give their opinions; no such agreement may be attacked if one year has elapsed since the marriage was celebrated.

"**467.** No prodigal or person of weak intellect may make matrimonial agreements without the assistance of his judicial adviser or curator, the latter having to be authorized for this purpose by the court upon the advice of the family council.

No agreement made in violation of this article may be impugned except by the prodigal or the person of weak intellect, or his curator or judicial adviser, as the case may be, nor except in

the year immediately following the celebration of the marriage or the day of the act changing the matrimonial agreements.

"**468.** Intended spouses may change their matrimonial agreements before the celebration of the marriage, in the presence and with the consent of all those who were parties to the marriage contract, provided the changes themselves are made by marriage contract.

"**469.** During marriage, spouses may change their matrimonial regime and any stipulation in their marriage contract, provided the change itself is made by marriage contract.

Gifts made in marriage contracts, including gifts *mortis causa*, may be changed even if they are stipulated as irrevocable, provided the consent of all interested persons is obtained.

If a creditor sustains a prejudice by a change to a marriage contract, he may, within one year of becoming aware of the change, have it declared unenforceable in his regard.

"**470.** Children to be born are represented by the spouses for the modification or suppression before or during the marriage of gifts made to them by the marriage contract.

"**471.** Marriage contracts must be established by a notarial deed *en minute*, on pain of absolute nullity.

"**472.** The notary receiving a marriage contract changing a previous contract must immediately, by registered or certified mail, notify the depositary of the original marriage contract and the depositary of any contract changing the matrimonial regime. The depositary must enter the change on the original and on any copy he may make of it, indicating the date of the contract, the name of the notary and the number of his minutes.

"**473.** A notice of every marriage contract must be given to the person entrusted with keeping the central register of matrimonial regimes.

"§ 2.—*Exercise of the rights and powers arising out of the matrimonial regime*

"**474.** Either spouse may give the other a mandate to represent him in the exercise of the rights and powers granted to him by the matrimonial regime.

"**475.** The court may confer upon either spouse the mandate to administer the property of the other or the property that the

other administers under the matrimonial regime, when this other spouse is unable to manifest his intention or is unable to do so within the proper time.

The court fixes the modalities and conditions of exercise of the powers conferred.

"**476.** The court may declare the judicial mandate withdrawn once it is established that it is no longer necessary.

The mandate ceases *pleno jure* upon the other spouse's being provided with a curator.

"**477.** Either spouse, having administered the property of the other, accounts only for the existing fruits and not for those consumed before he was put in default to render an account, unless there is express stipulation to the contrary.

"**478.** If one spouse exceeds the powers granted to him by the matrimonial regime, the other may apply for the nullity of the act, unless he has ratified it.

As regards moveable property, however, each spouse is deemed, in respect of third parties in good faith, to have power to enter alone into acts by onerous title for which the consent of the other spouse would be necessary.

"SECTION II

"PARTNERSHIP OF ACQUESTS

"§ 1.—*Composition of the partnership of acquests*

"**479.** The property that each spouse possesses when the regime comes into effect or that he subsequently acquires constitutes acquests or private property according to the rules that follow.

"**480.** The acquests of each spouse include all property not declared to be private property by law, and, in particular,

1. the proceeds of his work during the regime;

2. the fruits and income due or collected from all his private property or acquests during the regime.

"**481.** The private property of each spouse consists of

1. property owned or possessed by him when the regime comes into effect;

2. property that accrues to him during the regime by succession, legacy or gift, and the fruits and income derived from that property if the testator or donor has expressly so provided;

3. property acquired by him to replace private property;

4. the rights or advantages that accrue to him as a contingent owner or as a beneficiary under a contract or plan for a retirement pension or other annuity, or for insurance of persons;

5. his clothing, personal linen and papers, wedding ring, decorations and diplomas;

6. the instruments required for his occupation, saving compensation where applicable.

"**482.** Property acquired partly from private property and partly from acquests is also private property, saving compensation in favour of the acquests.

However, if the value of the acquests used is equal to or greater than that of the private property used to acquire this property, the property becomes an acquest subject to compensation, even though the cost has not been paid immediately or has been paid by means of a loan.

The same rule applies to insurance of persons, retirement pensions and other annuities that a spouse may redeem in advance.

"**483.** When, during the regime, a spouse acquires another share in property of which he was already privately an undivided co-owner, this acquired share is also his private property, saving compensation where applicable.

However, if the value of the acquests used to acquire the share is equal to or greater than one-half of the total value of the property of which the spouse has become the owner, this property becomes an acquest, subject to compensation.

"**484.** The right of a spouse to support, to a disability allowance or to any other benefit of the same nature remains his private property; however, all pecuniary benefits derived from these are acquests, if they fall due or are collected during the regime or are payable at his death to his heirs and legal representatives.

The same rule applies to retirement pensions and other annuities that the holder is unable to redeem in advance.

No compensation is due by reason of any amount or premium paid out of the acquests or the private property to acquire the pensions or other benefits.

"**485.** Compensation received as damages for injury to the person, the right to the claims or compensation, and the actions arising from them, are also private property.

"**486.** Property acquired as an accessory of or an annex to private property, and any construction erected on an immoveable which is private property, remains private, saving compensation if need be.

However, if the accessory or annex was acquired, or the construction erected, from acquests, and if its value is equal to or greater than that of the private property, the whole becomes an acquest subject to compensation.

"**487.** The proceeds of any distribution of a capital nature pertaining to securities that are the private property of one spouse remain his private property.

This rule applies to the proceeds of any capitalization of reserves or surplus, of share dividends, of any redemption or prepaid premiums, and any securities acquired by the exercise of a right of subscription.

However, share dividends and securities acquired under a right of subscription are not private property except on condition of compensation.

"**488.** Intellectual and industrial property rights are private property, but all proceeds and income arising from them and collected or fallen due during the regime are acquests.

"**489.** All property is presumed to constitute an acquest, both between the spouses and with respect to third parties, unless it is established that it is private property.

"**490.** Any property that a spouse is unable to prove to be his exclusive private property or acquest is presumed to be held by both spouses in undivided ownership, one-half by each.

"§ 2.—*Administration of property and liability for debts*

"**491.** Each spouse has the administration, enjoyment and free disposal of his private property and acquests.

"**492.** Neither spouse may, however, without the consent of the other, dispose of his acquests *inter vivos* by gratuitous title, with the exception of modest sums and customary presents.

However, he may be authorized by the court to enter into the act alone, if he is unable to obtain consent for any reason whatever or if refusal is not justified in the interest of the family.

"**493.** Article 492 does not limit the right of either spouse to designate a third person as a beneficiary or contingent owner of an insurance of persons or as a beneficiary of a retirement pension or other annuity.

No compensation is due by reason of the sums or premiums paid out of the acquests if the designation is in favour of the other spouse or of the children of either spouse.

"**494.** Each spouse is liable on both his private property and his acquests for all debts incurred by him before or during the marriage.

While the regime lasts, neither spouse is liable for the debts incurred by the other, subject to articles 446 and 447.

"§ 3.—*Dissolution and liquidation of the regime*

"**495.** The regime of partnership of acquests is dissolved by

1. the death of one of the spouses;

2. a conventional change of regime during the marriage;

3. a judgment that pronounces divorce, separation as to bed and board, or separation as to property;

4. the absence of one of the spouses in the cases provided by law;

5. the nullity of the marriage in the cases provided for in articles 432 and 434.

However, in the cases of paragraphs 3 and 5, the effects of the dissolution are retroactive, between the spouses, to the day of the application, unless the court defers them to a prior date by the application of article 496.

"**496.** The court may, upon the application of either spouse or of his legal representative, decide that, in the mutual relations of the spouses, the effects of the dissolution will be from the date when they have ceased to live together.

"**497.** Each spouse retains his private property after the regime is dissolved.

He may accept or renounce the partition of his spouse's acquests, notwithstanding any agreement to the contrary.

"**498.** Acceptance may be either express or tacit.

No spouse who has interfered in the management of the acquests of the other spouse after the regime is dissolved may renounce partition.

Conservatory acts or acts of simple administration do not constitute interference.

"**499.** Renunciation must be made by notarial deed *en minute* or by judicial declaration recorded by the court. It must be registered in the registry office of the registration division where the common domicile of the spouses is situated, or, if there is no common domicile, where the domicile of the renouncing spouse is situated.

A spouse who has not registered his renunciation within one year following the date of the dissolution is deemed to have accepted.

"**500.** If either spouse renounces partition, the share of the other's acquests to which he would have been entitled remains vested in the other.

However, the creditors of the spouse who renounces partition to the prejudice of their rights may attack the renunciation and accept the share of the acquests of their debtor's spouse in his place and stead.

In that case, the renunciation is annulled only in favour of the creditors and only to the extent of the amount of their claims; it is not annulled in favour of the renouncing spouse.

"**501.** A spouse who has abstracted or concealed acquests is declared to have accepted, notwithstanding any renunciation.

He forfeits his share of the acquests abstracted or concealed, unless his spouse renounces them. Moreover, he forfeits the benefit of emolument.

"**502.** Acceptance and renunciation are irrevocable.

"**503.** When the regime is dissolved by death, the heirs of the deceased spouse may accept or renounce the partition of the surviving spouse's acquests, and the provisions on the dissolution and liquidation of the regime apply to them, except article 513.

If one of the heirs accepts partition and the others renounce it, the heir who accepts may take only the portion of the acquests that he would have had if all had accepted.

"**504.** When a spouse dies while still entitled to renounce partition, his heirs have a further period of one year from the date of the death in which to register their renunciation.

"**505.** When the partition of a spouse's acquests is accepted, the property of his patrimony must first be divided into two masses, one comprising the private property and the other the acquests.

"**506.** A statement is then prepared of the compensation owed by the mass of private property to the mass of the spouse's acquests, and vice versa.

The compensation is equal to the enrichment enjoyed by one mass to the detriment of the other.

"**507.** The enrichment is assessed as on the day the regime dissolves.

However, when the property acquired or improved was alienated during the regime, the enrichment is valued as on the day of the alienation.

"**508.** No compensation is due by reason of expenses incurred solely for the maintenance or preservation of the property.

"**509.** Unpaid debts incurred for the benefit of the private property give rise to compensation as if they had already been paid out of the acquests.

"**510.** Payment out of acquests of any fine imposed by law gives rise to compensation.

"**511.** If the statement shows a balance in favour of the mass of acquests, the spouse who holds the patrimony makes a return to the mass for partition, either by taking less, or in value, or from his private property.

If the statement shows a balance in favour of the mass of private property, the spouse removes assets from his acquests up to the amount owed.

"**512.** Once the settlement of compensation has been completed, the mass of acquests is evenly divided with the spouses, according to the rules provided for partitions among co-heirs, unless the spouse who holds the patrimony prefers to reimburse his spouse by paying all or part of what is due.

"**513.** If the dissolution of the regime results from the death or absence of the spouse who holds the patrimony, his

spouse may require, on condition of payment of any balance, immediately or by instalments, that his share include the family residence and the household furniture and any other family property forming part of the mass for partition.

If there is no agreement on the payment of the balance, the court fixes the terms and conditions of guarantee and payment.

"**514.** If the parties do not agree on the evaluation of the property, it is valued by experts designated by the parties or, failing them, the court.

"**515.** Dissolution of the regime cannot prejudice the recourse, before the partition, of former creditors against all of their debtor's patrimony.

After the partition, the former creditors may sue the spouse who is their debtor, and also the other spouse, for payment of their claims, but, in the case of the other, only to the extent of the benefit derived by him. Each spouse, however, has recourse against the other for one-half of the sums that he has thus been called upon to pay.

"SECTION III

"SEPARATION AS TO PROPERTY

"§ 1.—*Conventional separation as to property*

"**516.** The regime of conventional separation as to property is established by a simple declaration to this effect in the marriage contract.

"**517.** Under the regime of separation as to property, each spouse has the administration, enjoyment and free disposal of all his property.

"**518.** Property over which neither spouse is able to establish his exclusive right of ownership is presumed to be held by both in undivided ownership, one-half by each.

"§ 2.—*Judicial separation as to property*

"**519.** Either spouse may obtain separation as to property when the application of the rules of the matrimonial regime appears to be contrary to his interests or to those of the family.

"**520.** Separation as to property judicially obtained entails dissolution of the matrimonial regime and puts the spouses in the situation of those who are conventionally separate as to property.

Between spouses, the effects of the separation are retroactive to the day of the application unless the court decides on an earlier date in the application of article 496.

"**521.** No creditor of the spouses may apply for separation as to property, but such a creditor may intervene in the action.

The creditor may also institute proceedings against separation as to property that has been pronounced or executed in fraud of his rights.

"**522.** Dissolution of the matrimonial regime effected by separation as to property does not give rise to the rights of survivorship, unless the contrary has been stipulated in the marriage contract.

"CHAPTER VIII

"SEPARATION AS TO BED AND BOARD

"SECTION I

"GROUNDS AND PROCEDURE OF SEPARATION AS TO BED AND BOARD

"**523.** Separation as to bed and board is granted when the will to live together is seriously damaged.

"**524.** The will to live together is deemed to be seriously damaged in the cases set forth in article 538.

"**525.** If the spouses submit to the approval of the court a draft agreement settling the consequences of their separation as to bed and board, they may apply for separation without further proof of serious damage to their will to live together.

The court then grants the separation if it considers, after hearing the spouses, that the draft sufficiently preserves the interests of each of them and of the children.

"**526.** Subject to the rules applicable to an application provided for in article 525, the rules pertaining to divorce proceedings apply to the application for separation as to bed and board.

"SECTION II

"EFFECTS OF SEPARATION AS TO BED AND BOARD

"**527.** Separation as to bed and board produces its effects on the day the judgment granting the separation acquires the status of *res judicata*.

"**528.** Separation as to bed and board releases the spouses from the obligation to live together; it does not break the bond of marriage.

"**529.** Separation as to bed and board carries with it separation as to property, where applicable.

Between spouses, the effects of separation as to property are produced from the day of the application for separation as to bed and board, unless the court decides on an earlier date in application of article 496.

"**530.** Separation as to bed and board does not immediately give rise to rights of survivorship, unless stipulated to the contrary in the marriage contract.

"**531.** Separation as to bed and board does not entail the lapse of gifts made to the spouses in consideration of marriage, unless stipulated to the contrary in the contract.

However, the court, when granting a separation, may declare the gifts lapsed or reduce them, or order the payment of gifts *inter vivos* deferred for such time as it may fix.

"**532.** The court decides, as in matters of divorce, as to the contribution of one spouse to the increase of the assets of the other.

In such a case, the compensatory allowance may be paid, wholly or in part, by the award of a right of ownership, use or habitation in accordance with articles 457 to 461.

"**533.** The court, when granting a separation as to bed and board or subsequently, may order either spouse to pay support to the other.

"**534.** Separation as to bed and board produces towards the children the same effects as divorce.

"SECTION III

"END OF SEPARATION AS TO BED AND BOARD

"**535.** Separation as to bed and board is terminated upon the spouses' voluntarily resuming living together.

Separation as to property remains unless the spouses elect another matrimonial regime by marriage contract.

"CHAPTER IX

"DISSOLUTION OF MARRIAGE

"**536.** Marriage is dissolved by the death of either spouse or by divorce.

"TITLE TWO

"DIVORCE

"CHAPTER I

"GROUNDS FOR DIVORCE

"**537.** Divorce is granted when the will to maintain the bond of marriage is irretrievably damaged.

"**538.** A marriage is deemed to be irretrievably damaged when

1. a spouse has seriously failed to execute an obligation resulting from the marriage;

2. the spouses have lived apart for at least three years immediately before the application, because one spouse has decided to cease cohabitation, has been imprisoned or has been absent;

3. the spouses have lived apart by mutual agreement for at least two years immediately before the application;

4. the marriage has not been consummated for a period of not less than one year of cohabitation by reason of illness or disability.

"CHAPTER II

"DIVORCE PROCEEDINGS

"SECTION I

"GENERAL PROVISION

"**539.** It comes within the role of the court to counsel and conciliate the spouses at all stages of divorce proceedings.

"SECTION II

"APPLICATION AND PROOF

"**540.** An application for divorce may be presented by either spouse, but no spouse may invoke, on the basis of his own failure, the presumption provided for in paragraph 1 of article 538.

"**541.** Proof of irretrievable damage to the will to maintain the bond of marriage may result from the admission of one party but the court may require additional evidence.

"SECTION III

"PROVISIONAL MEASURES

"**542.** An application for divorce releases the spouses from the obligation to live together.

"**543.** The court may order either spouse to leave the family residence during the proceedings.

It may also authorize either spouse to retain temporarily certain household furniture that until that time had been in common use.

"**544.** The court may decide as to the custody and education of the children.

It fixes the contribution payable by each spouse to the maintenance of the children during the proceedings.

"**545.** The court may order either spouse to pay interim support to the other, and a provisional sum to cover legal costs.

"**546.** Provisional measures may be reviewed whenever any new fact so justifies.

"SECTION IV

"ADJOURNMENTS AND RECONCILIATION

"**547.** The court may adjourn the hearing of the application for divorce if it considers that adjournment can avoid serious prejudice to either spouse or to any of their children.

"**548.** The court may also adjourn the hearing if it considers that the spouses may settle the consequences of their divorce amicably, in particular as to custody of the children and support, and that they may make agreements in that respect which the court may take into account.

"**549.** Reconciliation between the spouses occurring after the application is presented terminates the proceedings.

Nevertheless, either spouse may present a new application for any cause arising after the reconciliation; in that case, he may avail himself of the previous causes in support of his application.

"**550.** Resumption of cohabitation for less than ninety days is not in itself ground for presuming reconciliation.

"CHAPTER III

"EFFECTS OF DIVORCE

"**551.** Divorce produces its effects on the day the judgment granting the divorce acquires the status of *res judicata*.

"SECTION I

"EFFECTS OF DIVORCE ON SPOUSES

"**552.** Divorce breaks the bond of marriage and carries with it the dissolution of the matrimonial regime.

The effects of the dissolution of the regime are produced between the spouses from the day the application is presented unless the court decides on an earlier date in application of article 496.

"**553.** Divorce entails the lapse of gifts *mortis causa* made between spouses in consideration of marriage.

"**554.** Divorce does not entail the lapse of other gifts *mortis causa* or gifts *inter vivos* made to spouses in consideration of marriage, unless the contract stipulates to the contrary.

However, the court, when granting a divorce, may declare gifts under this article lapsed or reduce them, or order the payment of the gifts *inter vivos* deferred for such time as it may fix.

"**555.** The court, in granting a divorce, may order either spouse to pay to the other, as consideration for the latter's contribution to the increase of the assets of the former, an allowance payable immediately or by instalments, taking into account, in particular, the advantages of the matrimonial regime and marriage contract.

The compensatory allowance may be paid, wholly or in part, by the granting of a right of ownership, use or habitation in accordance with articles 457 to 461.

"**556.** The court, in granting a divorce, must rule as to the spouses' right to support.

It declares extinguished, even *ex officio*, the right which the spouses had to claim support, unless, on an application, it orders one of the spouses to pay support to the other or reserves the right to claim support.

"**557.** The court may reserve the right to claim support only if, on granting the divorce, it is unable to rule equitably as to such right, either because one spouse is prevented by exceptional circumstances from availing himself of his right, or because it is established that the existing state of the needs and means of the spouses is likely to change in the near future.

In no case may the right to claim support be reserved for a period of over two years.

"**558.** If the court grants support to a spouse, it is payable as a pension.

The court may replace or complete the alimentary pension by a fixed sum payable immediately or by instalments over a period of not more than three years.

"**559.** The order awarding support may be reviewed by the court whenever new facts so justify.

However, no order awarding a fixed sum may be reviewed even in the case of unforeseen change in the means or needs of the

parties except where failure to review is likely to have exceptionally grave consequences for either spouse.

"**560.** The right of a spouse to claim support is extinguished *pleno jure* at the expiry of the period during which the right has been reserved if it has not been exercised.

"**561.** Where the court has awarded support or reserved the right to claim support, it may at all times after divorce declare the right to support extinguished.

"**562.** In any decision relating to the effects of divorce in respect of the spouses, the court considers the needs and means of each spouse.

"**563.** The court, in determining the needs and means of spouses, considers, in particular, the agreements made between them, their age and state of health, their family obligations, their chances of finding employment, the existing and the foreseeable condition of their estate, assessing both their capital and their income, and, as the case may be, the time needed by the creditor of support to acquire sufficient autonomy.

"**564.** Subject to the preceding articles, the provisions of the title, "THE OBLIGATION OF SUPPORT", apply to support granted under this section.

"SECTION II

"EFFECTS OF DIVORCE IN RESPECT OF CHILDREN

"**565.** Divorce does not deprive the children of the advantages secured to them by law or by the marriage contract.

The rights and duties of fathers and mothers towards their children are unaffected by divorce, subject to the following provisions.

"**566.** The court, in granting the divorce or subsequently, decides as to the custody, maintenance and education of the children, in their interest and in the respect of their rights, taking into account the agreements made between the spouses, where such is the case.

"**567.** Whether custody is entrusted to only one spouse or to a third person, the father and mother retain the right of watching over the maintenance and education of the children, and are obliged to contribute thereto in proportion to their means.

"**568.** Decisions concerning the children may be reviewed at any time by the court, whenever circumstances so justify.

"TITLE THREE

"FILIATION

"CHAPTER I

"FILIATION BY BLOOD

"SECTION I

"PROOF OF FILIATION

"§ 1.—*Title and possession of status*

"**569.** Paternal and maternal filiation are proved by the act of birth, regardless of the circumstances of the child's birth.

In the absence of an act of birth, uninterrupted possession of status is sufficient.

"**570.** Uninterrupted possession of status is established by an adequate combination of facts which indicate the relationship of filiation between the child and the persons from whom he is said to have issued.

"§ 2.—*Presumption of paternity*

"**571.** If a child is born during a marriage, or within three hundred days after the dissolution or annulment of the marriage, the husband of the child's mother is presumed to be the father.

"**572.** The presumption of the husband's paternity is rebutted if the child is born more than three hundred days after the judgment ordering separation as to bed and board, unless cohabitation was voluntarily resumed before the birth.

"**573.** If a child is born within three hundred days after the dissolution or annulment of a marriage but after his mother has remarried, her husband at the time of the birth is presumed to be the father of the child.

"§ 3.—*Voluntary acknowledgement*

"**574.** If maternity or paternity cannot be determined by applying the preceding articles, the filiation of a child may yet be established by voluntary acknowledgement.

"**575.** Maternity is acknowledged by a declaration made by a woman that she is the mother of the child.

Paternity is acknowledged by a declaration made by a man that he is the father of the child.

"**576.** Mere acknowledgement of maternity or of paternity binds only the person who made it.

"**577.** An established filiation which has not been successfully contested in court is not disprovable by a mere acknowledgement of maternity or of paternity.

"SECTION II

"ACTIONS RELATING TO FILIATION

"§ 1.—*Disavowal and contestation of paternity*

"**578.** The presumed father may disavow the child before the court.

An action for disavowal must be instituted within one year from the day when the presumed father becomes aware of the birth.

"**579.** The mother may contest the paternity of the presumed father within one year after the child is born.

"**580.** The recourse for disavowal or contestation of paternity is directed against the tutor or a tutor *ad hoc*, if the child is a minor, and against the presumed father or the mother, as the case may be.

"**581.** If the presumed father or the mother dies before the expiry of the period for disavowal or for contestation of paternity, the right of action is not extinguished.

The heirs must exercise this right, however, within six months after the death.

"**582.** Any mode of proof tending to establish that the husband is not the father of the child is admissible.

"**583.** When a child has been conceived through artificial insemination, either by the father or, with the consent of the spouses, by a third person, no action for disavowal or contestation of paternity is admissible.

"§ 2.—*Claim and contestation of status*

"**584.** No person may claim a filiation contrary to that assigned to him by his act of birth and the possession of status consistent with that act.

Subject to articles 578 and 579, no person may contest the status of a person whose possession of status is consistent with his act of birth.

"**585.** Any interested person including the father or the mother may, at any time and by any means, contest the filiation of a person whose possession of status is not consistent with his act of birth.

However, no person may contest the filiation of a person because that person was conceived through artificial insemination.

"**586.** A child whose filiation is not established by a title and by possession of status consistent therewith may claim his filiation before the court. Similarly, the father or the mother may claim paternity or maternity of a child whose filiation in their regard is not established by a title and by possession of status consistent therewith.

Proof of filiation may be made by any mode of proof and, in particular, by testimony. However, testimony is not admissible unless there is a commencement of proof in writing, or unless the presumptions or indications resulting from the facts then ascertained are sufficiently strong to permit its admission.

"**587.** If the child already has another filiation established by an act of birth, by the possession of status, or by the effect of a presumption of paternity, an action to claim status cannot be brought unless joined to an action contesting the status thus established.

"**588.** Every mode of proof is admissible to contest an action concerning filiation.

"**589.** Except where subject to shorter legal prescription, actions concerning filiation are prescribed by thirty years from the day the child is deprived of the claimed status or begins to enjoy the contested status.

If a child has died without having claimed his status but while he was still within the proper time to do so, his heirs may take action within three years of his death.

"SECTION III

"EFFECTS OF FILIATION

"**590.** All children whose filiation is established have the same rights and obligations, regardless of their circumstances of birth.

"CHAPTER II

"ADOPTION

"SECTION I

"CONDITIONS FOR ADOPTION

"§ 1.—*General provisions*

"**591.** No adoption may take place except in the interest of the child and on the conditions prescribed by law.

"**592.** No minor child may be adopted unless his father and mother or his tutor have consented to the adoption or unless he has been judicially declared eligible for adoption.

"**593.** No person of full age may be adopted except by the persons who had adopted him *de facto* when he was a minor.

The court, however, may dispense with this requirement in the interest of the person to be adopted.

"**594.** Any person of full age may, alone or jointly with another person, adopt a child.

"**595.** An adopter must be at least eighteen years older than the person adopted, unless the person adopted is the child of the spouse of the adopter.

The court may, however, dispense with this requirement in the interest of the person to be adopted.

"**596.** Consents provided for in this chapter must be in writing unless given before the court.

The same holds true of the withdrawal of consent.

"§ 2.—*Consent of the adopted person*

"**597.** No child ten years old may be adopted without his consent, unless he is unaware of his *de facto* adoption and his usual behaviour towards the adopter can be interpreted by the court as tacit consent.

However, when a child less than fourteen years old refuses to give his consent, the court may defer its judgment for the period of time it indicates, or grant adoption notwithstanding the refusal.

"**598.** Refusal by a child fourteen years old is a bar to adoption.

"§ 3.—*Consent of parents or tutor*

"**599.** When adoption takes place with the consent of the parents, they must both consent to the adoption if the filiation of the child is established with regard to both of them.

If the filiation of the child is established with regard to only one parent, the consent of that parent is sufficient.

"**600.** If either parent is deceased, or if it is impossible for him to express his will, or if he is deprived of parental authority, the consent of the other parent is sufficient.

"**601.** If both parents are deceased, or if it is impossible for them to express their will, or if they are deprived of parental authority, the consent of the tutor, if the child has a tutor, must be obtained for the adoption of the child.

"**602.** A parent of minor age may himself, without authorization, give his consent to the adoption of his child.

"**603.** Consent to adoption entails delegation *pleno jure* of parental authority to the person to whom a child is given to be placed for adoption.

"**604.** A person who has given his consent to adoption may withdraw it within thirty days from the date when he gave consent.

The child must then be returned without formality or delay to the person who has withdrawn his consent.

"**605.** If a person has not withdrawn his consent within thirty days, he may, at any time before the order of placement, apply to the court to have the child returned.

"§ 4.—*Declaration of eligibility for adoption*

"**606.** The following may be judicially declared eligible for adoption:

1. a child over three months old, if neither his paternal filiation nor his maternal filiation has been established;

2. a child whose care, maintenance or education has not in fact been taken in hand by his mother, father or tutor for at least six months;

3. a child whose father and mother have been deprived of parental authority, if he has no tutor;

4. a child who has neither father nor mother, if he has no tutor.

"**607.** Before declaring a child eligible for adoption, the court must ascertain that it is unlikely that the child's father, mother or tutor will resume custody of him and take in hand his care, maintenance or education.

"**608.** The court, when declaring a child eligible for adoption, designates the person who is to exercise parental authority in his regard.

"SECTION II

"ORDER OF PLACEMENT AND ADOPTION JUDGMENT

"**609.** No placement of a minor may take place except on a court order nor may the adoption of a child be granted unless he has lived with the adopter for at least six months since the court order.

"**610.** No order of placement may be granted before the lapse of thirty days after the giving of consent to adoption.

"**611.** Before granting an order of placement, the court examines the qualifications and aptitudes of the adopter and satisfies itself that the conditions for adoption have been complied with, particularly, that the prescribed consents have been validly given.

"**612.** The order of placement confers parental authority on the adopter.

The order is a bar to the return of the child to his parents or to his tutor and to the establishment of filial relationship between the child and his parents by blood.

"**613.** If placement for adoption terminates, or if the court refuses to grant the adoption, the effects of the order of placement cease.

"**614.** The order of placement may be revoked on a motion by any interested person, if the application for adoption is not presented within a reasonable time after the expiration of the period provided in article 609.

"**615.** In no case may the court may grant adoption before receiving a report on the adaptation of the child to his adopting family and on the manner in which he has been treated by the family during the placement.

The court may require any other evidence it deems necessary.

"**616.** If either of the adopters dies after the order of placement, the court may grant adoption even with regard to the deceased adopter.

"**617.** The clerk of the court granting the adoption forwards an attestation of adoption to the depositaries of the registers of civil status having the custody of the original act of birth to have the prescribed particulars inscribed in the margin. Such an act bears the entry "adoption" and no extract from it may be issued.

The clerk also forwards a certificate of the judgment to the depositaries of the registers of civil status of the place indicated in the judgment so that they may draw up the new act of birth of the adopted person and enter it in the register.

"SECTION III

"EFFECTS OF ADOPTION

"**618.** Adoption has effect from the date of the judgment granting it.

However, if adoption is granted in favour of adopters one of whom has died after the application for adoption was presented, it produces its effects from the date of the application.

"**619.** The court assigns to the adopted person the given names and the surname chosen by the adopter unless, at the request of the adopter or of the adopted person, it allows him to keep his original surname or given names.

"**620.** Adoption confers on the adopted person a filiation which replaces his original filiation.

The adopted person ceases to belong to his original family, subject to any impediments to marriage.

"**621.** Adoption creates the same rights and obligations as filiation by blood.

"**622.** When adoption is granted, the effects of the preceding filiation cease; the tutor, if any, loses his rights and is discharged from his duties regarding the adopted person, save the obligation to render account.

"**623.** Notwithstanding article 622, the adoption of a child by the spouse of his mother or father does not dissolve the bond of filiation between the child and that parent.

"SECTION IV

"CONFIDENTIALITY OF ADOPTION FILES

"**624.** The judicial and administrative files respecting the adoption of a child are confidential and no information contained in them may be revealed except according to law.

However, the court may allow an adoption file to be examined for the purposes of study, teaching, research or a public inquiry, provided that the anonymity of the child, of the parents and of the adopter is preserved.

"**625.** An adopted person of full age is entitled to obtain the information enabling him to find his parents if they have previously consented thereto.

The same holds true of the parents of an adopted child if the child, once of full age, has previously consented thereto.

Consent must not be solicited.

"TITLE FOUR

"THE OBLIGATION OF SUPPORT

"**626.** Spouses, and relatives in the direct line, owe each other support.

"**627.** Proceedings for the support of a minor child may be instituted by the holder of parental authority, his tutor, or any person who has custody of him, according to the circumstances.

The court may order the support payable to the person who has custody of the child.

"**628.** In awarding support, account is taken of the needs and means of the parties, their circumstances and, as the case may be, the time needed by the creditor of support to acquire sufficient autonomy.

"**629.** The court may award provisional support for the duration of the proceedings to the person entitled to it.

"**630.** Support is payable as a pension; the court may, by way of exception, replace or complete the alimentary pension by a fixed sum payable immediately or by instalments.

"**631.** The court orders, even *ex officio*, that support payable as a pension be adjusted in accordance with an index established by order, unless the circumstances of the parties justify the fixing of another index.

"**632.** The court, if it considers it necessary, may order the debtor to furnish security beyond the judicial hypothec, for payment of the support.

"**633.** If the debtor offers to take the person entitled to support into his home, he may be dispensed from paying all or part of the support.

"**634.** The creditor may exercise his recourse against one of the debtors of support or several of them simultaneously.

The court fixes the amount of support to be paid by each of the debtors prosecuted or impleaded.

"**635.** The judgment awarding support, whether or not it is adjusted, may be reviewed whenever circumstances so justify.

"**636.** Support is non-transferable and unseizable, except in the cases provided by law.

"**637.** Support may be claimed for needs existing before the application.

However, no support for pre-existing needs may then be granted unless justified by special circumstances, nor for over twelve months.

"**638.** The debtor from whom arrears are claimed may plead a change after judgment in his condition or in that of his creditor and be wholly or partly released from payment of them.

"TITLE FIVE

"PARENTAL AUTHORITY

"**639.** Every child, regardless of age, owes respect to his father and mother.

"**640.** A child remains subject to the authority of his father and mother until his majority or emancipation.

"**641.** The father and mother have the rights and duties of custody, supervision and education of their children.

They must maintain their children.

"**642.** The father and mother exercise parental authority together.

If either parent dies, is deprived of parental authority or is unable to express his will, the other parent exercises parental authority.

"**643.** The person having parental authority may delegate the custody, supervision or education of the child.

"**644.** No unemancipated minor may leave the family residence without the consent of the person having parental authority.

"**645.** The person having parental authority has a right to correct the child with moderation and within reason.

"**646.** Where the father or the mother performs alone any act of authority concerning their child, he or she is, with regard to persons in good faith, deemed to be acting with the consent of the other parent.

"**647.** In the case of a disagreement relating to the exercise of parental authority, the father or the mother may seize the court, which will decide in the interest of the child after endeavouring to conciliate the parties.

"**648.** The court may, for serious cause and in the interest of the child, declare the father or the mother, or both, totally or partially deprived of parental authority.

"**649.** The application for deprivation may be made by the child himself or by any other interested person. The application must be served on the father and the mother.

"**650.** Deprivation extends to all minor children born at the time of the judgment, unless the court decides otherwise.

"**651.** Deprivation may entail for the child, if exceptional circumstances justify it, exemption from the obligation to provide support.

"**652.** A father or mother who has been deprived of rights may have the withdrawn rights restored, provided he or she alleges new circumstances, subject to the provisions governing adoption."

Sec. 2. *This section is new law. It introduces into the Civil Code of Lower Canada the rule under which a child's interest and the respect of his rights must be the determining factors in decisions concerning him.*

Sec. 3. *This section is for concordance with article 410, enacted by section 1.*

Sec. 4. *This section amends article 54 of the Civil Code of Lower Canada, clarifying the meaning of the word "name" in that article.*

Sec. 5. *This section gives the Ministre de la justice the power to draw up the form for acts of birth of adopted persons. It follows from article 617, enacted by section 1.*

Sec. 6. *This section is new law. It defines the rules for assigning names to persons and enacts a new rule to allow a minor child's name to be changed in certain circumstances.*

2. The Civil Code of Lower Canada is amended by adding, after Title First of Book First, the following:

"TITLE FIRST A

"PROVISIONS RESPECTING CHILDREN

"**30.** In every decision concerning a child, the child's interest and the respect of his rights must be the determining factors.

Consideration is given in particular to the child's age, sex, religion, language, character and family surroundings, and the other circumstances in which he lives.

"**31.** The court may, every time it is seized of an application affecting the interest of a child, consult that child."

3. Article 42 of the said code, as it reads in article 5777 of the Revised Statutes, 1888, amended by section 1 of chapter 82 of the statutes of 1968 and by section 1 of chapter 29 of the statutes of 1979, is again amended by replacing the third paragraph by the following paragraph:

"Every prothonotary shall keep such registers for the marriages celebrated by him, by his deputy, or by an officiant who is not authorized to keep registers."

4. Article 54 of the said code, amended by section 1 of chapter 68 of the statutes of 1940, is again amended by replacing the words "and the names given to it" by the words "and the surname and name given to it".

5. The said code is amended by adding after article 55, the following article:

"**55.1** The acts of birth of adopted children are drawn up in accordance with the rules prescribed by order of the Ministre de la Justice."

6. Articles 56 and 56*a* of the said code are replaced by the following articles:

"**56.** Every person has a name consisting of a surname and of at least one given name assigned to him in the act of birth.

He exercises his civil rights under his surname and under one or more of his given names.

Sec. 7. *This section is for concordance with articles 409 to 420, enacted by section 1.*

Sec. 8. *This section is for concordance with articles 403, 412 and 414, enacted by section 1.*

Sec. 9. *This section is for concordance.*

Sec. 10. *The purpose of this section is to give to judgments respecting acts of civil status the same effect as any other judgment.*

Sec. 11. *This section defines the rules relative to the domicile of a minor and abolishes the previous rule relative to the domicile of a married woman not separated as to bed and board.*

"**56.1** A child is assigned, at the option of his father and mother, one or more given names, and the surname of one parent or a surname consisting of not more than two parts, taken from each of their surnames.

"**56.2** A child, if neither his paternal filiation nor his maternal filiation is established, bears the given name and surname assigned to him by the officer entrusted with registering the birth.

"**56.3** The court may authorize a change of the given name and surname that were assigned to the child in the act of birth in the case of change of filiation, deprivation of parental authority or the condemnation of one parent to an infamous punishment.

The court may also authorize such a change when exceptional circumstances justify it and the father and mother consent to it.

"**56.4** The motion for a change of name and correction of the registers of civil status is presented to the court by the father, the mother, the tutor to the minor child or, if the child is fourteen years old, by the child himself."

7. Articles 57 to 63 of the said code are repealed.

8. Article 65 of the said code, amended by section 1 of chapter 101 of the statutes of 1930-1931 and by section 10 of chapter 82 of the statutes of 1968, is again amended by replacing paragraphs 4 and 5 by the following paragraphs:

"4. Whether they were married after publication by means of a notice or with a dispensation from publication.

"5. If either spouse has obtained a dispensation regarding age, the date of the judgment and the number of the court record."

9. Article 73 of the said code, enacted by section 1 of chapter 79 of the statutes of 1969 and amended by section 1 of chapter 61 of the statutes of 1970, is again amended by replacing the words ", subject to the application of article 1265" at the end of the last paragraph, by the following words: ", unless the consorts choose a different matrimonial regime by marriage contract".

10. Article 78 of the said code is repealed.

11. Article 83 of the said code is replaced by the following article:

Sec. 12. *This section is for concordance with articles 441 to 449, enacted by section 1.*

Sec. 13. *This section is for concordance with section 1. It repeals, in the Civil Code of Lower Canada, those provisions that correspond to the provisions enacted by section 1.*

Sec. 14. *This section is for concordance with articles 441 to 449, enacted by section 1.*

Sec. 15. *This section is for concordance with article 590, enacted by section 1.*

Sec. 16. *This section is for concordance with article 441, enacted by section 1.*

Sec. 17. *This section defines the legal capacity of a minor emancipated by marriage.*

Sec. 18. *This section is for concordance with section 17.*

"**83.** An unemancipated minor is domiciled with his father and mother or his tutor.

A minor whose custody has been the subject of a judicial decision is domiciled with the person who has custody of him.

When no judicial decision has been rendered with respect to custody and the minor's father and mother have no common domicile, the minor is domiciled with the parent with whom he habitually resides.

The domicile of a person of the age of majority interdicted for insanity is with his curator."

12. Article 111 of the said code is repealed.

13. Articles 113 to 245*j* of the said code are repealed.

14. Article 276 of the said code is amended by striking out the second sentence.

15. Article 277 of the said code is amended by striking out the word "legitimate".

16. Article 282 of the said code, amended by section 9 of chapter 101 of the statutes of 1930-1931, section 4 of chapter 66 of the statutes of 1964 and by section 10 of chapter 77 of the statutes of 1969, is again amended by replacing paragraph 1 by the following paragraph:

"1. A minor, unless he or she is the father or mother of the child."

17. Article 314 of the said code is replaced by the following:

"SECTION I

"EMANCIPATION BY MARRIAGE

"**314.** Every minor is, *pleno jure*, emancipated by marriage.

Emancipation by marriage enables a minor to perform validly any civil act as if he were of the age of majority."

18. The said code is amended by inserting between articles 314 and 315, the following heading:

Sec. 19. *This section is for concordance with sections 17 and 18.*

Sec. 20. *This section is for concordance with article 441, enacted by section 1.*

Sec. 21. *This section is for concordance with article 442, enacted by section 1.*

Sec. 22. *This section is for concordance with section 17.*

Sec. 23. *This section is for concordance with articles 441 and 442, enacted by section 1.*

Sec. 24. *This section is for concordance with articles 458 to 461, enacted by section 1.*

Sec. 25. *This section establishes a new rule with regard to the presumption of survivorship and does away with the former distinctions based on sex and age.*

Sec. 26. *This section is for concordance with article 441, enacted by section 1.*

Sec. 27. *This section is for concordance with article 590, enacted by section 1.*

"SECTION II

"JUDICIAL EMANCIPATION".

19. Article 317 of the said code is replaced by the following article:

"**317.** When emancipation is granted judicially, a curator must be appointed to the emancipated minor."

20. Article 336*o* of the said code is repealed.

21. Article 337*a* of the said code, enacted by section 11 of chapter 101 of the statutes of 1930-1931, is amended by striking out the following words: "; but no wife may be curatrix to her husband, an emancipated minor not interdicted."

22. Article 338 of the said code is amended by replacing the word "Emancipated" in paragraph 1, by the words "Judically emancipated".

23. Article 342 of the said code, amended by section 12 of chapter 101 of the statutes of 1930-1931, is replaced by the following article:

"**342.** A spouse, unless there are valid reasons to the contrary, must be appointed curator to his interdicted spouse."

24. Article 488 of the said code is amended by adding, at the end of the first paragraph, the following words: "or by judgment".

25. Articles 603 to 605 of the said code are replaced by the following article:

"**603.** When several persons entitled to inherit from each other die and it is impossible to determine which survived the other, they are deemed to have died simultaneously.

The succession of each of the persons deemed to have died simultaneously devolves to those heirs who would have been entitled to receive it in their place."

26. Article 613 of the said code is amended by replacing the words "their father" by the words "the latter".

27. Article 625 of the said code, replaced by section 5 of chapter 74 of the statutes of 1915, is amended by striking out, in

Sec. 28. *This section has the same purpose as the preceding section.*

Sec. 29. *This section abolishes the renouncing of an unopened succession by contract of marriage.*

Sec. 30. *This section is for concordance with section 17.*

Sec. 31. *This section establishes, in the case of a death, a rule similar to that provided, in the case of a divorce, by article 555, enacted by section 1. It is also for concordance with articles 457 to 461, enacted by section 1.*

Sec. 32. *This section is for concordance with section 17.*

Sec. 33. *This section abolishes the restrictions formerly placed on certain gifts to concubines and illegitimate children.*

the second paragraph, the words ", and whether they are the issue of the same or of different marriages".

28. Article 633 of the said code is amended by replacing the words "if they be all born of the same marriage; if they be the issue of different marriages" by the words "if they are all brothers-german; otherwise".

29. Article 658 of the said code is amended by striking out, at the end of the article, the words ", unless it is by contract of marriage".

30. Article 709 of the said code, replaced by section 4 of chapter 71 of the statutes of 1923-1924, is amended:

(1) by replacing the words "minors, even emancipated" by the words " minors, even judicially emancipated"; and

(2) by replacing the words "coproprietors of full age" by the words "coproprietors of full age or minors emancipated by marriage".

31. The said code is amended by adding, after article 735, the following article:

"**735.1** After discharging the debts and liabilities of the succession, the heirs or the universal legatees or legatees by general title discharge, in the same manner, the compensatory allowance that the court may award to the surviving spouse as compensation for his contribution to the increase of the assets of the deceased spouse.

The allowance is fixed taking into account, particularly, the advantages allowed to the surviving spouse by the matrimonial regime, the marriage contract and the succession; the allowance is payable immediately or by instalments.

The compensatory allowance may be paid, wholly or in part, by the awarding of a right of ownership, use or habitation, in accordance with articles 457 to 461 of the Civil Code of Québec."

32. Article 763 of the said code, amended by section 8 of chapter 66 of the statutes of 1964 and by section 15 of chapter 77 of the statutes of 1969, is again amended by replacing the word "Emancipated" in the second paragraph, by the words "Judicially emancipated".

33. Article 768 of the said code is repealed.

Sec. 34. *This section is for concordance with section 17.*

Sec. 35. *This section abolishes, in respect of witnesses, distinctions based on sex or nationality.*

Sec. 36. *This section is for concordance with section 17.*

Sec. 37. *This section is for concordance with article 441, enacted by section 1.*

Sec. 38. *This section has the same purpose as the preceding section.*

Sec. 39. *This section is for concordance with section 17. It more clearly defines the content of article 1002 of the Civil Code of Lower Canada.*

Sec. 40. *This section is for concordance with article 590, enacted by section 1.*

34. Article 833 of the said code, replaced by section 9 of chapter 85 of the statutes of 1971, is amended by replacing the words "Minors, whether emancipated or not," by the words "Minors, even emancipated judicially,".

35. Article 844 of the said code, replaced by section 14 of chapter 101 of the statutes of 1930-1931 and amended by section 10 of chapter 84 of the statutes of 1971, is again amended by replacing the second paragraph by the following paragraphs:

"The witnesses must be named and described in the will.

Any person of full age may be a witness except both spouses together or the spouse or employees of the notary drawing up the will."

36. Article 907 of the said code is amended:

(1) by replacing the word "Minors" in the first paragraph by the words "Unemancipated minors"; and

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

"Judicially emancipated minors may do so, provided the executorship be of small importance in proportion to their means."

37. Article 981 of the said code is amended by striking out the words ", and the husband in the case of a married woman," in the second paragraph.

38. Article 996 of the said code is amended by replacing the word "wife" by the word "spouse".

39. Article 1002 of the said code is replaced by the following article:

"**1002.** Simple lesion is cause of nullity in favour of an unemancipated minor against every kind of act when not aided or represented by his tutor, and when so aided or represented, against every kind of act other than acts of administration, and in favour of a judicially emancipated minor, against any contract which exceeds the limits of his legal capacity, unless otherwise provided by law."

40. Article 1056 of the said code, amended by section 1 of chapter 98 of the statutes of 1930 and by section 11 of chapter 62 of the statutes of 1970, is again amended by striking out the second paragraph.

Sec. 41. *This section has the same purpose as section 29.*

Sec. 42. *This section has the same purpose as section 35.*

Sec. 43. *This section is for concordance with section 1, which enacts new provisions respecting matrimonial regimes. It also abolishes the regime of community of moveables and acquests.*

Sec. 44. *This section is for concordance with section 17.*

Sec. 45. *This section is for concordance with articles 441 and 442, enacted by section 1.*

Sec. 46. *This section is for concordance with article 441, enacted by section 1.*

Sec. 47. *This section relaxes the existing provision of the Civil Code of Lower Canada regarding a judicial hypothec resulting from a judgment for support.*

Sec. 48. *This section is for concordance with article 441, enacted by section 1.*

41. Article 1061 of the said code is amended by striking out, at the end of the second paragraph, the words "; except by marriage contract".

42. Article 1208 of the said code, replaced by section 1 of chapter 39 of the statutes of 1893, amended by section 2 of chapter 38 of the statutes of 1906, section 2 of chapter 70 of the statutes of 1923-1924, section 12 of chapter 84 of the statutes of 1971 and by section 4 of chapter 68 of the statutes of 1972, is again amended by replacing the third paragraph by the following paragraph:

"Any person of full age and sound mind may be a witness if he not interested in the act and is not the spouse of the notary receiving the instrument.".

43. Articles 1257 to 1425*i* and articles 1436 to 1450 of Title Fourth of Book Three of the said code are repealed.

44. Article 1707 of the said code is amended by replacing, the word "Emancipated" by the words "Judicially emancipated".

45. Article 1708 of the said code is repealed.

46. Article 2002 of the said code is amended by striking out the second paragraph.

47. Article 2036 of the said code, replaced by section 1 of chapter 41 of the statutes of 1906 and amended by section 1 of chapter 72 of the statutes of 1922 (2nd session), is again amended by replacing the third paragraph by the following paragraph:

"In the case of a judgment awarding support, the court, on a petition from the debtor, may designate the immoveable upon which the judicial hypothec may be exercised or allow the petitioner to substitute for that hypothec sufficient security to guarantee the payment of support; it may also order, at the cost of the petitioner, the cancellation of the registered judicial hypothec."

48. Article 2086 of the said code is amended by striking out the following words: ", married women,".

Sec. 49. *This section has the same purpose as the preceding section.*

Sec. 50. *This section is for purposes of correction.*

Sec. 51. *This section is for concordance with article 442, enacted by section 1.*

Sec. 52. *This section is for concordance with the new articles 453 and 454, enacted by section 1.*

Sec. 53. *This section has the same purpose as the preceding section.*

Sec. 54. *This section establishes the prescription, between spouses, of an action for annulment of an act for which the consent of the other spouse is required.*

49. Article 2087 of the said code is amended by striking out the following words: "or married women, themselves,".

50. Article 2117 of the said code, amended by section 16 of chapter 72 of the statutes of 1947 and by section 10 of chapter 45 of the statutes of 1948, is again amended by striking out the following words: ", under the pains hereinabove declared against married men in article 2113".

51. Article 2129*b* of the said code, enacted by section 27 of chapter 72 of the statutes of 1947 and replaced by section 15 of chapter 45 of the statutes of 1948, is amended by striking out in the second sentence, the following words: "married women".

52. Article 2150 of the said code is amended by adding the following paragraph:

"The cancelling of the declaration of family residence must also be ordered when the immoveable against which it had been registered has ceased to be used for that purpose."

53. The said code is amended by adding, after article 2157*b*, the following article:

"**2157***c*. Subject to article 2150, registration of a declaration of family residence is cancelled, upon the application of any interested person, only when

1. the spouses consent to the alienation;

2. one of the spouses has died;

3. the spouses are separate as to bed and board or are divorced;

4. the marriage has been annulled;

5. the immoveable has been alienated with the consent of the spouses or with the authorization of the court.

In the cases provided for in paragraphs 2 to 5, the application must be accompanied with a death certificate or a copy of the judgment, as the case may be."

54. The said code is amended by adding, after article 2261, the following article:

"**2261.1** Between spouses, any action for the annulment of an act for which the consent of the other is required is prescribed by two years from the time of knowledge of the act. However, in no case may the action be instituted more than two

Sec. 55. *This section is for concordance with the new rules on the effects of separation as to bed and board and of divorce, enacted by section 1.*

Sec. 56. *This section is for concordance with section 1, which enacts articles 591 to 625 of the Civil Code of Québec.*

Sec. 57. *This section alters the wording of section 39 of the Charter of human rights and freedoms.*

Sec. 58. *This section is for concordance with the establishment of the new Civil Code of Québec.*

Sec. 59. *This section is transitional law. It is a result of the new rules respecting the minimum age for marriage.*

Sec. 60. *This section is transitional law. It is a result of the new rules respecting the minimum age for marriage, the impediments to marriage and the effects of a judgment pronouncing the nullity of a marriage.*

years after they have ceased to live together or, in the case of acts done in the exercise of rights and powers arising out of the matrimonial regime, more than two years after the regime is dissolved."

55. Article 2555 of the said code, enacted by section 2 of chapter 70 of the statutes of 1974, is replaced by the following article:

"**2555.** Separation as to bed and board or divorce does not affect the rights of the spouse whether he is the beneficiary or the contingent owner. If the designation of the beneficiary is irrevocable, it lapses by the effect of divorce, and in the case of separation as to bed and board, it may be declared lapsed by the court."

56. The Adoption Act (R.S.Q., c. A-7) is repealed.

57. Section 39 of the Charter of human rights and freedoms (R.S.Q., c. C-12) is replaced by the following section:

"**39.** Every child has a right to the protection, security and attention that his parents or the persons acting in their stead are capable of providing."

58. Section 61 of the Interpretation Act (R.S.Q., c. I-16) is amended by adding, in paragraph 11, between the words "mean" and "the Civil Code of Lower Canada", the following words: ", according to the context, the Civil Code of Québec or".

59. Minors between the ages of 16 and 18 on the day of the coming into force of articles 402 and 403 of the Civil Code of Québec may marry without judicial authorization if formalities prior to the celebration of the marriage have already been accomplished.

60. Subject to proceedings in progress, no marriages contracted prior to the coming into force of article 405 of the Civil Code of Québec may be annulled on the basis of former articles 125 and 126 of the Civil Code of Lower Canada.

The annulment of marriages contracted prior to the coming into force of articles 423 to 439 of the Civil Code of Québec may be applied for in the cases and on the conditions provided in these articles. However, the validity of marriages contracted in conformity with the former article 115 of the Civil Code of Lower Canada is not subject to question on the sole ground that the spouses were or either of them was less than 16 years of age.

Sec. 61. *This section is transitional law. Its purpose is to ensure the immediate application of the new rules governing the rights and duties of spouses and the family residence.*

Sec. 62. *This section is transitional law. It continues the previous rules governing the community of moveables and acquests with regard to persons married under that matrimonial regime.*

Sec. 63. *This section is transitional law. Its purpose is to allow the immediate application of article 501, enacted by section 1.*

Sec. 64. *This section is transitional law. It states that divorces and separations as to bed and board granted prior to the coming into force of articles 523 to 568, enacted by section 1, continue to be subject to the former provisions of the law.*

Sec. 65. *This section is transitional law. It continues the former provisions respecting actions for separation as to bed and board pending at the time of the coming into force of articles 524 to 536, enacted by section 1, but provides for immediate application of the new articles 527 to 535, enacted by section 1.*

Sec. 66. *This section is transitional law. It has the same purpose as the preceding section with regard to applications for divorce pending at the time of the coming into force of articles 537 to 568, enacted by section 1.*

An action to seek the nullity of a marriage instituted before the coming into force of articles 423 to 439 of the Civil Code of Québec is heard and decided in accordance with the former legislative provisions. However, articles 431 to 439 of the Civil Code of Québec apply to such actions.

61. Chapter VI of Title One of Book Two of the Civil Code of Québec governs all spouses without consideration of the date on which the marriage was celebrated or the marriage covenants were made.

62. Spouses married before 1 July 1970 under the regime of legal community are subject to the provisions governing the community of moveables and acquests set forth in former articles 1272 to 1425*i* of the Civil Code of Lower Canada as amended by the Act respecting matrimonial regimes (1969, c. 77) and subsequent acts.

Spouses married under a regime of community, legal or conventional, before the coming into force of section 42 of this act, continue to be subject to the articles mentioned above and to the stipulations of their contract, subject to the imperative provisions of this act.

The transitional provisions set forth in former article 1450 of the Civil Code of Lower Canada remain in force.

63. Subject to amicable covenants already made and court decisions having acquired the status of *res judicata*, article 501 of the Civil Code of Québec applies to all partnerships of acquests unliquidated on the date of the coming into force of that article.

64. Separations as to bed and board and divorces granted prior to the coming into force of articles 523 to 568 of the Civil Code of Québec continue to be subject, with regard to their effects, to former articles 206 to 217 of the Civil Code of Lower Canada.

65. Actions for separation as to bed and board brought before the coming into force of articles 523 to 535 of the Civil Code of Québec are continued and decided in conformity with former articles 186 to 206 of the Civil Code of Lower Canada and articles 813 to 820 of the Code of Civil Procedure.

Articles 527 to 535 of the Civil Code of Québec which govern the effects of separation as to bed and board and the manner in which it ceases are applicable to these actions immediately.

66. Petitions for divorce presented before the coming into force of articles 537 to 568 of the Civil Code of Québec are

Sec. 67. *This section is transitional law. Its purpose is to allow applications for separation as to bed and board or for divorce to be based on facts that occurred prior to the coming into force of articles 523 to 568, enacted by section 1.*

Sec. 68. *This section is transitional law. It provides for the application of new rules respecting filiation and abolishes the distinction between legitimate children and those born outside of marriage.*

Sec. 69. *This section is transitional law. It continues the previous procedure respecting applications for adoption pending at the time of the coming into force of articles 593 to 625, enacted by section 1; however, article 616 and the second paragraph of section 618, enacted by section 1, apply.*

Sec. 70. *This section is transitional law. It continues the previous rules respecting the obligation of support with regard to persons who receive an alimentary pension or who instituted legal action before the coming into force of articles 626 to 638, enacted by section 1.*

continued and decided in conformity with the Divorce Ac (R.S.C., 1970, c. D-8) and with former articles 200 to 205 of the Civil Code of Lower Canada.

The provisions of articles 551 to 568 of the Civil Code of Québec which govern the effects of divorce are applicable to such a petition immediately.

67. Applications for separation as to bed and board or for divorce presented after the coming into force of articles 523 to 568 of the Civil Code of Québec may be based on facts that occurred prior to their coming into force.

68. Articles 569 to 590 of the Civil Code of Québec apply to children born before the coming into force of these articles.

They apply in the cases pending on the day of their coming into force.

Acts done prior to that date produce the effects attached to them by these articles.

Succession rights resulting from article 590 of the Civil Code of Québec are not exercisable, however, with regard to successions open before the coming into force of this article.

69. Applications for adoption presented prior to the coming into force of articles 591 to 625 of the Civil Code of Québec are continued and decided in conformity with the provisions of the former Adoption Act (R.S.Q., c. A-7).

If placement in view of adoption is made before the coming into force of these articles, the adopters are entitled to seize the court on the basis of the provisions of the former act. The application is then heard and decided in conformity with the provisions of that act.

In both cases, however, article 616 and the second paragraph of article 618 of the Civil Code of Québec apply.

70. Any application for support based on former articles 167 and 168 of the Civil Code of Lower Canada presented before the coming into force of articles 626 to 638 of the Civil Code of Québec is decided in conformity with those articles.

Court decisions awarding support to a person that are based on former articles 167 and 168 of the Civil Code of Lower Canada continue to produce their effects after the coming into force of articles 626 to 638 of the Civil Code of Québec without prejudice to the right that the debtor of support may have to apply for reduction or suppression of support, if new circumstances so justify.

Sec. 71. *This section is transitional law. It provides for immediate application of the rule enacted by article 652, enacted by section 1.*

Sec. 72. *This section is transitional law. It provides for the immediate application of articles 603 and 735.1 of the Civil Code of Lower Canada, enacted by sections 25 and 31, to successions that have been opened but are not yet settled.*

Sec. 73. *This section is transitional law. Its purpose is to give effect to section 33 immediately.*

Sec. 74. *This section is transitional law.*

71. Article 652 of the Civil Code of Québec applies even if the judgment declaring the deprivation of parental authority was rendered prior to the coming into force of that article.

72. Subject to amicable agreements that have already intervened and judgments having the status of *res judicata*, the new articles 603 and 735.1 of the Civil Code of Lower Canada apply to successions not yet liquidated on the date of the coming into force of those articles.

73. No restriction contained in former article 768 of the Civil Code of Lower Canada with regard to certain categories of gifts may be invoked, from the coming into force of section 33 of this act, to obtain the annulment or reduction of gifts executed previously. Such gifts are, however, considered lapsed if they were not made before the death of the donor.

74. The father and the mother of a minor child may, within six months after the date of the coming into force of article 56.1 of the Civil Code of Lower Canada, send to the Ministre de la justice an application to assign to their minor child a surname consisting of not more than two parts, from the surnames of each of the parents.

The application is made in conformity with the Act respecting the change of name and of other particulars of civil status (R.S.Q., c. C-10). However, applicants are exempt from giving the notices provided for in sections 5 and 9 of the said act.

75. This act will come into force on the dates to be fixed by government proclamation. However, no proclamation may be made that would put into force a provision of this act, in a matter falling under the legislative jurisdiction of the Parliament of Canada pursuant to the British North America Act of 1867, before amendments to that Act are made to confer on the Legislature of Québec legislative jurisdiction in that matter.