

Bill 113

**An Act to amend the Civil Code and  
other legislative provisions as regards  
adoption and the disclosure of  
information**

Section 10

**AMENDMENT:**

In the third paragraph of proposed article 543.1:

1. Replace “duly” by “validly”.
2. Strike out “, in light of an objective appraisal,”.

Adopté  
MR.

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Section 32

**AMENDMENT:**

1. Strike out the fourth paragraph of proposed article 583.
2. By replacing “the parent’s name” in proposed article 583.1 by “that parent’s identity”.
3. Add the following paragraph at the end of proposed article 583.4:

“When the first request for information about the parent of origin is made, the parent of origin must be informed of it so as to have the opportunity to maintain or withdraw the veto.”

4. In proposed article 583.7:
  1. Replace “whose name would be revealed” in proposed article 583.7 by “whose identity would be revealed”.
  2. Add the following sentence at the end of the second paragraph of proposed article 583.7: “In the event the person sought is found, he must be given the opportunity to maintain or withdraw the veto.
5. Strike out “other than a mandatory, tutor or curator” in the first paragraph of proposed article 583.8.

6. Replace proposed article 583.10 by:

**“583.10.** To the extent that the adoptee and a brother or sister of origin of the adoptee so request, information about the identity of both of them and information making it possible to establish contact between them may be communicated to them, unless disclosure of that information would reveal the

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Am 2 (suite)

identity of the parent of origin even though the parent of origin has registered an identity disclosure veto.

**“583.11.** It is the adopter’s responsibility to inform the child that he was adopted.

It is also the adopter’s responsibility to inform the child of the rules concerning identity disclosure and the rules for establishing contact.

**“583.12.** In the case of an adoption of a child domiciled outside Québec, disclosure of information relating to identity or to establishing contact is subject to the consent of the person sought or parent of origin whose name would be revealed if the child’s original name were disclosed to the child, unless the law of the child’s State of origin provides otherwise.”

Adopte  
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Section 36

**AMENDMENT:**

Replace by:

**36.** Section 65 of the Health Insurance Act (chapter A-29) is amended by replacing the ninth paragraph by the following paragraph:

“The Board is bound, on request and in order to make it possible to identify or locate an adopted person or his parents of origin for the purposes of article 583 or 584 of the Civil Code, to transmit to any health and social services institution operating a child and youth protection centre or to the Minister of Health and Social Services the name, date of birth, sex, address or phone numbers of a person entered in its register of insured persons as well as, if applicable, the person’s date of death and his address at the time of death. The name of the spouse of a person entered in its register may also be transmitted if the other information does not make it possible to locate the adoptee or his parents of origin.”

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Section 62

**AMENDMENT:**

Insert after proposed section 71.15.1:

**“71.15.1.1.** The Minister is responsible for disclosing to any adoptee and to a parent, brother or sister of origin of the adoptee the information they may obtain under article 583.12 of the Civil Code.

In addition, the Minister must, if the adoptee or parent of origin sought consents to it and if the law of the adoptee’s State of origin does not prohibit it, disclose to a physician who has provided a written statement attesting the risk of harm referred to in article 584 of the Civil Code information making it possible to identify the adoptee or parent of origin as well as information making it possible to establish contact with him or his physician.

Any physician who receives the information referred to in the second paragraph must take the safety measures necessary to make sure the information remains confidential. The information may only be disclosed or used for the purposes set out in article 584 of the Civil Code.

Adoptee  
un.

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Section 62

**AMENDMENT:**

In the first paragraph of proposed section 71.15.3:

1. Replace the introductory clause by:

For the purposes of section 71.15.1 or 71.15.3, the Minister may require the information or documents needed either to confirm a person's adoptee status or to identify or locate an adoptee or his parents of origin, including

3. Replace “, civil or de facto union” in paragraph 3 by “or civil union”.

Adoptee  
un.

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Section 62

**AMENDMENT:**

Insert after proposed section 71.15.3:

**“71.15.4.** Psychosocial support services are to be offered to a child 14 years of age or over who undertakes research into family and medical antecedents or steps toward a reunion. They are also to be offered to any other adoptee who undertakes or is the subject of such research or steps and needs such services.

The services are to be offered by the person or institution designated for that purpose by the Minister.”

Adopta  
mc.

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Section 74

**AMENDMENT:**

Replace “or the Civil Code” by “or the provisions of the Civil Code that relate to the confidentiality of adoption files”.

Adopted  
MO.



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Section 77.1

**AMENDMENT:**

Insert after section 77:

**77.1.** The Act is amended by inserting the following section after section 19.0.1:

**“19.0.1.1.** The Minister or the director of youth protection may, on request, obtain communication of the medical information that was entered in the record of a user’s biological mother at the user’s birth and that pertains specifically to the user, for the purpose of compiling a summary of the user’s family and medical antecedents under the Youth Protection Act (chapter P-34.1). Such information may also be communicated to a user 14 years of age or over on request.

Such communication does not require the consent of the user’s mother. However, the restriction provided for in section 17 applies.”

*Adopté  
MR.*

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Section 47.1

**AMENDMENT:**

Insert after section 47:

**47.1.** Section 34 of the Act is amended by inserting “, except those mentioned in Chapter IV.0.1,” after “centre”.

Adopté  
MC

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Section 72

**AMENDMENT:**

Insert after paragraph 1:

(1.1) by inserting the following subparagraph after subparagraph *e* of the first paragraph:

“(e.1) to determine the cases in which and the terms and conditions on which financial assistance may be granted to facilitate Aboriginal customary tutorship to or adoption of a child whose situation is taken in charge by the director;”.

*Adopted  
MC.*

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Section 7.3

**AMENDMENT:**

Insert after section 7.2:

**7.3.** The Code is amended by inserting the following division after article 199:

**“DIVISION II.1**

**“SUPPLETIVE TUTORSHIP**

**“199.1.** The father or mother of a minor child may designate a person to whom may be delegated or with whom may be shared the offices of legal tutor and of person having parental authority where it is impossible for one or both of the parents to fully assume those offices.

Only the spouse of the father or mother, an ascendant of the child, a relative in the collateral line to the third degree or a spouse of that ascendant or relative may be so designated as tutor.

**“199.2.** Such a designation must be authorized by the court on the application of the father or mother.

If the father and mother are prevented from expressing their wishes, any person who may be designated as tutor and who, in fact or by law, has custody of the child may apply to the court to be entrusted with the offices of legal tutor and of person having parental authority.

**“199.3.** The court authorizes the designation with the consent of the father or mother. If the court fails to obtain such consent for any reason or if the refusal expressed by either the father or the mother is not justified by the interest of the child, the court may authorize the designation.

**“199.4.** If the child is 10 years of age or over, the designation may not take place without the child’s consent, unless he is unable to express his will.

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However, the court may authorize the designation despite the child's refusal, unless the child is 14 years of age or over.

**"199.5.** Any interested person may contest the delegation or sharing of the offices of legal tutor and of person having parental authority as well as the designation of the tutor. However, another person may not be substituted for the tutor designated by the father or mother without the father's or mother's consent, unless the father or mother is prevented from expressing his or her wishes.

**"199.6.** The designation of a suppletive tutor entails, for the father or mother who is unable to fully assume the offices of legal tutor and of person having parental authority, the suspension of those offices.

**"199.7.** Any provision relating to tutorship and parental authority that applies to the father or mother also applies, with the necessary modifications, to the suppletive tutor, except provisions relating to the appointment of a dative tutor and to deprivation of parental authority.

**"199.8.** The father or mother may, if new facts arise, be reinstated by the court as legal tutor and as person having parental authority on the application of either of them, the tutor, or the child if he is 10 years of age or over.

**"199.9.** Except in the cases provided for in this chapter, the office of tutor ceases when the rules for the institution of a dative tutorship begin to apply.

In addition, the tutor may apply to the court to be relieved of his duties provided notice of the application has been given to the father or mother, and to the child if he is 10 years of age or over."

**"199.10.** Conditions under any Québec Aboriginal custom that is in harmony with the principles of the interest of the child, respect for the child's rights and the consent of the persons concerned may be substituted for conditions of suppletive tutorship. In such cases, the provisions of this division, except articles 199.6 and 199.7, do not apply.

Such a tutorship is, on the application of the child or the tutor, attested by the authority that is competent for the Aboriginal community or nation of either the child or the tutor. However, if the child and the tutor are members of different nations, the tutorship is attested by the authority that is competent for the child's nation or community.

The competent authority issues a certificate attesting the tutorship after making sure that it was carried out according to custom, in particular that the required consents were validly given and that the child is in the care of the tutor; the authority also makes sure that the tutorship is in the interest of the child.

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Am 11 (suite)

The authority is a person or body domiciled in Québec and designated by the Aboriginal community or nation. The competent authority may not, when called on to act, be a party to the tutorship.”

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Section 7.1

**AMENDMENT:**

Insert after section 7:

**7.1.** Article 178 of the Code is amended

- (1) by inserting “, suppletive” after “legal” in the first paragraph;
- (2) by replacing “; tutorship conferred by the father and mother or by the court is dative” at the end of the second paragraph by “. Tutorship for which the father or mother designates a tutor is suppletive or dative; in the case of dative tutorship, the tutor may also be designated by the court”.

Adopté  
m.

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Section 7.2

**AMENDMENT:**

Insert after section 7.1:

**7.2.** Article 187 of the Code is amended by adding the following paragraph at the end:

“However, in the case of a suppletive tutorship, two tutors to the person may be appointed.”

Adopté  
MC.



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Section 37.1

**AMENDMENT:**

Insert after section 37:

**37.1.** Article 37 of the Code is amended by replacing “or tutorship” in the third paragraph by “, suppletive tutorship or tutorship”.

Adopté  
MC.

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Section 37.2

**AMENDMENT:**

Insert after section 37.1:

**37.2.** Article 312 of the Code is amended by inserting “, except those relating to suppletive tutorship, and” after “minor” in the first paragraph.

*Adopted  
MO.*

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Section 38

**AMENDMENT:**

Replace by:

**38.** Article 336 of the Code is amended

(1) by inserting “, except a judgment authorizing the designation of a suppletive tutor where the value of the minor’s property does not exceed \$25,000” after “Curator” in the second paragraph;

(2) by adding the following paragraph at the end:

“In a case relating to adoption, the judgment is notified to the parties or their representatives in compliance with the rules governing publication of judgments in family matters.”

*Adopte  
mc*

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Section 38.1

**AMENDMENT:**

Insert after section 38:

**38.1.** Article 393 of the Code is amended by inserting the following paragraph after the first paragraph:

“An application relating to suppletive tutorship must be served on the minor if the minor is 10 years of age or over.”

Adopté  
MC.

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Section 38.2

**AMENDMENT:**

Insert after section 38.1:

**38.2.** Article 394 of the Code is amended by inserting “except applications relating to suppletive tutorship where the value of the minor’s property does not exceed \$25,000,” after “tutorship to a minor,” in the first paragraph.

Adopt  
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Section 38.3

**AMENDMENT:**

Insert after section 38.2:

**38.3.** The Code is amended by adding the following article after article 403:

“**403.1.** An application for authorization of the designation of a suppletive tutor must be served on the youth protection director having jurisdiction in the place where the minor resides if the minor is the subject of a report. The director may intervene as of right as regards such an application”.

Adopté  
mn.

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Section 77

**AMENDMENT:**

Replace “if the information is needed to identify or find an adoptee or his parents of origin for the purposes of article 583 of the Civil Code” in proposed paragraph 16 by “if the information is needed to confirm a person’s adoptee status or to identify or locate an adoptee or a parent of origin”.

*Adopte  
up.*

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Section 45

**AMENDMENT:**

Replace “Aboriginal customary adoption” by “Aboriginal customary tutorship and adoption”.

Adopt  
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Section 47

**AMENDMENT:**

Replace subparagraph *h.1* proposed by paragraph 2 by:

“(h.1) to give the authority that is competent to issue an Aboriginal customary tutorship or adoption certificate the opinion required under section 71.3.2;”.

Adopta  
mo.

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Section 51

**AMENDMENT:**

Replace proposed section 71.3.1 by:

**“71.3.1.** The director shall consider Aboriginal customary tutorship or adoption contemplated in article 199.10 or 543.1, as applicable, of the Civil Code if he considers that either of those measures is likely to ensure the interest of the child and the respect of his rights.

Adoptio  
mo.

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Section 51

**AMENDMENT:**

In the first paragraph of proposed section 71.3.2:

1. Insert "tutorship or" after "Aboriginal customary".
2. Replace "as contemplated in article 543.1 of the Civil Code" by "in accordance with article 199.10 or 543.1, as applicable, of the Civil Code".

Adopta  
mo.

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Section 51

**AMENDMENT:**

Insert after proposed section 71.3.2:

**“71.3.2.1.** Financial assistance may, in the cases and on the terms and conditions prescribed by regulation, be granted by an institution operating a child and youth protection centre to facilitate Aboriginal customary tutorship to or adoption of a child whose situation is taken in charge by the director of youth protection.”

Adopté  
mn.

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Section 51

**AMENDMENT:**

Replace paragraph 3 of proposed section 71.3.3 by:

(3) of the rules relating to research into family and  
medical antecedents and to reunions.

Adopted  
mn

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Section 51

**AMENDMENT:**

Replace "Every summary" in the third paragraph of proposed section 71.3.5 by  
"Subject to article 583 of the Civil Code, every summary".

*Adopted  
mn.*

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Section 51

**AMENDMENT:**

In proposed section 71.3.7:

1. Add after paragraph 2:

(3) give the adopter, or the child if he is 14 years of age or over, a summary of the child's family and medical antecedents on request, and give the parent a summary of the adopter's antecedents on request.

2. Add at the end:

Subject to article 583 of the Civil Code, every summary referred to in subparagraph 3 of the first paragraph must preserve the anonymity of the parents or the adopter, as applicable, and contain the information determined by regulation of the Minister.

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ma*

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Section 51

**AMENDMENT:**

Insert after proposed section 71.3.7:

**“71.3.7.1.** Psychosocial support services are to be offered to a parent of origin of a child referred to in subparagraph 1 of the first paragraph of section 71.3.7 and to any other person domiciled in Québec who, undertaking research into family and medical antecedents or steps toward a reunion or being the subject of such an undertaking or steps, need such services.

The services are to be offered by the person or institution designated by the Minister for that purpose.

Adopté  
MR.



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Section 51

**AMENDMENT:**

Replace “of the rules governing disclosure of his identity or that of his parent of origin as well as the rules for establishing contact between them” in proposed section 71.3.10 by “of the rules relating to research into family and medical antecedents and to reunions”.

Adopté  
mn.

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Section 51

**AMENDMENT:**

In proposed section 71.3.11:

1. Add at the end of the first paragraph: "The institution shall also disclose to the adoptee and a brother or sister of origin of the adoptee the information referred to in article 583.10 of that Code if the conditions set out in that article are met.";

2. Replace the second paragraph by:

In addition, such an institution must, if the adoptee or parent of origin sought consents to it, disclose to a physician who has provided a written statement attesting the risk of harm referred to in article 584 of the Civil Code information making it possible to identify the adoptee or parent of origin as well as information making it possible to establish contact with him or his physician.

Adopto  
no

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Section 51

**AMENDMENT:**

Insert after proposed section 71.3.11:

**“71.3.11.1.** Psychosocial support services are to be offered to a child 14 years of age or over who undertakes research into family and medical antecedents or steps toward a reunion. They are also to be offered to any other person who, undertaking research into family and medical antecedents or steps toward a reunion or being the subject of such an undertaking or steps, needs such services.

The services are to be offered by an institution operating a child and youth protection centre.

*Adopted  
or.*

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Section 51

**AMENDMENT:**

In proposed section 71.3.13:

1. Replace the introductory clause by:

For the purposes of section 71.3.10 or 71.3.11, any institution to which those sections apply may require the information or documents needed either to confirm a person's adoptee status or to identify or locate an adoptee or his parents of origin, including

3. Replace “, civil or de facto union” in paragraph 5 by “or civil union”.

Adopto  
mr.

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Section 70

**AMENDMENT:**

Replace “, the adopters or the parents of origin” in the first paragraph of proposed section 72.6.1 by “or his tutor, adopters or parents of origin”.

Adopté  
MC.

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Section 71

**AMENDMENT:**

Replace by:

**71.** Section 95.0.1 of the Act is amended by adding the following paragraph at the end:

“In the case of an Aboriginal customary adoption for which a new act of birth has been drawn up by the registrar of civil status under article 132 of the Civil Code, any inconsistent conclusions of an order aimed at protecting the child become inoperative on a decision of the tribunal following an application by the director, and the director shall act under section 95 on receiving a copy of the new act of birth from the registrar of civil status.”

Adopte  
MD

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Section 49

**AMENDMENT:**

1. Replace “ of the child and the respect of his rights” in paragraph 1 by “of children and the respect of their rights”.
2. Replace “seeing to the child’s transfer with a view to his adoption” in paragraph 2 by “seeing to obtaining an order of transfer under section 7 of the Act to implement the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (chapter M-35.1.3) with a view to their adoption”.

Adopté  
M.C.

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Section 16

**AMENDMENT:**

Replace "laws in force" in proposed article 562.1 by "applicable law".

*Adopted*



AM 38  
s. 39 (431.1)

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Section 39

**AMENDMENT:**

Insert "the parents are" before "domiciled" in the second paragraph of proposed section 431.1.

*Adopted  
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Section 40

**AMENDMENT:**

Replace paragraph 1 by:

(1) by replacing “to the child’s adoption” by “, by special consent if the child is the subject of a report, or by a declaration of eligibility for adoption”;

Adopté  
MN.

AM 40  
s. 43 (456.1)

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Section 43

**AMENDMENT:**

Replace both occurrences of “decision” in proposed section 456.1 by “judgment”.

Adopted  
MC

AM 41  
s. 57 (71.8.1)

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Section 57

**AMENDMENT:**

Replace “granted” in the first paragraph of proposed section 71.8.1 by “rendered”.

Adopté  
MR.

AM 42  
s. 60 (583.12)

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Section 60

**AMENDMENT:**

Replace "Every summary" in the paragraph proposed by paragraph 3 by "Subject to article 583.12 of the Civil Code, every summary".

*Adopted*

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Section 42.1

**AMENDMENT:**

Insert after section 42:

**42.1.** The Code is amended by inserting the following article after article 442:

“**442.1.** The parties to an agreement referred to in article 579 of the Civil Code may, without presenting an application to the courts, call on a mediator who is certified in accordance with the regulations made under article 619 to assist them in negotiating or reviewing such an agreement following the order of placement or whenever a dispute arises on how the agreement is to be applied. Articles 617 to 619 apply.”

Adopte  
MC.

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Section 29

**AMENDMENT:**

Replace by:

**29.** Article 579 of the Code is replaced by the following article:

**“579.** The adopter and members of the family of origin may enter into an agreement in writing to facilitate the exchange of information or to facilitate interpersonal relationships.

The agreement may only be entered into in the interest of the child. If the child is 10 years of age or over, the child must consent to it and may put an end to it at any time, unless he is unable to express his will.”

Adopter  
mn

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Section 51, as amended

**AMENDMENT:**

Add the following paragraphs at the end of proposed section 71.3.3:

In addition, the director must offer support services to the adopter, child and persons important to the child wishing to enter into an agreement referred to in article 579 of the Civil Code before the order of placement is made.

Where such an agreement is entered into and only concerns the exchange of information, the director shall facilitate the exchange, at the request of the parties to the agreement, until the adoptee reaches full age. However, the director shall cease to act at the request of one of the parties.

Adopte  
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Section 91

**AMENDMENT:**

Replace "18 months" by "12 months".

Adopted  
on

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Section 94

**AMENDMENT:**

Replace by:

**94.** The provisions of this Act come into force on the date or dates to be set by the Government but not later than one year after (*insert the date of assent to this Act*), except paragraph 1 of section 4, sections 7.1 and 7.2, section 7.3, except article 199.10 of the Civil Code enacted by that section, sections 9, 12, 13, 16, 17 and 18, article 565.1 of the Civil Code, enacted by section 19, sections 20, 24, 28, 31, 35, 37 to 37.2, 38 to 38.3, 39 to 44 and 46, paragraph 1 of section 47, sections 47.1 and 48 to 50, the first paragraph of section 71.3.4 and sections 71.3.5, 71.3.6, 71.3.7, 71.3.8, 71.3.9 and 71.3.11.1 of the Youth Protection Act, enacted by section 51, sections 52 to 57, 60, 61 and 63 to 69, paragraph 1 of section 72, paragraph 2 of section 72 and sections 73 to 75, 77.1 and 78 to 90, which come into force on (*insert the date of assent to this Act*).

Adopté  
M.