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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 84

## **An Act instituting civil unions and establishing new rules of filiation**

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**Introduction**

**Introduced by  
Mr Paul Bégin  
Minister of Justice**

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## **EXPLANATORY NOTES**

*This bill creates an institution, the civil union, for couples of the opposite or the same sex who wish to make a public commitment to live together as a couple and to uphold the rights and obligations stemming from such status. New provisions introduced into the Civil Code provide for the formation, solemnization, publication and dissolution of a civil union and for its civil consequences as regards such matters as the contribution towards domestic expenses, the family residence, the family patrimony, the compensatory allowance, the obligation of support and the right to inherit. The new spouses will be permitted to enter into a contract establishing a civil union regime, governed by the same rules as those applicable to matrimonial regimes and marriage contracts. In the absence of a contract, the regime of partnership of acquests will apply. The necessary acts relating to the new civil status will be drawn up, modified and published by the registrar of civil status.*

*The bill amends the Civil Code to add new assisted procreation rules and clarify adoption rules as regards same-sex parents.*

*The bill also amends the Civil Code and other legislation to formalize recognition of the new status of civil union spouses, who will have the same rights and obligations as married couples. Moreover, the bill extends not only to civil union spouses but also to same-sex or traditional de facto spouses the applicability of certain provisions that relate to situations encountered by persons who are living together. Such provisions pertain to such matters as consenting to the care required by a person's state of health, conflict of interest situations or causes of disqualification and non-compellability rules.*

### **LEGISLATION AMENDED BY THIS BILL :**

- Civil Code of Québec ;
- Workmen's Compensation Act (R.S.Q., chapter A-3) ;
- Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) ;
- Act respecting the acquisition of farm land by non-residents (R.S.Q., chapter A-4.1) ;

- Act respecting financial assistance for education expenses (R.S.Q., chapter A-13.3);
- Legal Aid Act (R.S.Q., chapter A-14);
- Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- Land Surveyors Act (R.S.Q., chapter A-23);
- Act respecting the National Assembly (R.S.Q., chapter A-23.1);
- Automobile Insurance Act (R.S.Q., chapter A-25);
- Act respecting insurance (R.S.Q., chapter A-32);
- Act respecting the Caisse de dépôt et placement du Québec (R.S.Q., chapter C-2);
- Savings and Credit Unions Act (R.S.Q., chapter C-4.1);
- Charter of human rights and freedoms (R.S.Q., chapter C-12);
- Highway Safety Code (R.S.Q., chapter C-24.2);
- Code of Civil Procedure (R.S.Q., chapter C-25);
- Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (R.S.Q., chapter C-52.1);
- Cooperatives Act (R.S.Q., chapter C-67.2);
- Act respecting financial services cooperatives (R.S.Q., chapter C-67.3);
- Public Curator Act (R.S.Q., chapter C-81);
- Mining Duties Act (R.S.Q., chapter D-15);
- Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1);
- Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);
- Act respecting school elections (R.S.Q., chapter E-2.3);

- Election Act (R.S.Q., chapter E-3.3);
- Act respecting reciprocal enforcement of maintenance orders (R.S.Q., chapter E-19);
- Taxation Act (R.S.Q., chapter I-3);
- Interpretation Act (R.S.Q., chapter I-16);
- Jurors Act (R.S.Q., chapter J-2);
- Act respecting labour standards (R.S.Q., chapter N-1.1);
- Act to facilitate the payment of support (R.S.Q., chapter P-2.2);
- Act respecting liquor permits (R.S.Q., chapter P-9.1);
- Public Protector Act (R.S.Q., chapter P-32);
- Act respecting the protection of persons whose mental state presents a danger to themselves or to others (R.S.Q., chapter P-38.001);
- Act respecting the collection of certain debts (R.S.Q., chapter R-2.2);
- Act respecting the Régie du logement (R.S.Q., chapter R-8.1);
- Act respecting the Québec Pension Plan (R.S.Q., chapter R-9);
- Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1);
- Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2);
- Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3);
- Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);
- Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11);
- Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12);
- Supplemental Pension Plans Act (R.S.Q., chapter R-15.1);

- Act respecting retirement plans for the mayors and councillors of municipalities (R.S.Q., chapter R-16);
- Act respecting property tax refund (R.S.Q., chapter R-20.1);
- Act respecting health services and social services (R.S.Q., chapter S-4.2);
- Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01);
- Act respecting income support, employment assistance and social solidarity (R.S.Q., chapter S-32.001);
- Professional Syndicates Act (R.S.Q., chapter S-40);
- Act respecting the Québec sales tax (R.S.Q., chapter T-0.1);
- Act respecting transportation by taxi (R.S.Q., chapter T-11.1);
- Courts of Justice Act (R.S.Q., chapter T-16);
- Act respecting the Pension Plan of Management Personnel (2001, chapter 31).



# Bill 84

## AN ACT INSTITUTING CIVIL UNIONS AND ESTABLISHING NEW RULES OF FILIATION

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

### AMENDMENTS TO THE CIVIL CODE

**1.** Article 15 of the Civil Code of Québec (1991, chapter 64) is amended

- (1) by replacing “his consent” in the English text by “consent”;
- (2) by replacing “spouse or, if he” by “married, civil union or *de facto* spouse or, if the person”;
- (3) by replacing “his” wherever it appears in the English text by “his or her”.

**2.** Article 56 of the said Code is amended

- (1) by replacing “his” in the English text of the first paragraph by “his or her”;
- (2) by replacing “his spouse” in the second paragraph by “his or her married or civil union spouse”.

**3.** Article 61 of the said Code is amended

- (1) by replacing “his reasons and gives the name of his father and mother” in the English text of the first paragraph by “the reasons for the application and gives the names of his or her father and mother”;
- (2) by replacing “the name of his spouse and of his children” in the first paragraph by “the name of his or her married or civil union spouse and children”;
- (3) by replacing “his children’s” in the English text of the first paragraph by “the children’s”;
- (4) by replacing “his” in the English text of the second paragraph by “the”.

**4.** Article 82 of the said Code is amended by replacing “Spouses” by “Married or civil union spouses”.

**5.** Article 88 of the said Code is amended by inserting “or civil union” after “expenses of the marriage”.

**6.** Article 89 of the said Code is amended

(1) by replacing “spouse” in the first paragraph by “married or civil union spouse”;

(2) by replacing “époux” in the French text of the first paragraph by “conjoints”.

**7.** Article 93 of the said Code is amended

(1) by replacing “his birth” in the English text of the first paragraph by “his or her birth”;

(2) by replacing “marriage, the place of his last domicile, the names of his father, mother and spouse, and” in the first paragraph by “, if applicable, marriage or civil union, the name of the spouse, the names of his or her father and mother as well as his or her last domicile, and”;

(3) by replacing “his death” in the English text of the first paragraph by “death”.

**8.** Article 96 of the said Code is amended by inserting “or civil union” after “matrimonial” in the first and second paragraphs.

**9.** Article 97 of the said Code is amended

(1) by inserting “or civil union” after “marriage” in the first paragraph ;

(2) by adding “or the dissolution of a civil union” at the end of the second paragraph.

**10.** Article 107 of the said Code is amended by inserting “or civil union” after “marriage” in the first paragraph.

**11.** Article 108 of the said Code, amended by section 3 of chapter 47 of the statutes of 1999, is again amended by inserting “, civil unions” after “marriages” in the first paragraph.

**12.** Article 114 of the said Code is amended by replacing “, one of the parents” in the first paragraph by “or civil union, one of the spouses”.

**13.** Article 115 of the said Code is amended by adding the following sentence at the end of the first paragraph: “Where the parents are of the same sex, they are designated as the mothers or fathers of the child, as the case may be.”



**14.** The said Code is amended by inserting the following after article 121 :

“§3.1. — *Acts of civil union*

“**121.1.** The declaration of civil union is made without delay to the registrar of civil status by the person having solemnized the civil union.

“**121.2.** The declaration of civil union states the names and domicile and places and dates of birth of the spouses, the date and place of solemnization of the civil union, and the names of their fathers and mothers and witnesses. Where applicable, the declaration indicates that a dispensation from publication has been granted.

The declaration also states the name, domicile and quality of the officiant and indicates, where applicable, the officiant’s religious affiliation.

“**121.3.** The declaration is signed by the officiant, the spouses and the witnesses.”

**15.** Article 126 of the said Code is amended by replacing the part of the first paragraph that follows “date of birth” by the following : “and, if applicable, of marriage or civil union of the deceased, the name of the spouse, the names of the father and mother and the last domicile of the deceased and the place, date and time of death as well as the time, place and mode of disposal of the body.”

**16.** Article 129 of the said Code, amended by section 7 of chapter 47 of the statutes of 1999, is again amended by inserting the following paragraph after the first paragraph :

“The notary who executes a joint declaration dissolving a civil union gives notice of the declaration without delay to the registrar of civil status.”

**17.** Article 130 of the said Code, amended by section 8 of chapter 47 of the statutes of 1999, is again amended

(1) by inserting “, civil union” after “marriage” in the first paragraph ;

(2) by replacing “maternity or paternity established” in the second paragraph by “a bond of filiation established”.

**18.** Article 134 of the said Code, amended by section 9 of chapter 47 of the statutes of 1999, is again amended by inserting “or civil union” after “marriage” wherever it appears in the first paragraph.

**19.** Article 135 of the said Code, amended by section 10 of chapter 47 of the statutes of 1999, is again amended

(1) by inserting the following paragraph after the first paragraph :

“Upon notification of a notarized joint declaration or a judgment dissolving a civil union, the registrar shall make a notation of the declaration or judgment in the computerized version of the acts of birth and civil union of each of the persons concerned.”;

(2) by inserting “or civil union” after “nullity of marriage” in the last paragraph;

(3) by inserting “or civil union” after “act of marriage” in the last paragraph.

**20.** Article 146 of the said Code is amended

(1) by replacing “name of the person, his sex” in the English text of the first paragraph by “person’s name, sex”;

(2) by replacing “his place and date of birth, and, where applicable, the name of his spouse and the place and date of his marriage or death” in the first paragraph by “place and date of birth and, if applicable, the place and date of marriage or civil union, the name of the spouse and the date and place of death”;

(3) by inserting “, civil union” after “marriage” in the second paragraph.

**21.** Article 258 of the said Code is amended

(1) by replacing “himself or of administering his property by reason, in particular, of illness, deficiency or debility due to age which impairs his mental faculties or his physical ability to express his will” in the English text of the first paragraph by “himself or herself or of administering property by reason, in particular, of illness, deficiency or debility due to age which impairs the person’s mental faculties or physical ability to express his or her will”;

(2) by replacing “his spouse” in the second paragraph by “his or her married or civil union spouse”.

**22.** Article 365 of the said Code is amended by replacing “between a man and a woman” in the second paragraph by “between two persons”.

**23.** Article 373 of the said Code is replaced by the following article :

**“373.** Before solemnizing a marriage, the officiant ascertains the identity of the intended spouses, compliance with the conditions for the formation of the marriage and observance of the formalities prescribed by law. More particularly, the officiant ascertains that the intended spouses are free from any previous bond of marriage or civil union and, in the case of minors, that the person having parental authority or, if applicable, the tutor has consented to the marriage.”

**24.** The said Code is amended by inserting the following Title after article 521 :

**“TITLE ONE.1**

**“CIVIL UNION**

**“CHAPTER I**

**“FORMATION OF CIVIL UNION**

**“521.1.** A civil union is a commitment by two persons eighteen years of age or over who express their free and enlightened consent to live together and to uphold the rights and obligations that derive from that status.

A civil union may only be contracted between persons who are free from any previous bond of marriage or civil union and who in relation to each other are neither an ascendant or a descendant, nor a brother or a sister.

**“521.2.** A civil union must be contracted openly before an officiant competent to solemnize marriages and in the presence of two witnesses.

No minister of religion may be compelled to solemnize a civil union to which there is an impediment according to the minister’s religion and the discipline of the religious society to which he or she belongs.

**“521.3.** Before proceeding with a civil union, the officiant ascertains the identity of the intended spouses, compliance with the conditions for the formation of the civil union and observance of the formalities prescribed by law.

The solemnization of a civil union is subject to the same rules, with the necessary modifications, as are applicable to the solemnization of marriages, including the rules relating to prior publication.

**“521.4.** Any interested person may oppose a civil union between persons incapable of contracting a civil union.

A minor may act alone to oppose a civil union.

**“521.5.** A civil union is proved by an act of civil union, except where another mode of proof is authorized by law.

Possession of the status of civil union spouse compensates for a defect of form in the act of civil union.

## “CHAPTER II

### “CIVIL CONSEQUENCES OF CIVIL UNION

“**521.6.** The spouses in a civil union have the same rights and obligations.

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

They are bound to live together.

The effects of the civil union as regards the direction of the family, the exercise of parental authority, contribution towards expenses, the family residence, the family patrimony and the compensatory allowance are the same as the effects of marriage, with the necessary modifications.

Whatever their civil union regime, the spouses may not derogate from the provisions of this article.

“**521.7.** A civil union creates a family connection between each spouse and the relatives of his or her spouse.

“**521.8.** A civil union regime may be created by and any kind of stipulation may be made in a civil union contract, subject to the imperative provisions of law and public order.

Spouses who, before the solemnization of their civil union, have not fixed their civil union regime are subject to the regime of partnership of acquests.

Civil union regimes, whether legal or conventional, and civil union contracts are subject to the same rules as are applicable to matrimonial regimes and marriage contracts, with the necessary modifications.

“**521.9.** If spouses cannot agree as to the exercise of their rights and the performance of their duties, they or either of them may apply to the court, which will decide in the best interests of the family after fostering conciliation of the parties.

## “CHAPTER III

### “NULLITY AND DISSOLUTION OF CIVIL UNION

“**521.10.** A civil union which is not contracted in accordance with the prescriptions of this Title may be declared null upon the application of any interested person, although the court may decide according to the circumstances.

No action lies after the lapse of three years from the solemnization, except where public order is concerned.

**“521.11.** The nullity of a civil union entails the same effects as the nullity of a marriage.

**“521.12.** A civil union is dissolved by the death of either spouse. It is also dissolved by a court judgment or by a notarized joint declaration where the spouses’ will to live together is irretrievably undermined.

**“521.13.** The spouses may consent, by way of a joint declaration, to the dissolution of the civil union provided they settle all the consequences of the dissolution in an agreement.

The declaration and the agreement must be executed before a notary and recorded in notarial acts *en minute*.

The notary may not execute the declaration before the agreement is recorded in a notarized transaction contract. The notary must inform the spouses beforehand of the consequences of the dissolution and make sure that they truly consent to the dissolution and that the agreement is not contrary to imperative provisions of law or public order. If appropriate, the notary may provide information to the spouses on any available conciliation services.

**“521.14.** The transaction contract specifies the date on which the net value of the family patrimony is established. The date may not be earlier than the date of the joint procedure for the dissolution of the civil union or later than the date of the execution of the contract before a notary.

**“521.15.** The joint declaration dissolving a civil union states the names and domicile of the spouses, their places and dates of birth and the place and date of solemnization of the union; it also indicates the places and dates of execution of the transaction contract and of the declaration as well as the minute number given to each of those acts.

**“521.16.** The joint declaration dissolving a civil union produces the same effects as a judgment dissolving a civil union, from the date it is executed before a notary.

The joint declaration must be notified without delay to the registrar of civil status as well as to the Régie des rentes du Québec, the registrar responsible for the register of personal and movable real rights, the depositary of the original civil union contract and the depositary of any contract changing the civil union regime. The depositary is bound to mention the joint declaration of dissolution on the original of the contract and on any copy issued, indicating the date of the declaration, the minute number and the name and address of the notary who executed the declaration.

**“521.17.** In the absence of a joint declaration dissolving the civil union executed before a notary or where the interests of the common children of the spouses are at stake, the dissolution of the union must be pronounced by the court.

The court must ascertain that the spouses' will to live together is irretrievably undermined, foster conciliation and see to the interests of the children and the protection of their rights. During the proceeding, the court may determine provisional measures, as in the case of separation from bed and board.

Upon or after pronouncing the dissolution, the court may order one of the spouses to pay support to the other, decide as to the custody, maintenance and education of the children, in their best interests and with due regard for their rights, and in keeping with any agreements made between the spouses.

**“521.18.** The dissolution of a civil union does not deprive the children of the advantages secured to them by law or by the civil union contract.

The rights and obligations of parents towards their children are unaffected by the dissolution of the union.

**“521.19.** The dissolution of a civil union entails the dissolution of the civil union regime. Between the spouses, the effects of the dissolution of the regime are retroactive to the day of the death, the day of execution of the joint declaration of dissolution before a notary or, where applicable, to the day of the application to the court, unless the court makes them retroactive to the day on which the spouses ceased living together.

Dissolution, otherwise than by death, entails the lapse of gifts *mortis causa* made by one spouse to the other in consideration of the civil union. It does not entail the lapse of other gifts *mortis causa* or of gifts *inter vivos* between the spouses in consideration of the union, except that the court may, upon pronouncing the dissolution, declare such gifts lapsed or reduce them, or order the payment of gifts *inter vivos* deferred for such time as it may fix.”

**25.** Article 525 of the said Code is amended

(1) by inserting “or a civil union between persons of opposite sex” after “marriage” in the first paragraph;

(2) by replacing “the dissolution or annulment of the marriage” in the English text of the first paragraph by “its dissolution or annulment”;

(3) by replacing “husband” in the first paragraph by “spouse”;

(4) by striking out “the husband’s” in the second paragraph;

(5) by inserting “of married spouses” after “separation from bed and board” in the second paragraph;

(6) by replacing the last paragraph by the following paragraph:

“The presumption is also rebutted in respect of the former spouse if the child born is within three hundred days of the dissolution or annulment of the

marriage or civil union, but after a subsequent marriage or civil union of the child's mother.”

**26.** Article 535 of the said Code is amended by inserting “or civil union spouse” after “husband” in the second paragraph.

**27.** The said Code is amended by replacing Section III of Chapter I of Title Two by the following chapter :

#### **“CHAPTER I.1**

#### **“FILIAION OF CHILDREN BORN OF ASSISTED PROCREATION**

**“538.** A parental project involving assisted procreation exists from the moment a person decides or spouses by mutual consent decide, in order to have a child, to resort to the contribution of genetic material by another person.

**“538.1.** As in the case of filiation by blood, the filiation of a child born of assisted procreation is established by the act of birth. In the absence of an act of birth, uninterrupted possession of status is sufficient; the latter is established by an adequate combination of facts which indicate the relationship of filiation between the child, the woman who gave birth to the child and, where applicable, the other party to the parental project.

This filiation creates the same rights and obligations as filiation by blood.

**“538.2.** The contributor of genetic material may not claim any bond of filiation with the child born of the assisted procreation.

**“538.3.** If a child is born of a parental project between married or civil union spouses during the marriage or the civil union or within three hundred days after its dissolution or annulment, the husband or civil union spouse of the child's mother is presumed to be the child's other parent.

The presumption is rebutted if the child is born more than three hundred days after the judgment ordering separation from bed and board of the married spouses, unless they have voluntarily resumed living together before the birth.

The presumption is also rebutted in respect of the former spouse if the child is born within three hundred days of the termination of the marriage or civil union, but after a subsequent marriage or civil union of the child's mother.

**“538.4.** In the case of parents of the same sex, the mother's spouse has the obligations and exercises the rights assigned by law to the father.

**“539.** Subject to the exceptions that follow, no person may contest the filiation of a child solely on the grounds of the child being born of a parental project involving assisted procreation nor is any claim to another status admissible from the child.

The mother’s married or civil union spouse may contest the filiation and disavow the child if there was no mutual parental project or if it is established that the child was not born of the assisted procreation.

If the procreation was not medically assisted, the child may claim a filiation with the contributor of the genetic material in the absence of another filiation established by an act or possession of status consistent therewith.

The rules governing actions relating to filiation by blood apply with the necessary modifications to claims or contestations of a filiation determined pursuant to this chapter.

**“540.** A person who, after consenting to a parental project outside marriage or a civil union, fails to declare his or her parentage of the child born of that project in the register of civil status is liable toward the child and the child’s mother.

**“541.** Any agreement whereby a woman undertakes to procreate or carry a child for another person is absolutely null.

**“542.** Nominative information relating to medically assisted procreation is confidential.

However, where the health of a person born of medically assisted procreation or of any descendant of that person could be seriously harmed if the person were deprived of the information requested, the court may allow the information to be transmitted confidentially to the medical authorities concerned. A descendant of such a person may also exercise this right where the health of that descendant or of a close relative could be seriously harmed if the descendant were deprived of the information requested.”

**28.** Article 555 of the said Code is amended by replacing “of the spouse or the concubinary of the father or mother, if they have been cohabiting as concubinaries” by “of the spouse of the father or mother. However, in the case of *de facto* spouses, they must have been cohabiting”.

**29.** Article 577 of the said Code is amended

(1) by replacing “his” in the English text of the first and second paragraphs by “his or her”;

(2) by inserting “or a civil union” after “marriage” in the second paragraph.

**30.** The said Code is amended by inserting the following article after article 577:



**“577.1.** Where the parents of the adopted child are of the same sex, the parent who is not biologically related to the child has the obligations and exercises the rights, as the child’s other parent, assigned by law to that other parent. Where neither parent is biologically related to the child, the role of each parent for legal purposes is determined in the adoption judgment.”

**31.** Article 578 of the said Code is amended

- (1) by inserting “or civil union” after “marriage” in the second paragraph ;
- (2) by replacing “his” in the English text of the second paragraph by “his or her”.

**32.** Article 579 of the said Code is amended

- (1) by replacing “his” wherever it appears in the English text of the first paragraph by “his or her”;
- (2) by striking out “or concubinary” in the second paragraph.

**33.** Article 585 of the said Code, amended by section 1 of chapter 28 of the statutes of 1996, is again amended by replacing “Spouses” by “Married or civil union spouses”.

**34.** Article 624 of the said Code is amended

- (1) by replacing “surviving spouse” by “surviving married or civil union spouse”;
- (2) by inserting “or civil union” after “marriage”.

**35.** Article 653 of the said Code is amended by replacing “surviving spouse” by “surviving married or civil union spouse”.

**36.** Article 654 of the said Code is amended by replacing “of his matrimonial rights and benefits” by “of his or her rights and benefits by reason of the marriage or civil union”.

**37.** Article 706 of the said Code is amended

- (1) by inserting “or civil union” after “marriage”;
- (2) by replacing, in the English text, “his” wherever it appears by “his or her” and “he has made” by “he or she has made”.

**38.** Article 757 of the said Code, amended by section 716 of chapter 57 of the statutes of 1992, is again amended by replacing “limiting the rights of the surviving spouse in the event of a remarriage” in the second paragraph by

“limiting the rights of a surviving spouse in the event of a remarriage or new civil union”.

**39.** Article 764 of the said Code is amended

(1) by replacing “divorce” in the first paragraph by “a divorce or the dissolution of a civil union”;

(2) by inserting “or civil union” after “marriage” in the last paragraph ;

(3) by replacing “des époux” in the French text of the last paragraph by “des conjoints”.

**40.** Article 809 of the said Code is amended by inserting “married or civil union” before “spouses”.

**41.** Article 840 of the said Code is amended by replacing “to the surviving spouse” at the end by “to the surviving married or civil union spouse”.

**42.** Article 844 of the said Code is amended by replacing “of the spouse” in the second paragraph by “of the married or civil union spouse”.

**43.** Article 851 of the said Code is amended by replacing “of the surviving spouse” in the first paragraph by “of the surviving married or civil union spouse”.

**44.** Article 856 of the said Code is amended

(1) by replacing “The surviving spouse” in the first paragraph by “The surviving married or civil union spouse”;

(2) by replacing “his” in the English text of the first paragraph by “his or her”;

(3) by replacing “he” in the English text of the second paragraph by “he or she”.

**45.** Article 857 of the said Code is amended by replacing “The surviving spouse” by “The surviving married or civil union spouse”.

**46.** Article 1696 of the said Code, amended by section 716 of chapter 57 of the statutes of 1992, is again amended

(1) by replacing “with him or a person related to him” in the English text by “with or related to the creditor”;

(2) by inserting “a spouse,” before “a relative by blood”;

(3) by inserting “or a civil union” after “connected by marriage” in the English text;

(4) by replacing “him, a partner or a legal person of which he is a director or which he controls” in the English text by “the creditor, a partner or a legal person of which the creditor is a director or which he or she controls”.

**47.** Articles 1813, 1819 and 1822, the heading of Section V of Chapter II of Title Two of Book Five and article 1839 of the said Code are amended by replacing “marriage contract” by “marriage or civil union contract”.

**48.** Article 1840 of the said Code is amended

(1) by replacing “marriage contract” in the first and second paragraphs by “marriage or civil union contract”;

(2) by replacing “époux” wherever it appears in the French text of the first paragraph by “conjoints”.

**49.** Article 1938 of the said Code is amended

(1) by replacing “The spouse of a lessee or a person who has been living with a lessee for at least six months, being the concubinary” in the first paragraph by “The married or civil union spouse of a lessee, or a person who has been living with the lessee for at least six months, being the *de facto* spouse”;

(2) by replacing “a person connected to him by marriage” in the English text of the first paragraph by “a person connected to the lessee by marriage or a civil union”;

(3) by replacing “he” wherever it appears in the English text of the first and second paragraphs by “he or she”;

(4) by replacing “himself” and “him” in the English text of the second paragraph by “himself or herself” and “him or her”, respectively.

**50.** Article 1957 of the said Code is amended

(1) by replacing the English text of the first paragraph by the following paragraph:

**“1957.** The lessor of a dwelling who is the owner of the dwelling may repossess it as a residence for himself or herself or for ascendants or descendants in the first degree or for any other relative or person connected by marriage or a civil union of whom the lessor is the main support.”;

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

“The lessor may also repossess the dwelling as a residence for a spouse or former spouse of whom the lessor remains the main support after a separation from bed and board or divorce or the dissolution of a civil union.”

**51.** Article 1958 of the said Code is amended

- (1) by replacing “his spouse” in the English text by “his or her spouse”;
- (2) by striking out “or his concubinary” at the end.

**52.** Article 2444 of the said Code is amended by replacing “his spouse” by “his or her married or civil union spouse”.

**53.** Article 2449 of the said Code is amended by replacing “of his spouse” in the first paragraph by “of his or her married or civil union spouse”.

**54.** Article 2457 of the said Code is amended by replacing “the spouse” by “the married or civil union spouse”.

**55.** Article 2459 of the said Code is amended by replacing “Divorce or nullity of marriage causes” in the second paragraph by “Divorce or nullity of marriage or the dissolution or nullity of a civil union causes”.

**56.** Article 2906 of the said Code is amended by replacing “Spouses” by “Married or civil union spouses”.

**57.** Article 2999 of the said Code is amended

- (1) by inserting “or civil union” after “matrimonial” in the first paragraph ;
- (2) by replacing “spouse” in the second paragraph by “married or civil union spouse”.

**58.** Article 3022 of the said Code, amended by section 56 of chapter 42 of the statutes of 2000, is again amended by replacing “spouses” in the first paragraph by “married or civil union spouses”.

**59.** Article 3062 of the said Code is amended

- (1) by replacing “where the spouses consent” in the first paragraph by “where the married or civil union spouses consent”;
- (2) by replacing “époux” wherever it otherwise appears in the French text by “conjoints”;
- (3) by replacing “the marriage has been annulled” in the first paragraph by “the civil union has been dissolved, the marriage or civil union has been annulled”;

(4) by inserting “or the notarized declaration” after “judgment” in the second paragraph.

**60.** The said Code is amended by inserting the following after article 3090 :

“§3.1. — *Civil union*

**“3090.1.** A civil union is governed with respect to its essential and formal validity by the law of the place of its solemnization.

That law also applies to the effects of a civil union, except those binding all spouses regardless of the civil union regime, which are subject to the law of the country of domicile of the spouses.

**“3090.2.** The dissolution of a civil union is governed by the law of the country of domicile of the spouses or by the law of the place of its solemnization. The effects of the dissolution are subject to the law governing the dissolution.

**“3090.3.** Where the spouses are domiciled in different countries, the applicable law is the law of their common place of residence or, failing that, the law of their last common place of residence or, failing that, the law of the place of solemnization of the civil union or the law of the court seized of the application for dissolution, as the case may be.”

**61.** Article 3096 of the said Code is replaced by the following article :

**“3096.** The obligation of support between spouses who are divorced or separated from bed and board, between spouses whose civil union is dissolved or spouses whose marriage or union has been declared null is governed by the law applicable to the divorce, separation from bed and board, dissolution of the civil union or annulment of the marriage or civil union.”

**62.** Article 3099 of the said Code is amended

(1) by replacing “the spouse or a child of the deceased, to a large degree,” in the first paragraph by “the married or civil union spouse or a child of the deceased, to a large degree,”;

(2) by replacing “he” in the English text of the first paragraph by “he or she”.

**63.** The heading of subsection 8 of Section II of Chapter III of Title Two of Book Ten of the said Code is amended by inserting “*or civil union*” after “*Matrimonial*”.

**64.** Article 3122 of the said Code is amended by inserting “or civil union” after “matrimonial”.

**65.** Article 3123 of the said Code is amended

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

**“3123.** The matrimonial or civil union regime of spouses who have not entered into matrimonial or civil union agreements is governed by the law of their country of domicile at the time of their marriage or civil union.”;

(2) by replacing “époux” in the French text of the second paragraph by “conjoints”;

(3) by replacing “the marriage” in the second paragraph by “their marriage or civil union”.

**66.** Article 3124 of the said Code is amended

(1) by inserting “or civil union” after “matrimonial” in the first and second paragraphs;

(2) by replacing “époux” wherever it appears in the French text by “conjoints”.

**67.** Article 3144 of the said Code is replaced by the following article:

**“3144.** A Québec authority has jurisdiction in matters relating to the nullity of a marriage or the dissolution or nullity of a civil union when the domicile or place of residence of one of the spouses or the place of solemnization of their marriage or civil union is in Québec.”

**68.** Article 3145 of the said Code is replaced by the following article:

**“3145.** As regards the effects of marriage or a civil union, particularly those that are binding on all spouses regardless of their matrimonial or civil union regime, a Québec authority has jurisdiction when the domicile or place of residence of one of the spouses is in Québec.”

**69.** Article 3154 of the said Code is amended

(1) by replacing “of matrimonial regime” in the first paragraph by “relating to a matrimonial or civil union regime”;

(2) by replacing “des époux” wherever it appears in the French text by “des conjoints”;

(3) by replacing “cet époux” in the French text of subparagraph 1 of the first paragraph by “ce conjoint”;

(4) by replacing “his domicile” in the English text of the second paragraph by “his or her domicile”.

**70.** Article 3167 of the said Code is amended

- (1) by replacing “his” wherever it appears in the English text by “his or her” ;
- (2) by adding the following paragraph at the end :

“In actions relating to the dissolution of a civil union, the jurisdiction of a foreign authority is recognized only if the country concerned recognizes that institution ; where that is the case, its jurisdiction is recognized subject to the same conditions as in matters of divorce.”

#### AMENDMENTS TO OTHER LEGISLATION AND CONSEQUENTIAL AMENDMENTS

**71.** Section 2 of the Workmen’s Compensation Act (R.S.Q., chapter A-3), amended by section 2 of chapter 57 of the statutes of 1978, section 251 of chapter 63 of the statutes of 1979 and section 1 of chapter 14 of the statutes of 1999, is again amended

(1) by replacing “married and who live together” in subparagraph *a* of paragraph *e* of subsection 1 by “married or in a civil union and who live together” ;

(2) by replacing “is married or, as the case may be, has been married, to a worker” in subparagraph 2 of paragraph *l* of subsection 1 by “is or was married to or in a civil union with the worker” ;

(3) by replacing “whose marriage has been dissolved by a decree nisi of divorce or declared null by a judgment in nullity of marriage” in subparagraph *i* of subparagraph 2 of paragraph *l* of subsection 1 by “whose marriage to or civil union with the worker has been dissolved or declared null by a final judgment or whose civil union with the worker has been dissolved by a notarized joint declaration of dissolution” ;

(4) by replacing “consorts” and “consort” wherever they appear in the English text by “spouses” and “spouse”, respectively.

**72.** Section 35 of the said Act, replaced by section 20 of chapter 57 of the statutes of 1978, is amended

(1) by replacing “when he or she remarries or he or she lives as husband and wife with another person” in the first paragraph of subsection 2 by “when he or she remarries or enters into a civil union, or lives in a *de facto* union, with another person, whether of the opposite sex or the same sex,” ;

(2) by replacing “consort” and “consorts” wherever they appear in the English text by “spouse” and “spouses”, respectively.

**73.** Section 2 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) is amended by replacing “is married to” in paragraph 1 of the definition of “spouse” by “is married to, or in a civil union with,”.

**74.** Section 3 of the Act respecting the acquisition of farm land by non-residents (R.S.Q., chapter A-4.1) is amended

(1) by replacing “he lived” in the English text by “he or she lived”;

(2) by replacing “the spouse” in paragraph 5 by “the married or civil union spouse”.

**75.** Section 2 of the Act respecting financial assistance for education expenses (R.S.Q., chapter A-13.3) is amended by replacing “married to” in the definition of “spouse” by “married to, or in a civil union with,”.

**76.** Section 4 of the said Act, amended by section 191 of chapter 54 of the statutes of 1993, section 73 of chapter 2 of the statutes of 1994 and section 1 of chapter 18 of the statutes of 2001, is again amended by replacing “married” in subparagraph 1 of the first paragraph by “married or in a civil union”.

**77.** Section 1.1 of the Legal Aid Act (R.S.Q., chapter A-14) is amended

(1) by replacing “two persons who are married to each other” in paragraph 1 by “two persons who are married to or in a civil union with each other”;

(2) by inserting “of opposite sex or the same sex” after “two persons” in paragraph 2.

**78.** Section 1.2 of the said Act is amended by replacing “neither married” in subparagraph 1 of the first paragraph by “neither married or in a civil union”.

**79.** Section 4.8 of the said Act is amended by inserting “or civil union” after “marriage” in paragraph 4.

**80.** Section 113 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by striking out “or *de facto* spouse” in subparagraph 3.1 of the second paragraph.

**81.** Section 46 of the Land Surveyors Act (R.S.Q., chapter A-23) is amended by replacing “A person allied or related” by “The spouse of or a person allied or related”.

**82.** Section 71 of the Act respecting the National Assembly (R.S.Q., chapter A-23.1) is amended by replacing “by the effect of an Act or as the result of a marriage” by “by the effect of an Act or because of a marriage, a civil union or a *de facto* union to which he or she is party”.

**83.** Section 2 of the Automobile Insurance Act (R.S.Q., chapter A-25) is amended



(1) by replacing “is married to” in the definition of “spouse” by “is married to or in a civil union with”;

(2) by replacing “or whose marriage to the victim has been dissolved by a final judgment of divorce or declared null by a declaration of nullity of marriage” in paragraph 2 of the definition of “dependant” by “whose marriage to or civil union with the victim has been dissolved or declared null by a final judgment, or whose civil union has been dissolved by a notarized joint declaration of dissolution”.

**84.** Section 1 of the Act respecting insurance (R.S.Q., chapter A-32) is amended

(1) by replacing “who is married to and cohabits with another person” in paragraph *v* by “who is married to, or in a civil union with, and cohabits with another person”;

(2) by striking out “outside marriage” in paragraph *v*.

**85.** Section 40 of the Act respecting the Caisse de dépôt et placement du Québec (R.S.Q., chapter C-2) is amended

(1) by inserting “, civil union, *de facto* union” after “marriage” in subparagraph *a* of the second paragraph;

(2) by replacing “if one is married to the other or to” in subparagraph *b* of the third paragraph by “, a civil union or a *de facto* union if one is connected with the other or with”.

**86.** Section 209 of the Savings and Credit Unions Act (R.S.Q., chapter C-4.1) is amended

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

“(1) is married to, or in a civil union with, and cohabits with another person;”;

(2) by striking out “outside marriage” in paragraph 2.

**87.** Section 47 of the Charter of human rights and freedoms (R.S.Q., chapter C-12) is amended by replacing “Husband and wife have, in the marriage,” in the first paragraph by “Married or civil union spouses have, in the marriage or civil union,”.

**88.** Section 92 of the Highway Safety Code (R.S.Q., chapter C-24.2) is amended by replacing “spouse” in paragraph 6 by “married or civil union spouse”.

**89.** Article 70 of the Code of Civil Procedure (R.S.Q., chapter C-25) is amended

(1) by replacing “oppositions to marriage” in the second paragraph by “oppositions to a marriage or a civil union”;

(2) by inserting “or civil union” after “matrimonial” in the second paragraph;

(3) by replacing “where the marriage is to be solemnized” in the second paragraph by “where the marriage or civil union is to be solemnized”.

**90.** Article 121 of the said Code is amended

(1) by replacing “he is interested” in the English text by “he or she is interested”;

(2) by replacing “which concern his relations” by “which concern his or her spouse or a relative”.

**91.** Article 195 of the said Code is amended by replacing “as to bed and board, in nullity of marriage or for divorce” in the first paragraph by “from bed and board, marriage annulment or divorce or for the dissolution or annulment of a civil union”.

**92.** Article 196 of the said Code is amended by replacing “annulment of marriage” in the second paragraph by “annulment of a marriage or a civil union”.

**93.** Article 234 of the said Code is amended

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

“(1) If the judge is the spouse of or related or allied within the degree of cousin-german inclusively to one of the parties;”;

(2) by replacing “he”, “himself”, “him” and “his” wherever they appear in the English text by “the judge”, “himself or herself”, “him or her” and “his or her”, respectively;

(3) by inserting “is the spouse of or” before “is related” in paragraph 9 .

**94.** Article 295 of the said Code is amended

(1) by inserting “A spousal or family” before “Relationship” in the second paragraph;

(2) by inserting “or a civil union” after “connection by marriage” in the English text of the second paragraph.

**95.** Article 307 of the said Code is amended by replacing “consort during the marriage” by “spouse during their life together”.

**96.** Article 394 of the said Code is amended by replacing “as to bed and board, in nullity of marriage or for divorce” by “from bed and board, marriage annulment or divorce or for the dissolution or annulment of a civil union”.

**97.** Article 404 of the said Code is amended

(1) by replacing “annulment of marriage” in the last paragraph by “annulment of a marriage or a civil union”;

(2) by replacing “his defence” in the English text of the last paragraph by “a defence”;

(3) by replacing “as to bed and board” in the English text of the last paragraph by “from bed and board”;

(4) by replacing “or for divorce” in the last paragraph by “or divorce or for the dissolution of a civil union”.

**98.** Article 457 of the said Code is amended by replacing “as to bed and board, in nullity of marriage or for divorce” by “from bed and board, marriage annulment or divorce or for the dissolution or annulment of a civil union”.

**99.** Article 553 of the said Code is amended

(1) by replacing “his consort” in the English text of subparagraph *a* of the first paragraph of subparagraph 11 of the first paragraph by “his or her spouse”;

(2) by striking out “person to whom the debtor is married or, if the person is not married, the” in the second paragraph of subparagraph 11 of the first paragraph and by replacing “spouse of the debtor” at the end of that paragraph by “*de facto* spouse of the debtor, provided the debtor is neither married nor in a civil union”;

(3) by inserting “between married or civil union spouses” after “allowance” in the last paragraph.

**100.** Article 583.2 of the said Code is amended

(1) by replacing “he” in the English text of the first paragraph by “he or she”;

(2) by replacing “his” in the English text of the second paragraph by “his or her”;

(3) by inserting “spouses,” before “relatives” in the second paragraph.

**101.** Article 647 of the said Code is amended by inserting “or civil union” after “marriage” in the second last paragraph.

**102.** Article 734.0.1 of the said Code is amended

(1) by replacing “as to bed and board or for divorce” in the first paragraph by “from bed and board or divorce or for the dissolution or annulment of a civil union”;

(2) by inserting “or civil union” after “matrimonial” in the first paragraph.

**103.** Article 813.3 of the said Code is amended by replacing “as to bed and board, in nullity of marriage or for divorce,” by “from bed and board, marriage annulment or divorce or for the annulment or dissolution of a civil union,”.

**104.** Article 813.4 of the said Code, amended by section 133 of chapter 42 of the statutes of 2000, is again amended

(1) by replacing “as to bed and board, nullity of marriage or divorce” in the first paragraph by “from bed and board, marriage annulment or divorce or for the annulment or dissolution of a civil union”;

(2) by replacing “époux” wherever it appears in the French text by “conjoints” or “conjoint”, as the case may be;

(3) by replacing “his matrimonial” in the first paragraph by “his or her matrimonial or civil union”.

**105.** Article 814.3 of the said Code is amended by inserting “or civil union” after “marriage”.

**106.** Article 815.2.1 of the said Code is amended by inserting “or civil union” after “marriage” in the first paragraph.

**107.** Article 817 of the said Code is amended

(1) by replacing “as to bed and board, the nullity of a marriage or a divorce” by “from bed and board, marriage annulment or divorce or for the dissolution or annulment of a civil union”;

(2) by adding “or civil union” at the end.

**108.** Article 817.2 of the said Code is amended

(1) by replacing “as to bed and board, for nullity of marriage or for divorce” in the first paragraph by “from bed and board, marriage annulment or divorce or for the dissolution or annulment of a civil union”;

(2) by inserting “or civil union” after “marriage” and after “matrimonial” in the second paragraph.

**109.** The heading of Chapter II of Title IV of Book V of the said Code is amended by adding “OR A CIVIL UNION” at the end.

**110.** Article 818.2 of the said Code is amended

(1) by inserting “or civil union” after “matrimonial”;

(2) by striking out “marriage”.

**111.** The heading of Section II of Chapter II of Title IV of Book V of the said Code is amended by adding “OR TO A CIVIL UNION” at the end.

**112.** Article 819 of the said Code is amended

(1) by inserting “or to a civil union” after “marriage”;

(2) by replacing “époux” in the French text by “conjoints”.

**113.** Articles 819.1 and 819.2 of the said Code are amended by replacing “marriage” at the end by “marriage or civil union”.

**114.** The heading of Chapter V of Title IV of Book V of the said Code is amended by replacing “AS TO BED AND BOARD AND FOR DIVORCE” by “FROM BED AND BOARD OR DIVORCE OR FOR DISSOLUTION OF A CIVIL UNION”.

**115.** Article 822 of the said Code is amended

(1) by replacing “Les époux” in the French text by “Les conjoints”;

(2) by replacing “as to bed and board or for divorce” by “from bed and board or divorce or for the dissolution of their civil union”.

**116.** Article 822.1 of the said Code is amended

(1) by replacing “époux” wherever it appears in the French text by “conjoints”;

(2) by replacing “as to bed and board or of their divorce” in the first paragraph by “from bed and board or divorce or of the dissolution of their civil union”;

(3) by inserting “or civil union” after “matrimonial” in the first paragraph.

**117.** Article 822.2 of the said Code is amended by replacing “des époux” in the French text of the second paragraph by “des conjoints”.

**118.** Article 822.3 of the said Code is amended

(1) by replacing “des époux” in the French text by “des conjoints”;

(2) by replacing “as to bed and board or for divorce” by “from bed and board or divorce or for the dissolution of a civil union”.

**119.** Article 822.4 of the said Code is amended

(1) by replacing “as to bed and board or for divorce” by “from bed and board or divorce or for the dissolution of a civil union”;

(2) by replacing “époux” wherever it appears in the French text of the first and second paragraphs by “conjoints”.

**120.** Article 822.5 of the said Code is amended by replacing “as to bed and board or divorce” by “from bed and board or divorce or the dissolution of a civil union”.

**121.** Article 825.2 of the said Code is amended

(1) by replacing “as the case may be, on his spouse,” by “if applicable, on his or her married or civil union spouse,”;

(2) by replacing “on his children 14 years of age or older and on his ascendants” in the English text by “his or her children 14 years of age or older and his or her ascendants”.

**122.** Article 865.2 of the said Code is amended

(1) by inserting “or civil union” after “expenses of the marriage” in the first paragraph;

(2) by replacing “spouses” in the first paragraph by “married or civil union spouses”;

(3) by replacing “he” in the English text of the second paragraph by “he or she”.

**123.** Article 955 of the said Code is amended

(1) by inserting “spouse,” before “relative” at the end of the first paragraph;

(2) by inserting “or a civil union” after “connected by marriage” at the end of the English text of the first paragraph.

**124.** Section 39 of the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (R.S.Q., chapter C-52.1) is amended by replacing the first paragraph by the following paragraph :

“**39.** The spouse of a Member or pensioner is the person married to or in a civil union with the Member or pensioner or, provided that neither is married or in a civil union, the person of the opposite or the same sex who, at the time of the death, was living in a *de facto* union with the Member or pensioner and had been publicly represented as the Member’s or pensioner’s spouse for at least three years or, if a child has issued or will issue from their *de facto* union, for at least one year.”

**125.** Section 56 of the said Act is amended

(1) by inserting “or annulment or dissolution of a civil union” after “annulment of marriage” in the first paragraph ;

(2) by replacing “period of the marriage” in the first paragraph by “duration of the marriage or civil union” ;

(3) by replacing “his” in the English text of the first and second paragraphs by “his or her” ;

(4) by adding “or of a joint procedure before a notary for the dissolution of their civil union” at the end of the second paragraph.

**126.** Section 57 of the said Act is amended by replacing the second paragraph by the following paragraph :

“The benefits shall be established and assessed on the date on which the spouses ceased living together, on the date of institution of the proceedings or on the date determined in the agreement settling the consequences of the dissolution of the civil union, as the case may be.”

**127.** Section 66 of the said Act is amended by replacing “between the spouses” in the last paragraph by “between married or civil union spouses”.

**128.** Section 70 of the said Act is amended by inserting “or civil union” after “marriage” in the first paragraph.

**129.** Section 69 of the Cooperatives Act (R.S.Q., chapter C-67.2) is amended

(1) by replacing “his spouse or his child” in the English text of the first paragraph by “his or her spouse or children” ;

(2) by replacing “his place” in the English text of the first paragraph by “his or her place” ;

(3) by inserting “, or in a civil union with,” after “married to” in the last paragraph.

**130.** Section 116 of the Act respecting financial services cooperatives (R.S.Q., chapter C-67.3) is amended

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

“(1) is married to or in a civil union with and cohabits with another person;”;

(2) by replacing “in a conjugal relationship outside marriage” in paragraph 2 by “of the opposite or the same sex in a conjugal relationship”.

**131.** Section 3 of the Mining Duties Act (R.S.Q., chapter D-15) is amended by inserting “, civil union, *de facto* union” after “marriage” in paragraph *a*.

**132.** Section 4 of the said Act is amended

(1) by replacing “his” in the English text of paragraph *a* by “his or her”;

(2) by replacing “marriage if one is married to the other or to” in paragraph *b* by “marriage, a civil union or a *de facto* union if one is connected with the other or with”;

(3) by replacing “or by marriage if his” in paragraph *c* by “or by marriage, a civil union or a *de facto* union if his or her”.

**133.** Section 20 of the Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1) is amended

(1) by replacing “consorts” in the English text of subparagraph *d* of the first paragraph and the second paragraph by “spouses”;

(2) by replacing “his favour” in the English text of subparagraph *g* of the first paragraph by “his or her favour”;

(3) by replacing “in addition to its ordinary meaning” in the second paragraph by “in addition to married or civil union spouses”.

**134.** Section 131 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) is amended by striking out “, including a *de facto* spouse,” in the first paragraph.

**135.** Section 46 of the Act respecting school elections (R.S.Q., chapter E-2.3) is amended

(1) by replacing “him” in the English text of subparagraph 1 of the second paragraph by “him or her”;



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

“(2) “spouse” means a person who is married to, or in a civil union with, and cohabits with the person referred to in the first paragraph, or a person of the opposite or the same sex who lives with that person in a *de facto* union and who is publicly represented as that person’s spouse.”

**136.** Section 205 of the Election Act (R.S.Q., chapter E-3.3) is amended by replacing “who is the spouse or *de facto* spouse of or a relative of,” in the first paragraph by “who is the spouse or a relative of”.

**137.** Section 293 of the said Act is amended

(1) by replacing “his” in the English text of the first paragraph by “his or her” ;

(2) by replacing “, or *de facto* spouse, and the” in subparagraph 3 of the second paragraph by “and”.

**138.** Section 4 of the Act respecting reciprocal enforcement of maintenance orders (R.S.Q., chapter E-19) is amended by adding “or the civil union” at the end.

**139.** Section 2.2 of the Taxation Act (R.S.Q., chapter I-3) is amended by striking out “of the opposite sex”.

**140.** Section 2.2.1 of the said Act, amended by section 2 of chapter 53 of the statutes of 2001, is again amended

(1) by inserting “or of a civil union” after “subparagraph *a*” in subparagraphs *b*, *c* and *d* of the first paragraph ;

(2) by adding the following subparagraph at the end of the first paragraph :

“(e) references to a matrimonial regime include a civil union regime.”

**141.** The Interpretation Act (R.S.Q., chapter I-16) is amended by inserting the following section after section 61 :

**“61.1.** The word “spouse” means a married or civil union spouse.

The word “spouse” includes a *de facto* spouse unless the context indicates otherwise. Two persons of opposite sex or the same sex who live together and represent themselves publicly as a couple are *de facto* spouses regardless, except where otherwise provided, of how long they have been living together. If, in the absence of a legal criterion for the recognition of a *de facto* union, a controversy arises as to whether persons are living together, that fact is presumed when they have been cohabiting for at least one year or from the time they together become the parents of a child.”

**142.** Section 1 of the Act respecting labour standards (R.S.Q., chapter N-1.1) is amended

- (1) by replacing “consort” in the English text of paragraph 3 by “spouse”;
- (2) by replacing subparagraph *a* of paragraph 3 by the following subparagraph:  
“(a) are married or in a civil union and cohabiting;”;
- (3) by inserting “being of opposite sex or the same sex,” at the beginning of subparagraph *b* of paragraph 3;
- (4) by replacing “he” and “him” wherever they appear in the English text of paragraph 10 by “he or she” and “him or her”, respectively.

**143.** Section 81 of the said Act is amended

- (1) by replacing “his wedding day” in the first paragraph by “the day of his or her wedding or civil union”;
- (2) by replacing “on the wedding day of one of his children, of his” in the second paragraph by “on the day of the wedding or civil union of his or her child,”;
- (3) by replacing “his consort” in the English text of the second paragraph by “his or her spouse”;
- (4) by replacing “his” in the English text of the third paragraph by “his or her”.

**144.** Section 1 of the Act to facilitate the payment of support (R.S.Q., chapter P-2.2) is amended by adding the following paragraph at the end:

“The same applies to support payable under an agreement made upon a joint declaration dissolving a civil union executed before a notary where the agreement and the declaration are notified to the Minister or where the Minister ascertains, upon an application by the creditor and notification of the documents, that the debtor of support is in default.”

**145.** Section 8 of the said Act, amended by section 3 of chapter 55 of the statutes of 2001, is again amended by inserting “of documents referred to in the second paragraph of section 1,” after “Upon receipt” in the first paragraph.

**146.** Section 23 of the said Act is amended

- (1) by inserting “or, in the case of support referred to in the second paragraph of section 1, at the office of the court of the domicile of the debtor of support” after “at the office of the court having awarded the support” in the first paragraph;

(2) by striking out “having awarded the support” in the second paragraph.

**147.** Section 25 of the said Act is amended by inserting “or subsequent to the notification of documents referred to in the second paragraph of section 1” after “subsequent to the original judgment awarding support”.

**148.** Section 8 of the Public Protector Act (R.S.Q., chapter P-32) is amended

(1) by replacing “spouse of the Public Protector or of his assistant, as the case may be,” in the second last paragraph by “married or civil union spouse of the Public Protector or of his or her assistant”;

(2) by replacing “his” and “he” wherever they appear in the English text by “his or her” and “he or she”, respectively.

**149.** Section 2 of the Act respecting the protection of persons whose mental state presents a danger to themselves or to others (R.S.Q., chapter P-38.001) is amended

(1) by striking out “or *de facto* spouse” in the second paragraph;

(2) by inserting “or a civil union” after “by marriage” in the English text of the second paragraph.

**150.** Section 3 of the Act respecting the collection of certain debts (R.S.Q., chapter R-2.2) is amended

(1) by replacing “him” in the English text of subparagraph 2 of the first paragraph by “him or her”;

(2) by replacing “his” in the English text of subparagraphs 2 and 4 of the first paragraph by “his or her”;

(3) by replacing “spouses” in subparagraph 4 of the first paragraph by “married or civil union spouses”.

**151.** Section 34 of the said Act, amended by section 103 of chapter 32 of the statutes of 2001, is again amended

(1) by replacing “who has notified him in writing to communicate with him in writing only” in the English text of subparagraph 2 of the first paragraph by “having sent a written notice requesting written communication only”;

(2) by replacing “the spouse” in subparagraph 3 of the first paragraph by “the married or civil union spouse”;

(3) by replacing “he must then identify himself” in the English text of subparagraph 3 of the first paragraph by “the debtor must then identify himself or herself”;

(4) by replacing “their spouses” in subparagraph 4 of the first paragraph by “their married or civil union spouses”;

(5) by replacing “his” in the English text of subparagraphs 3, 4, 5 and 9 of the first paragraph by “his or her”.

**152.** Section 64 of the Act respecting the Régie du logement (R.S.Q., chapter R-8.1) is amended

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

“(1) if the commissioner is the spouse of or related or allied within the degree of cousin-german inclusively to one of the parties;”;

(2) by replacing “he”, “himself”, “him” and “his” wherever they appear in the English text by “the commissioner”, “himself or herself”, “him or her” and “his or her”, respectively;

(3) by inserting “is the spouse of or” before “is related” in paragraph 11.

**153.** Section 72 of the said Act is amended

(1) by replacing “his consort” in the first paragraph by “his or her married or civil union spouse”;

(2) by replacing “himself”, “he” and “him” in the English text of the second paragraph by “personally”, “he or she” and “him or her”, respectively;

(3) by inserting “or a civil union” after “by marriage” in the English text of the second paragraph.

**154.** Section 91 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) is amended

(1) by striking out “or”, in the English text, at the end of subparagraph *a* of the first paragraph and by inserting the following subparagraph after that subparagraph :

“(a.1) is in a civil union with the contributor; or”;

(2) by replacing “unmarried” in subparagraph *b* of the first paragraph by “neither married nor in a civil union”;

(3) by inserting “, a civil union” after “marriage” in the second paragraph.

**155.** The heading of subdivision 1 of Division I.1 of Title IV of the said Act is amended by adding “*or civil union*” at the end.

**156.** Section 102.1 of the said Act is amended

(1) by inserting “or in the case of the dissolution otherwise than by death or the annulment of a civil union,” after “nullity of marriage,” in the first paragraph;

(2) by inserting “where the notarized agreement settling the consequences of the dissolution of the civil union contains such provisions” before “or where” in the second paragraph;

(3) by inserting “or the notarized agreement” after “indication of the court” in the third paragraph.

**157.** Section 102.2 of the said Act is amended by adding the following paragraph at the end :

“(c) two persons whose civil union has been declared null by a judgment or has been dissolved by a judgment or a notarized joint declaration.”

**158.** Section 102.3 of the said Act is amended

(1) by inserting “or civil union” after “of their marriage” in the first paragraph;

(2) by inserting “or the dissolution or annulment of their civil union” after “bed and board” at the end of the first paragraph;

(3) by replacing “les époux” wherever they appear in the French text of the second paragraph by “les conjoints”;

(4) by replacing “if the court indicates, in the judgment giving rise to partition or in a subsequent judgment” in the second paragraph by “if the court, in the judgment giving rise to partition or in a subsequent judgment, or the notarized agreement indicates”.

**159.** Section 102.3.1 of the said Act is amended

(1) by inserting “or the dissolution or annulment of a civil union” after “annulment of marriage”;

(2) by inserting “or former spouse” after “spouse”;

(3) by adding “or civil union” at the end.

**160.** Section 102.5 of the said Act is amended

(1) by inserting “or the judgment of dissolution or annulment of the civil union or notarized joint declaration dissolving the civil union” after “bed and board” in the first paragraph;

(2) by replacing “the dissolution, annulment of marriage, or separation from bed and board results from a judgment pronounced outside” in the second paragraph by “the judgment or the notarized declaration is from outside”;

(3) by adding “or declaration” at the end of the third paragraph.

**161.** Section 102.6 of the said Act is amended by replacing “from a judgment pronounced outside” in the first paragraph by “from a judgment or a notarized declaration from outside”.

**162.** Section 102.8 of the said Act is amended by replacing “of a judgment pronounced outside” by “of a judgment or a notarized declaration from outside”.

**163.** Section 102.10.1 of the said Act is amended by inserting “, as regards former married spouses or spouses legally separated from bed and board,” after “apply only”.

**164.** Section 102.10.3 of the said Act is amended

(1) by inserting “or in a civil union with” after “married to” in paragraph *a*;

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

“(c) former civil union spouses who lived in a *de facto* union before their civil union; the latter spouses are, with respect to the period of *de facto* union, considered to be *de facto* spouses from the date of effect of the dissolution, by way of a judgment or of a notarized joint declaration, or the annulment of their civil union.”

**165.** Section 102.10.4 of the said Act is amended by replacing “of the judgment of divorce, annulment of marriage or separation from bed and board” in the first paragraph by “of the divorce, annulment of marriage, separation from bed and board or dissolution or annulment of the civil union”.

**166.** Section 102.10.5 of the said Act is amended

(1) by adding “or civil union” at the end of the first paragraph;

(2) by inserting “or in a civil union with” after “married to” in subparagraph *b* of the second paragraph.

**167.** Section 114 of the said Act is amended

(1) by replacing “after his marriage” by “after his or her marriage or civil union”;

(2) by replacing “his spouse” wherever it appears in the English text by “his or her spouse”;

(3) by replacing “at the time of his marriage” wherever it appears by “at the time of his or her marriage or civil union”;

(4) by striking out “his having” in the English text;

(5) by replacing “he had been living” in the English text by “he or she had been living”;

(6) by inserting “or civil union” after “their marriage”.

**168.** Section 158.3 of the said Act is amended

(1) by replacing “and not legally separated from bed and board” in subparagraph 1 of the first paragraph by “and not legally separated from bed and board or if they are in a civil union”;

(2) by replacing “is married to” in subparagraph 2 of the first paragraph by “is married to or in a civil union with”.

**169.** Section 158.6 of the said Act is amended

(1) by replacing “married spouses” in subparagraph *a* of paragraph 2 by “married or civil union spouses”;

(2) by replacing “du mariage” in the French text of subparagraph *a* of paragraph 2 by “de leur union”;

(3) by inserting “or civil union” after “their marriage” in subparagraph *a* of paragraph 2;

(4) by inserting “or civil union” after “the marriage” in subparagraph *a* of paragraph 2.

**170.** Section 158.8 of the said Act is amended

(1) by inserting the following after the third line in paragraph *c* :

“— a judgment of dissolution or annulment of the civil union of the spouses or a notarized joint declaration dissolving the civil union, or”;

(2) by replacing “married spouses” in paragraph *c* by “married or civil union spouses”.

**171.** Section 219 of the said Act is amended by replacing “married spouses who lived in a *de facto* union before their marriage” in paragraph *g.2* by “married or civil union spouses who lived in a *de facto* union before their marriage or civil union”.

**172.** Section 33 of the Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1) is amended by replacing the introductory paragraph by the following paragraph:

**“33.** For the purposes of the plan, the spouse is the person who is married to or in a civil union with the employee or pensioner, as the case may be, or, provided neither is married or in a civil union at the time of the death of the employee or pensioner, the person of the opposite or the same sex who has been living in a conjugal relationship with the employee or pensioner for a period of not less than three years immediately prior to the employee’s or pensioner’s death, and had been publicly represented as the employee’s or pensioner’s spouse by the employee or pensioner or who, during the year preceding the employee’s or pensioner’s death, was living in a conjugal relationship with the employee or pensioner while one of the following situations occurred:”.

**173.** Section 41.1 of the said Act is amended

(1) by replacing “, annulment of marriage” in the first paragraph by “or marriage annulment, for the dissolution or annulment of a civil union”;

(2) by replacing “his spouse” wherever it appears in the English text by “his or her spouse”;

(3) by inserting “or civil union” after “the marriage” in the first paragraph;

(4) by adding “or of a joint procedure before a notary for the dissolution of their civil union” at the end of the second paragraph.

**174.** Section 41.2 of the said Act is amended by replacing the second paragraph by the following paragraph:

“The benefits shall be established and assessed on the date on which the spouses ceased living together, on the date of institution of the proceedings or on the date determined in the agreement settling the consequences of the dissolution of the civil union, as the case may be.”

**175.** Section 58 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2) is amended by replacing the introductory paragraph by the following paragraph:

**“58.** For the purposes of the plan, the spouse is the person who is married to or in a civil union with the employee or pensioner, as the case may be, or, provided neither is married or in a civil union at the time of death of the employee or pensioner, the person of the opposite or the same sex who had been living in a conjugal relationship with the employee or pensioner for a period of not less than three years immediately prior to the death of the employee or pensioner and had been publicly represented as the employee’s or pensioner’s spouse by the employee or pensioner or who, during the year



preceding the employee's or pensioner's death, was living in a conjugal relationship with the employee or pensioner while one of the following situations occurred:".

**176.** Section 125.1 of the said Act is amended

(1) by replacing “, annulment of marriage” in the first paragraph by “or marriage annulment, for the dissolution or annulment of a civil union”;

(2) by replacing “his spouse” wherever it appears in the English text by “his or her spouse”;

(3) by inserting “or civil union” after “the marriage” in the first paragraph;

(4) by adding “or of a joint procedure before a notary for the dissolution of their civil union” at the end of the second paragraph.

**177.** Section 125.2 of the said Act is amended by replacing the second paragraph by the following paragraph:

“The benefits shall be established and assessed on the date on which the spouses ceased living together, on the date of institution of the proceedings or on the date determined in the agreement settling the consequences of the dissolution of the civil union, as the case may be.”

**178.** Section 44 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3) is replaced by the following section:

“**44.** For the purposes of this Act, the spouse is the person who is married to or in a civil union with a participant or pensioner or, provided neither is married or in a civil union, at the time of the death of the participant or pensioner, the person of the opposite or the same sex who had been living in a conjugal relationship with the participant or pensioner and had been publicly represented as the participant's or pensioner's spouse for one year if a child is born or to be born of their union or, otherwise, for not less than three years.”

**179.** Section 63.1 of the said Act is amended

(1) by replacing “, annulment of marriage” in the first paragraph by “or marriage annulment, for the dissolution or annulment of a civil union”;

(2) by replacing “his spouse” wherever it appears in the English text by “his or her spouse”;

(3) by replacing “the marriage” in the first paragraph by “the marriage or civil union”;

(4) by adding “or of a joint procedure before a notary for the dissolution of their civil union” at the end of the second paragraph.

**180.** Section 63.2 of the said Act is amended by replacing the second paragraph by the following paragraph :

“The benefits shall be established and assessed on the date on which the spouses ceased living together, on the date of institution of the proceedings or on the date determined in the agreement settling the consequences of the dissolution of the civil union, as the case may be.”

**181.** Section 44 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is amended by replacing the introductory paragraph by the following paragraph :

“**44.** For the purposes of the plan, the spouse is the person who is married to or in a civil union with the employee or pensioner, as the case may be, or, provided neither is married or in a civil union at the time of the death of the employee or pensioner, the person of the opposite or the same sex who had been living in a conjugal relationship with the pensioner or employee for a period of not less than three years immediately prior to the employee’s or pensioner’s death, and had been publicly represented as the employee’s or pensioner’s spouse by the employee or pensioner or who, during the year preceding the employee’s or pensioner’s death, was living in a conjugal relationship with the employee or pensioner while one of the following situations occurred:”.

**182.** Section 122.1 of the said Act is amended

(1) by replacing “, annulment of marriage” in the first paragraph by “or marriage annulment, for the dissolution or annulment of a civil union”;

(2) by replacing “his spouse” wherever it appears in the English text by “his or her spouse”;

(3) by replacing “the marriage” in the first paragraph by “the marriage or civil union”;

(4) by adding “or of a joint procedure before a notary for the dissolution of their civil union” at the end of the second paragraph.

**183.** Section 122.2 of the said Act is amended by replacing the second paragraph by the following paragraph :

“The benefits shall be established and assessed on the date on which the spouses ceased living together, on the date of institution of the proceedings or on the date determined in the agreement settling the consequences of the dissolution of the civil union, as the case may be.”

**184.** Section 46 of the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11) is amended by replacing the introductory paragraph by the following paragraph :

**“46.** For the purposes of the plan, the spouse is the person who is married to or in a civil union with the teacher or pensioner, as the case may be, or, provided neither is married or in a civil union at the time of the death of the teacher or pensioner, the person of the opposite or the same sex who had been living in a conjugal relationship with the teacher or pensioner for a period of not less than three years immediately prior to the teacher’s or pensioner’s death, and had been publicly represented as the teacher’s or pensioner’s spouse by the teacher or pensioner or who, during the year prior to the teacher’s or pensioner’s death, was living in a conjugal relationship with the teacher or pensioner while one of the following situations occurred:”.

**185.** Section 72.1 of the said Act is amended

(1) by replacing “, annulment of marriage” in the first paragraph by “or marriage annulment, for the dissolution or annulment of a civil union”;

(2) by replacing “his spouse” wherever it appears in the English text by “his or her spouse”;

(3) by replacing “the marriage” in the first paragraph by “the marriage or civil union”;

(4) by adding “or of a joint procedure before a notary for the dissolution of their civil union” at the end of the second paragraph.

**186.** Section 72.2 of the said Act is amended by replacing the second paragraph by the following paragraph:

“The benefits shall be established and assessed on the date on which the spouses ceased living together, on the date of institution of the proceedings or on the date determined in the agreement settling the consequences of the dissolution of the civil union, as the case may be.”

**187.** Section 75.1 of the said Act is amended

(1) by inserting “or civil union” after “marriage” in the second paragraph;

(2) by replacing “between spouses” in the third paragraph by “between married or civil union spouses”.

**188.** Section 77 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12) is amended by replacing the introductory paragraph by the following paragraph:

**“77.** For the purposes of this Act, the spouse is the person who is married to or in a civil union with the officer or pensioner or, provided neither is married or in a civil union at the time of the death of the officer or pensioner, the person of the opposite or the same sex who had been living in a conjugal relationship with the officer or pensioner for a period of not less than three

years immediately prior to the officer's or pensioner's death, and had been publicly represented as the officer's or pensioner's spouse by the officer or pensioner or who, during the year prior to the officer's or pensioner's death, was living in a conjugal relationship with the officer or pensioner while one of the following situations occurred:".

**189.** Section 108.1 of the said Act is amended

(1) by replacing “, annulment of marriage” in the first paragraph by “or marriage annulment, for the dissolution or annulment of a civil union”;

(2) by replacing “his spouse” wherever it appears in the English text by “his or her spouse”;

(3) by replacing “the marriage” in the first paragraph by “the marriage or civil union”;

(4) by adding “or of a joint procedure before a notary for the dissolution of their civil union” at the end of the second paragraph.

**190.** Section 108.2 of the said Act is amended by replacing the second paragraph by the following paragraph :

“The benefits shall be established and assessed on the date on which the spouses ceased living together, on the date of institution of the proceedings or on the date determined in the agreement settling the consequences of the dissolution of the civil union, as the case may be.”

**191.** Section 111.2 of the said Act is amended

(1) by inserting “or civil union” after “marriage” in the second paragraph;

(2) by replacing “between spouses” in the third paragraph by “between married or civil union spouses”.

**192.** Section 85 of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1) is amended

(1) by replacing “married to” in subparagraph 1 of the first paragraph by “married to or in a civil union with”;

(2) by replacing “an unmarried member” in subparagraph 2 of the first paragraph by “a member who is neither married nor in a civil union”;

(3) by inserting “or civil union” after “a marriage” in the third paragraph.

**193.** Section 89 of the said Act is amended

(1) by replacing “annulment of marriage or” by “marriage annulment, by the dissolution or annulment of their civil union or by the”;

(2) by inserting “, dissolution or annulment of the civil union” before “or cessation of conjugal relationship”.

**194.** Section 89.1 of the said Act is amended by replacing “or as of the date of the cessation of conjugal relationship” in the first paragraph by “, as of the date of dissolution of the civil union or as of the date of the cessation of the conjugal relationship”.

**195.** Section 90 of the said Act is amended by inserting “, has contracted a civil union” after “remarried”.

**196.** Section 107 of the said Act is amended

(1) by replacing “annulment of marriage” in the first paragraph by “marriage annulment or the dissolution otherwise than by death or the annulment of a civil union”;

(2) by inserting “or a notarized joint declaration dissolving a civil union” after “the court” in the first paragraph;

(3) by inserting “or the notarized declaration” after “the court” in the second paragraph;

(4) by adding “or by the notarized declaration” at the end of the second paragraph.

**197.** Section 108 of the said Act is amended

(1) by replacing “, annulment of marriage or” in the first paragraph by “or marriage annulment, for the dissolution or annulment of a civil union or for the”;

(2) by replacing “his spouse” in the English text of the first paragraph by “his or her spouse”;

(3) by inserting “or of a joint procedure before a notary for the dissolution of their civil union” after “family matter” in the third paragraph.

**198.** Section 178 of the said Act is amended by replacing “married to each other” in the first paragraph by “married to or in a civil union with each other”.

**199.** Section 300.4 of the said Act is amended by inserting “, dissolutions or annulments of a civil union” after “separations from bed and board”.

**200.** Sections 27, 28, 30 and 30.1 of the Act respecting retirement plans for the mayors and councillors of municipalities (R.S.Q., chapter R-16) are amended

(1) by replacing “spouse” wherever it appears by “married or civil union spouse”;

(2) by replacing “he”, “him” and “his” wherever they appear in the English text by “he or she”, “him or her” and “his or her”, respectively.

**201.** Section 41.4 of the said Act is amended

(1) by replacing “, annulment of marriage” by “or marriage annulment, for the dissolution or annulment of a civil union”;

(2) by replacing “his spouse” in the English text by “his or her spouse”;

(3) by replacing “the marriage” by “the marriage or civil union”;

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

“The member or former member and his or her spouse are also entitled to receive a statement of benefits, upon an application in writing to the pension committee, for the purposes of a pre-hearing mediation concerning a family matter or of a joint procedure before a notary for the dissolution of their civil union. The statement shall contain the information determined by regulation.”

**202.** Section 41.5 of the said Act is amended by adding “or on the date determined in the agreement settling the consequences of the dissolution of the civil union” at the end of the second paragraph.

**203.** Section 1.0.1 of the Act respecting property tax refund (R.S.Q., chapter R-20.1) is replaced by the following section:

“**1.0.1.** The rules provided for in section 2.2.1 of the Taxation Act (chapter I-3), adapted as required, apply to this Act and the regulations.”

**204.** Section 513 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) is amended

(1) by replacing “married user” in the second paragraph by “user who is married or in a civil union”;

(2) by replacing “his father” in the English text of the second paragraph by “the user’s father”.

**205.** Section 6 of the Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01) is amended

(1) by inserting “, or in a civil union with,” after “married to” in paragraph 1 of the definition of “spouse” in the first paragraph;

(2) by inserting “without being married or in a civil union” after “same sex” in paragraph 2 of the definition of “spouse” in the first paragraph.

**206.** Section 19 of the Act respecting income support, employment assistance and social solidarity (R.S.Q., chapter S-32.001) is amended

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

“(1) persons who are married or in a civil union with each other and who cohabit;”;

(2) by inserting “of opposite sex or the same sex” after “persons” in subparagraph 2 of the first paragraph.

**207.** Section 20 of the said Act is amended by inserting “nor in a civil union” after “nor married” in subparagraph 2 of the first paragraph and in the second paragraph.

**208.** Section 28 of the said Act, amended by section 143 of chapter 9 of the statutes of 2001, is again amended by adding “or in a civil union” at the end of subparagraph 3 of the first paragraph.

**209.** Section 72 of the said Act, amended by section 4 of chapter 44 of the statutes of 2001, is again amended by inserting “or in a civil union” after “nor married” in subparagraph 2 of the first paragraph.

**210.** Section 79.1 of the Act respecting the Québec sales tax (R.S.Q., chapter T-0.1) is amended by adding “or civil union” at the end.

**211.** Section 80.1 of the said Act is amended by adding “or civil union” at the end of the second paragraph.

**212.** Section 91 of the Act respecting transportation by taxi (R.S.Q., chapter T-11.1) is amended by inserting “, civil unions” after “weddings” in the first paragraph.

**213.** Section 122.1 of the Courts of Justice Act (R.S.Q., chapter T-16) is amended by inserting “or civil union” after “marriage”.

**214.** Section 224.14 of the said Act, enacted by section 9 of chapter 8 of the statutes of 2001, is amended

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

“(1) is married to or in a civil union with the judge;”;

(2) by replacing “who was unmarried” in paragraph 2 by “the latter being neither married nor in a civil union”.

**215.** Section 224.28 of the said Act, enacted by section 9 of chapter 8 of the statutes of 2001, is amended by replacing “between spouses” in the second paragraph by “between married or civil union spouses”.

**216.** Section 236 of the said Act is amended

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

“(1) is married to or in a civil union with the judge;”;

(2) by replacing “who was unmarried” in paragraph 2 by “the latter being neither married nor in a civil union”.

**217.** Section 244.13 of the said Act is amended by replacing “between spouses” in the second paragraph by “between married or civil union spouses”.

**218.** Section 246.10 of the said Act is amended by replacing “surviving spouse” by “surviving married or civil union spouse”.

**219.** Section 246.12 of the said Act is amended

(1) by replacing “spouse” wherever it appears in the second paragraph by “married or civil union spouse”;

(2) by replacing “paid to his”, “he” and “his heirs” in the English text of the second paragraph by “paid to the judge’s”, “he or she” and “his or her heirs”, respectively.

**220.** Section 246.14.2 of the said Act is amended

(1) by replacing “his spouse” in the first paragraph by “his or her married or civil union spouse”;

(2) by replacing “spouse” in the second paragraph by “married or civil union spouse”;

(3) by replacing “his spouse” in the last paragraph by “his or her married or civil union spouse”;

(4) by replacing “he” and “his” wherever they appear in the English text by “he or she” and “his or her”, respectively.

**221.** Section 246.14.5 of the said Act is amended by replacing “between spouses” in the second paragraph by “between married or civil union spouses”.



**222.** Section 246.16 of the said Act, amended by section 16 of chapter 8 of the statutes of 2001, is again amended

(1) by replacing “, annulment of marriage” in the first paragraph by “or marriage annulment, for the dissolution or annulment of a civil union”;

(2) by replacing “his spouse” wherever it appears in the English text by “his or her spouse”;

(3) by inserting “or civil union” after “the marriage” in the first paragraph;

(4) by adding “or of a joint procedure before a notary for the dissolution of their civil union” at the end of the second paragraph.

**223.** Section 246.17 of the said Act, amended by section 16 of chapter 8 of the statutes of 2001, is again amended by replacing the second paragraph by the following paragraph:

“The benefits shall be established and assessed on the date on which the spouses ceased living together, on the date of institution of the proceedings or on the date determined in the agreement settling the consequences of the dissolution of the civil union, as the case may be.”

**224.** Section 65 of the Act respecting the Pension Plan of Management Personnel (2001, chapter 31) is amended by replacing the introductory paragraph by the following paragraph:

“**65.** For the purposes of the plan, the spouse is the person who is married to or in a civil union with the employee or pensioner or, provided neither is married or in a civil union at the time of the death of the employee or pensioner, the person of the opposite or the same sex who had been living in a conjugal relationship with the employee or pensioner for a period of not less than three years immediately prior to the employee’s or pensioner’s death, and had been publicly represented as the employee’s or pensioner’s spouse by the employee or pensioner or who, during the year prior to the employee’s or pensioner’s death, was living in a conjugal relationship with the employee or pensioner while one of the following situations occurred:”.

**225.** Section 163 of the said Act is amended

(1) by inserting “, dissolution or annulment of a civil union” after “annulment of marriage” in the first paragraph;

(2) by inserting “or civil union” after “the marriage” in the first paragraph;

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

“The employee or former employee and his or her spouse are also entitled to receive a statement of benefits, upon an application in writing to the pension committee, for the purposes of a pre-hearing mediation concerning a

family matter or of a joint procedure before a notary for the dissolution of their civil union. The statement shall contain the information determined by regulation.”

**226.** Section 164 of the said Act is amended by replacing the first sentence of the second paragraph by the following sentence: “The benefits shall be established and assessed on the date on which the spouses ceased living together, on the date of institution of the proceedings or on the date determined in the agreement settling the consequences of the dissolution of the civil union, as the case may be.”

**227.** Section 208 of the said Act is amended

(1) by inserting “or a civil union” after “during marriage” in the second paragraph;

(2) by replacing “between spouses” in the third paragraph by “between married or civil union spouses”.

**228.** Section 210 of the said Act is amended by inserting “or civil union” after “marriage” wherever it appears in subparagraph 1 of the second paragraph.

**229.** The words “by marriage” in the English text of articles 125, 206, 229, 269, 723 and 3095 of the Civil Code of Québec (1991, chapter 64) and in section 52 of the Public Curator Act (R.S.Q., chapter C-81) are replaced by the words “by marriage or a civil union”.

The words “relatives, persons connected by marriage or friends”, “relatives, persons connected by marriage and friends” and “relatives, relatives by marriage or friends” in the English text of articles 222, 224, 225, 226, 231, 266 and 267 of the Civil Code of Québec and in sections 14 and 15 of the Public Curator Act are replaced by the words “relatives, persons connected by marriage or a civil union and friends”.

**230.** The words “consort” and “consorts” wherever they appear in the English text of article 235 of the Code of Civil Procedure (R.S.Q., chapter C-25), section 6 of the Jurors Act (R.S.Q., chapter J-2), sections 39.1, 54, 80, 80.1, 81.1 and 81.10 of the Act respecting labour standards (R.S.Q., chapter N-1.1), sections 77 and 77.0.1 of the Act respecting liquor permits (R.S.Q., chapter P-9.1), section 65 of the Act respecting the Régie du logement (R.S.Q., chapter R-8.1) and section 9 of the Professional Syndicates Act (R.S.Q., chapter S-40) are replaced by “spouse” and “spouses”, respectively.

**231.** In all regulations to which the Regulations Act (R.S.Q., chapter R-18.1) applies, unless the context indicates otherwise, the concepts of marriage, annulment of marriage, divorce or dissolution of marriage shall be read as inclusive of a civil union and annulment or dissolution of a civil union, the concepts of married spouse or married person as inclusive of civil union spouses, the concept of fiancé as inclusive of a person having made a promise

of civil union and the concepts of marriage contract and matrimonial regime as inclusive of a civil union contract and a civil union regime, with the necessary modifications.

**232.** The new concepts apply to the Taxation Act (R.S.Q., chapter I-3) and its statutory instruments only in respect of taxation years subsequent to their coming into force.

For the purposes of the Act respecting property tax refund (R.S.Q., chapter R-20.1), the new concepts apply only in respect of years subsequent to their coming into force.

For the purposes of the Act respecting family benefits (R.S.Q., chapter P-19.1), the new concepts apply only in respect of reference periods subsequent to their coming into force.

For the purposes of the Act respecting income support, employment assistance and social solidarity (R.S.Q., chapter S-32.001), the new concepts apply with regard to the Parental Wage Assistance Program only in respect of years subsequent to their coming into force.

**233.** Acts made before the date of coming into force of the new provisions shall produce the effects attached thereto by the new provisions. However, hereditary rights may not be exercised with respect to successions open before the coming into force of the new provisions except, in the case of a substitution that is not yet open, in favour of the substitutes.

**234.** The presumption of parentage, established by the new article 538.3 of the Civil Code enacted by this Act, applies in respect of a child born of a joint parental project involving assisted procreation before the coming into force of the new provisions. However, the time limit for contesting filiation and disavowing the child begins to run on the day on which article 538.3 of the Civil Code comes into force. The presumed parent who makes a tardy declaration of filiation in respect of that child may, before (*insert here the date of the third anniversary of the coming into force of article 538.3 of the Civil Code*) and with the consent of the author of the earlier declaration, apply to the director of civil status for authorization to add all or part of the parent's surname to the child's name. The application must be made in accordance with the rules contained in the Civil Code respecting change of name by way of administrative process, except as concerns the obligation to publish a notice and to pay the prescribed duties.

**235.** Every person who, by the effect of this Act, is subject to new obligations or restrictions is required to conform therewith before (*insert here the date that occurs 90 days after the date of coming into force of this section*).

**236.** This Act comes into force on the date or dates to be fixed by the Government.