

Bill 35

**An Act to amend the Civil Code as  
regards civil status, successions and the  
publication of rights**

Section 1

**AMENDMENT:**

Replace by:

1. Article 63 of the Civil Code of Québec is replaced by the following article:

“63. Before authorizing a change of name, the registrar of civil status shall ascertain that notices of the application have been published, except where

(1) a special exemption from publication has been granted by the Minister of Justice for reasons of general interest;

(2) in the case of an application concerning a given name, it is clear that the change requested relates to a modification of the person's sexual identity; or

(3) the change requested concerns a child under 6 months of age.

In addition, the registrar may require the applicant to furnish any necessary additional explanation and information and shall give third persons who so request the opportunity to state their views.”

*Adoptée*

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Section 2

**AMENDMENT:**

Replace by:

2. Article 67 of the Code is amended by replacing the second paragraph by the following paragraph:

“Notice of the change is published in the *Gazette officielle du Québec* except where

(1) a special exemption from publication has been granted by the Minister of Justice for reasons of general interest;

(2) in the case of an application concerning a given name, it is clear that the change requested relates to a modification of the person’s sexual identity;  
or

(3) the change requested concerns a child under 6 months of age.”

*Adoptée*

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Section 16

**AMENDMENT:**

Replace the second paragraph of proposed article 133.1 by:

The registrar draws up the act of death of the absentee. Where the date, time and place of death are unknown, the registrar fixes them on the basis of the particulars of the judgment and the presumptions that may be drawn from the circumstances.

*Adoptée*

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Section 23

**AMENDMENT:**

Replace by:

**23.** The Code is amended by inserting the following article  
after article 722:

“**722.1.** A deaf person who, being unable to speak, read or write, cannot  
avail himself of the other provisions of this section may make a notarial will,  
provided he conveys his wishes to the notary through a sign-language interpreter.

The testator, in the presence of the notary and a witness, declares, through  
the same means, that the document translated to him by the interpreter is his will.

The interpreter is chosen by the testator from among interpreters qualified  
to exercise their functions before the courts and may in no case be the spouse of  
the testator or related to the testator in either the direct or the collateral line up to  
and including the third degree, or connected with the testator by marriage or a  
civil union.

The interpreter must first swear in writing, before the notary, the testator  
and the witness, to carry out his functions with impartiality and accuracy and not  
to disclose any information related to his mandate. The original of the oath is  
attached to the will.”

*Adoptée*

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Section 25

**AMENDMENT:**

Replace by:

**25.** The Code is amended by inserting the following article after article 730:

“**730.1.** A deaf person who, being unable to speak, read or write, cannot avail himself of the other provisions of this section may make a will in the presence of witnesses, provided he conveys his wishes to the drafter through a sign-language interpreter.

The testator, in the presence of the witnesses, declares, through the same means, that the document translated to him by the interpreter is his will. Where possible, the testator affixes his signature or a personal mark at the end of the will. Otherwise, the testator has a third party sign for him, in his presence and in accordance with his instructions. The witnesses then sign the will immediately in the presence of the testator.

The interpreter is chosen by the testator from among interpreters qualified to exercise their functions before the courts and may in no case be the spouse of the testator or be related to the testator in either the direct or the collateral line up to and including the third degree, or connected with the testator by marriage or a civil union.

The interpreter must first swear in writing, before the drafter, the testator and the witnesses, to carry out his functions with impartiality and accuracy and not to disclose any information related to his mandate. The original of the oath is attached to the will.”

*Adoptée*

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Section 26

**AMENDMENT:**

Replace by:

**26.** Article 903 of the Code is amended

(1) by adding “and ensure the utility of the immovable” after “for as long as they remain there”;

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

“However, movables which, in the immovable, are used to operate an enterprise or to carry on activities remain movables.”

*Adoptée*

AM 7  
ss. 27, 28 and 42 (1110 and 1178)

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Sections 27, 28 and 42

**AMENDMENT:**

Withdraw.

*Adopted*

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Section 29

**AMENDMENT:**

- (1) Replace "on the dynamic form posted by the Land Registrar on the land register website" by "on the form made available by the Land Registrar".
- (2) Replace "in paper form" by "in hard copy" and "from the dynamic form" by "from that form".

*Adopted*



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Section 30

**AMENDMENT:**

Replace by:

30. The Code is amended by inserting the following article after article 2982:

**“2982.1.** An application for registration in the land register made by presenting a notarial deed executed en brevet or an act in private writing resulting from the transfer of the information contained in the original deed or act to an information technology-based medium cannot be accepted by the registrar unless the signature of the notary or advocate who drew up the deed or act is affixed by means of a signature key pair in accordance with the Regulation respecting land registration (chapter CCQ, r. 6).

Documentation attesting that the notary or advocate made the transfer in accordance with section 17 of the Act to establish a legal framework for information technology (chapter C-1.1) must be attached to the application for registration.”

*Adoptée*

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Section 22.1

**AMENDMENT:**

Insert after section 22:

**22.1.** Article 721 of the Code is amended

(1) by striking out "or a deaf-mute" in the first paragraph and by replacing "only deaf" in that paragraph by "able to do so";

(2) by replacing the second and third paragraphs by the following paragraph:

"In the will, the testator declares that he has read it in the presence of the notary and, where such is the case, the witness. If the testator is unable to speak, the declaration is read to him by the notary in the presence of the witness; if he is able to speak, it is read aloud by the testator himself, in the presence of the notary and the witness."

*Adoptée*

AM 11

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**AMENDMENT:**

Amendment 11 is withdrawn and becomes AM i.

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Sections 34 and 34.1

**AMENDMENT:**

Replace by:

**34.** Article 3021 of the Code is amended by striking out subparagraph 6 of the first paragraph.

**34.1.** The Code is amended by inserting the following article after article 3021:

**“3021.1.** The Land Registrar is bound to keep, for archival purposes, in the registry offices or in any other place, all registers and documents in paper form, including those which were converted to electronic form pursuant to a ministerial order under the Act respecting registry offices (chapter B-9).”

*Adoptée*

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Section 40

**AMENDMENT:**

Insert “, as stated in the Schedule to this Act,” after “land registration”.

*Adopted*

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**AMENDMENT:**

Insert after section 43:

**SCHEDULE**

Dates on which registry offices became fully computerized with regard to land registration

<b>Land Registration Division</b>	<b>Date</b>	<b>Reference in Gazette officielle du Québec</b>
<b>A</b>		
ABITIBI	15 October 2002	2002, 134 G.O. 1, 1166
ARGENTEUIL	1 December 2003	2003, 135 G.O. 1, 1196
ARTHABASKA	4 August 2003	2003, 135 G.O. 1, 842
<b>B</b>		
BEAUCE	26 May 2003	2003, 135 G.O. 1, 507
BEAUHARNOIS	12 May 2003	2003, 135 G.O. 1, 454
BELLECHASSE	28 January 2002	2002, 134 G.O. 1, 10
BERTHIER	16 September 2002	2002, 134 G.O. 1, 1058
BONAVENTURE I	18 August 2003	2003, 135 G.O. 1, 879
BONAVENTURE II	20 October 2003	2003, 135 G.O. 1, 1061
BRÔME	8 September 2003	2003, 135 G.O. 1, 939
<b>C</b>		
CHAMBLY	22 April 2003	2003, 135 G.O. 1, 387
CHAMPLAIN	3 September 2002	2002, 134 G.O. 1, 996
CHARLEVOIX I	24 November 2003	2003, 135 G.O. 1, 1184
CHARLEVOIX II	10 November 2003	2003, 135 G.O. 1, 1135
CHÂTEAUGUAY	7 April 2003	2003, 135 G.O. 1, 344
CHICOUTIMI	25 June 2002	2002, 134 G.O. 1, 731
COATICOOK	18 February 2002	2002, 134 G.O. 1, 91

COMPTON	25 February 2002	2002, 134 G.O. 1, 91
<b>D</b>		
DEUX-MONTAGNES	24 March 2003	2003, 135 G.O. 1, 320
DORCHESTER	4 February 2002	2002, 134 G.O. 1, 91
DRUMMOND	23 June 2003	2003, 135 G.O. 1, 573
<b>F</b>		
FRONTENAC	9 June 2003	2003, 135 G.O. 1, 557
<b>G</b>		
GASPÉ	15 September 2003	2003, 135 G.O. 1, 969
GATINEAU	3 June 2002	2002, 134 G.O. 1, 663
<b>H</b>		
HULL	2 July 2002	2002, 134 G.O. 1, 758
HUNTINGDON	16 June 2003	2003, 135 G.O. 1, 557
<b>I</b>		
ÎLES-DE-LA-MADELEINE	3 November 2003	2003, 135 G.O. 1, 1114
<b>J</b>		
JOLIETTE	21 October 2002	2002, 134 G.O. 1, 1197
<b>K</b>		
KAMOURASKA	11 February 2002	2002, 134 G.O. 1, 91
<b>L</b>		
L'ASSOMPTION	23 September 2002	2002, 134 G.O. 1, 1086
L'ISLET	14 January 2002	2002, 134 G.O. 1, 10
LA TUQUE	13 May 2002	2002, 134 G.O. 1, 473
LABELLE	29 April 2002	2002, 134 G.O. 1, 379
LAC-SAINT-JEAN-EST	22 July 2002	2002, 134 G.O. 1, 840
LAC-SAINT-JEAN-OUEST	5 August 2002	2002, 134 G.O. 1, 907
LAPRAIRIE	2 June 2003	2003, 135 G.O. 1, 525
LÉVIS	15 April 2002	2002, 134 G.O. 1, 379
LOTBINIÈRE	21 January 2002	2002, 134 G.O. 1, 10
<b>M</b>		
MASKINONGÉ	9 September 2002	2002, 134 G.O. 1, 1036
MATANE	22 April 2002	2002, 134 G.O. 1, 379
MATAPÉDIA	27 May 2002	2002, 134 G.O. 1, 473
MISSISQUOI	17 November 2003	2003, 135 G.O. 1, 1158
MONTCALM	7 October 2002	2002, 134 G.O. 1, 1137

MONTMAGNY	7 January 2002	2002, 134 G.O. 1, 10
MONTMORENCY	10 February 2003	2003, 135 G.O. 1, 133
<b>N</b>		
NICOLET	19 August 2002	2002, 134 G.O. 1, 956
<b>P</b>		
PAPINEAU	12 August 2002	2002, 134 G.O. 1, 927
PONTIAC	8 April 2002	2002, 134 G.O. 1, 379
PORTNEUF	3 February 2003	2003, 135 G.O. 1, 99
<b>Q</b>		
QUÉBEC	24 February 2003	2003, 135 G.O. 1, 197
<b>R</b>		
RICHELIEU	11 March 2002	2002, 134 G.O. 1, 212
RICHMOND	11 August 2003	2003, 135 G.O. 1, 855
RIMOUSKI	25 March 2002	2002, 134 G.O. 1, 212
ROUVILLE	10 June 2002	2002, 134 G.O. 1, 702
ROUYN	22 September 2003	2003, 135 G.O. 1, 984
<b>S</b>		
SAGUENAY	14 October 2003	2003, 135 G.O. 1, 1061
SAINT-HYACINTHE	9 October 2001	2001, 133 G.O. 1, 1022
SAINT-JEAN	2 April 2002	2002, 134 G.O. 1, 212
SEPT-ÎLES	27 October 2003	2003, 135 G.O. 1, 1101
SHAWINIGAN	29 July 2002	2002, 134 G.O. 1, 888
SHEFFORD	29 September 2003	2003, 135 G.O. 1, 1003
SHERBROOKE	21 May 2002	2002, 134 G.O. 1, 473
STANSTEAD	4 March 2002	2002, 134 G.O. 1, 213
STE-ANNE-DES-MONTS	25 August 2003	2003, 135 G.O. 1, 894
<b>T</b>		
TÉMISCAMINGUE	2 September 2003	2003, 135 G.O. 1, 918
TÉMISCOUATA	17 June 2002	2002, 134 G.O. 1, 702
TERREBONNE	30 June 2003	2003, 135 G.O. 1, 590
THETFORD	28 July 2003	2003, 135 G.O. 1, 808
TROIS-RIVIÈRES	15 July 2002	2002, 134 G.O. 1, 816
<b>V</b>		
VAUDREUIL	20 May 2003	2003, 135 G.O. 1, 482
VERCHÈRES	14 April 2003	2003, 135 G.O. 1, 373



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Section 41

**AMENDMENT:**

Replace "30" in the second paragraph by "27".

*Adopted*

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Section 36

**AMENDMENT:**

Replace by:

**36.** The Code is amended by inserting the following article after article 3074:

**“3074.1.** In land registration matters, the registrar may, on his own initiative, cancel the registrations of an address that no longer has effect because of the cancellation of the registration of a principal right.”

*Adopted*

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Section 31

**AMENDMENT:**

Withdraw from bill.

*Adopted*

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Section 32

**AMENDMENT:**

Replace by:

**32.** Article 2992 of the Code is amended by adding the following paragraph at the end:

“If the summary is notarized, the mere signature of the notary is a sufficient certificate.”

*Adopted*

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Section 32.1

**AMENDMENT:**

Insert after section 32:

**32.1** Article 2999.1 of the Code is amended by adding the following sentence at the end of the last paragraph: "If the notice is notarized, the mere signature of the notary is sufficient verification."

*Adopté*

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Section 4

**AMENDMENT:**

Replace by:

4. Article 73 of the Code is replaced by the following article:

“73. The application is subject to the same procedure as an application for a change of name, except as to publication requirements, and to the same duties. A change of designation of sex has, with the necessary modifications, the same effects as a change of name.”

*Adopted*

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Section 37

**AMENDMENT:**

Replace by:

**37.** The Code is amended by inserting the following before subsection 1 of Section II of Chapter I of Title Two of Book Ten:

*“§0.1.—Change of designation of sex*

**“3084.1.** When a change of the designation of sex that appears on the act of birth of a person born in Québec but domiciled outside Québec proves impossible in the country where the person is domiciled, the registrar of civil status may, at the request of the person, change the designation and, if necessary, change the person’s given names in the act drawn up in Québec.

The application is subject to the conditions prescribed by the law of Québec, except those respecting domicile and nationality.”

*Adopté*

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Section 3

**AMENDMENT:**

Replace by:

3. Article 71 of the Code is replaced by the following article:

“71. Every person whose sexual identity does not correspond to the designation of sex that appears in that person’s act of birth may, if the conditions prescribed by this Code and by government regulation have been met, have that designation and, if necessary, the person’s given names changed.

These changes may in no case be made dependent on the requirement to have undergone any medical treatment or surgical operation whatsoever.

Subject to article 3084.1, only a person of full age who has been domiciled in Québec for at least one year and is a Canadian citizen may obtain such changes.”

*Adoptée*



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Section 3.1

**AMENDMENT:**

Insert after section 3:

**3.1.** Article 72 of the Code is replaced by the following article:

“72. The application is made to the registrar of civil status; the documents prescribed by government regulation must also be provided.”

*Adopted*

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Section 42.1

**AMENDMENT:**

Insert after section 42:

**42.1.** The first regulation made under sections 3 and 3.1 must be examined by the competent committee of the National Assembly before it is adopted by the Government.

*Adopted*

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Section 43

**AMENDMENT:**

Replace by:

**43.** This Act comes into force on *(insert the date of assent to this Act)*, except sections 1 to 4, 29 and 30, which come into force on the date or dates to be set by the Government.

*Adopted*