



NATIONAL ASSEMBLY

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FORTY-FIRST LEGISLATURE

Bill 89
(2016, chapter 4)

**An Act to ensure better consistency
between the French and English texts of
the Civil Code**

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EXPLANATORY NOTES

The purpose of this Act is to amend the English text of the Civil Code to make it more consistent with the French text of the Code in terms of the substance of the law. To ensure consistency, some amendments are also made to the French text of the Code.

LEGISLATION AMENDED BY THIS ACT:

- Civil Code of Québec.

Bill 89

AN ACT TO ENSURE BETTER CONSISTENCY BETWEEN THE FRENCH AND ENGLISH TEXTS OF THE CIVIL CODE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** Unless otherwise specified, the amendments under this Act amend only the English text of the Civil Code of Québec.
- 2.** Article 6 of the Code is amended by replacing “in good faith” by “in accordance with the requirements of good faith”.
- 3.** Article 28 of the Code is amended
 - (1) by inserting “, at the latest” after “another physician” in the second paragraph;
 - (2) by replacing “If a physician” in the third paragraph by “As soon as a physician”.
- 4.** Article 35 of the Code is amended by replacing the second paragraph by the following paragraph:

“The privacy of a person may not be invaded without the consent of the person or without the invasion being authorized by law.”
- 5.** Article 38 of the Code is amended by replacing “made at reasonable cost” by “made for a reasonable cost”.
- 6.** Article 42 of the Code is amended by replacing “heirs and successors” by “heirs or successors”.
- 7.** Article 54 of the Code is amended by replacing “acquires the authority of *res judicata*” in the third paragraph by “becomes final”.
- 8.** Article 59 of the Code is amended by replacing “A person may” and “the minor children” in the second paragraph by “That person may” and “his minor children”, respectively.
- 9.** Article 67 of the Code is amended by replacing “acquires the authority of a final judgment (*res judicata*)” in the first paragraph by “becomes final”.

10. Article 73 of the Code is amended

(1) by replacing “aux mêmes droits” in the French text by “au paiement des mêmes droits”;

(2) by replacing “to the same duties” by “to payment of the same duties”.

11. Article 78 of the Code is amended by replacing “he lives” in the second paragraph by “he happens to be”.

12. Article 80 of the Code is amended

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

“The domicile of an unemancipated minor is that of the tutor.”;

(2) by replacing “the minor is presumed to be domiciled with the parent with whom he” in the second paragraph by “the domicile of the minor is presumed to be that of the parent with whom the minor”.

13. Article 81 of the Code is replaced by the following article:

“**81.** The domicile of a person of full age under tutorship is that of the tutor; the domicile of a person under curatorship is that of the curator.”

14. Article 82 of the Code is amended by replacing “their living together” by “community of life”.

15. Article 84 of the Code is amended by replacing “advising anyone” by “giving news of himself”.

16. Article 103 of the Code is amended by replacing “providing access to it” in the second paragraph by “ensuring its publication”.

17. Article 119 of the Code is amended

(1) by replacing “date of their marriage” in the first paragraph by “place and date of their marriage”;

(2) by replacing “his religious affiliation” in the second paragraph by “the religious society to which he belongs”.

18. Article 121.2 of the Code is amended by replacing “the officiant’s religious affiliation” in the second paragraph by “the religious society to which he belongs”.

19. Article 129 of the Code is amended by replacing “acquires the authority of a final judgment (*res judicata*)” in the first paragraph by “becomes final”.

20. Article 132 of the Code is amended by replacing “are not affected by the alterations” in the third paragraph by “have not been altered”.

21. Article 132.1 of the Code is amended by replacing “*res judicata*” in the second paragraph by “final”.

22. Article 169 of the Code is amended by replacing “is accountable for” by “shall render an account of”.

23. Article 172 of the Code is amended by replacing “sign” by “enter into”.

24. Article 174 of the Code is amended by replacing “Loans or borrowings of large amounts” by “Large loans or borrowings”.

25. Article 202 of the Code is amended by replacing “being informed” in the second paragraph by “learning”.

26. Article 206 of the Code is amended by replacing “mother and close relatives of the minor and persons connected by marriage or a civil union to the minor or” by “mother, close relatives and persons closely connected to the minor by marriage or a civil union, or”.

27. Article 218 of the Code is amended by replacing “make up for the support owed by” by “make good on the obligation of support that lies on”.

28. Article 222 of the Code is amended by replacing “civil union and friends” by “civil union, or friends”.

29. Article 224 of the Code is amended by replacing “civil union and friends” in the first paragraph by “civil union, or friends”.

30. Article 225 of the Code is amended by replacing “civil union and friends” in the second paragraph by “civil union, or friends”.

31. Article 226 of the Code is amended by replacing “civil union and friends” in the first paragraph by “civil union, or friends”.

32. Article 231 of the Code is amended

(1) by replacing “owing to the dispersal or indifference of the family members or their inability, for serious reasons, to attend, or” in the first paragraph by “owing to the family members being geographically distant, their indifference or a major impediment to them, or owing”;

(2) by replacing “civil union and friends” in the third paragraph by “civil union, or friends”.

33. Article 236 of the Code is amended by replacing “attached to” in the second paragraph by “supporting”.

34. Article 242 of the Code is amended by replacing “to take out liability insurance” in the first paragraph by “to take out insurance”.

35. Article 263 of the Code is amended

(1) by replacing “à l’exception de ceux que le curateur public choisit de se réserver” in the second paragraph in the French text by “à l’exception des soins à l’égard desquels le curateur public choisit de se réserver le pouvoir de consentir”;

(2) by replacing “consent to the care” and “except the care which the Public Curator elects to provide” in the second paragraph by “consent to care” and “except care for which the Public Curator elects to reserve to himself the power to give consent”, respectively.

36. Article 264 of the Code is amended

(1) by replacing “Il peut” and “à l’exception de ceux qu’il choisit de se réserver” in the second paragraph in the French text by “Le curateur public peut” and “à l’exception des soins à l’égard desquels le curateur public choisit de se réserver le pouvoir de consentir”, respectively;

(2) by replacing “He may”, “to consent to the care” and “except care which the Public Curator elects to provide” in the second paragraph by “The Public Curator may”, “to give consent to care” and “except care for which the Public Curator elects to reserve to himself the power to give consent”, respectively.

37. Article 266 of the Code is amended by replacing “civil union and friends” in the second paragraph by “civil union, or friends,”.

38. Article 267 of the Code is amended by replacing “civil union and friends” by “civil union, or friends”.

39. Article 269 of the Code is amended by replacing “his close relatives and the persons connected to him by marriage or a civil union” by “his close relatives, persons closely connected to him by marriage or a civil union”.

40. Article 270 of the Code is amended by replacing “and informs a close relative of that person” in the first paragraph by “and so informs a person close to that person”.

41. Article 272 of the Code is amended by replacing “if protective supervision is about to be instituted” in the second paragraph by “if an application for the institution of protective supervision is about to be made”.

42. Article 275 of the Code is amended

(1) by replacing “furniture in it” in the first paragraph by “movable property with which it is furnished”;

(2) by replacing “his furniture or his rights in respect of a” in the second paragraph by “the movable property or the rights relating to the”.

43. Article 291 of the Code is amended by replacing “generally and habitually” by “generally or habitually”.

44. Article 293 of the Code is amended by replacing “required, and” in the first paragraph by “required or, conversely,”.

45. Article 313 of the Code is amended by striking out “existing”.

46. Article 325 of the Code is amended by replacing “except if required” in the second paragraph by “except in case of necessity”.

47. Article 377 of the Code is amended by replacing “is unable to act” in the third paragraph by “becomes disqualified”.

48. Article 392 of the Code is amended by replacing “live together” in the third paragraph by “share a community of life”.

49. Article 411 of the Code is amended by replacing “in cash” in the first paragraph by “all at once”.

50. Article 416 of the Code is amended by replacing “living together” wherever it appears in the second paragraph by “their community of life”.

51. Article 417 of the Code is amended by replacing “living together” in the second paragraph by “sharing a community of life”.

52. Article 427 of the Code is amended by replacing “in cash” in the first paragraph by “all at once”.

53. Article 429 of the Code is amended by replacing “becomes payable” and “in cash” in the first paragraph by “is to be paid” and “all at once”, respectively.

54. Article 448 of the Code is amended by replacing “they subsequently acquire” by “each subsequently acquires”.

55. Article 460 of the Code is amended by replacing “an exclusively” by “his or her exclusive”.

56. Article 466 of the Code is amended by replacing “to live together” by “sharing a community of life”.

57. Article 471 of the Code is amended by replacing “wasted acquests” by “wasted his or her acquests”.

58. Article 482 of the Code is amended by replacing “in cash” in the first paragraph by “all at once”.

59. Article 484 of the Code is amended

(1) by replacing “the rights of former” in the first paragraph by “the rights of pre-existing”;

(2) by replacing “former” in the second paragraph by “the pre-existing”.

60. Article 489 of the Code is amended by replacing “to live together” in the second paragraph by “sharing a community of life”.

61. Article 493 of the Code is amended by replacing “live together” by “share a community of life”.

62. Article 494 of the Code is amended

(1) by replacing “live together” in the portion before paragraph 1 by “share a community of life”;

(2) by replacing “that make further living together” in paragraph 1 by “making the continuation of community of life”.

63. Article 498 of the Code is replaced by the following article:

“498. Proof that the continuation of community of life is hardly tolerable may result from the testimony of one party but the court may require additional proof.”

64. Article 499 of the Code is amended by replacing “live together” by “share a community of life”.

65. Article 502 of the Code is amended by replacing “provisional sum” by “provision”.

66. Article 507 of the Code is amended by replacing “live together” by “share a community of life”.

67. Article 508 of the Code is amended by replacing “to live together” in the second paragraph by “sharing a community of life”.

68. Article 514 of the Code is amended by replacing “the agreements made between the spouses, where such is the case” by “, where appropriate, any agreements made between the spouses”.

69. Article 515 of the Code is amended by replacing “living together” in the first paragraph by “their community of life”.

70. Article 518 of the Code is amended by replacing “to live together” in the second paragraph by “sharing a community of life”.

71. Article 521.1 of the Code is amended by replacing “live together” in the first paragraph by “share a community of life”.

72. Article 521.6 of the Code is amended by replacing “live together” in the third paragraph by “share a community of life”.

73. Article 521.12 of the Code is amended by replacing “live together” in the first paragraph by “share a community of life”.

74. Article 521.13 of the Code is amended by replacing the last sentence of the third paragraph by the following sentence: “If he considers it appropriate, the notary may inform the spouses of services of which he is aware that are likely to foster their conciliation.”

75. Article 521.14 of the Code is amended by replacing “living together” by “their community of life”.

76. Article 521.17 of the Code is amended

(1) by replacing “live together” in the second paragraph by “share a community of life”;

(2) by replacing “best interests and with due regard for their rights, and in keeping with” in the third paragraph by “interest and the respect of their rights, taking into account, where appropriate,”.

77. Article 521.19 of the Code is amended by replacing “living together” in the first paragraph by “sharing a community of life”.

78. Articles 525 and 538.3 of the Code are amended by replacing “living together” in the second paragraph by “their community of life”.

79. Article 542 of the Code is amended by replacing “proches” in the second paragraph in the French text by “proches parents”.

80. Article 545 of the Code is amended by replacing “stood *in loco parentis*” in the first paragraph by “fulfilled the role of a parent”.

- 81.** Article 556 of the Code is amended by replacing “given” by “entrusted”.
- 82.** Article 573.1 of the Code is amended by replacing “*res judicata*” by “final”.
- 83.** Article 584 of the Code is amended by replacing “l’un de ses proches” in the second paragraph in the French text by “l’un de ses proches parents”.
- 84.** Article 587.2 of the Code is amended by replacing “reasonable debts” in the third paragraph by “debts reasonably”.
- 85.** Article 588 of the Code is amended by replacing “provisional sum” in the second paragraph by “provision”.
- 86.** Article 589 of the Code is amended by replacing “in cash” by “all at once”.
- 87.** Article 606 of the Code is amended by replacing the last sentence in the second paragraph by the following sentence: “A direct application for withdrawal may also be made to the court.”
- 88.** Article 621 of the Code is amended by replacing “guilty of cruelty towards the deceased or having” in paragraph 1 by “who has subjected the deceased to ill treatment or who has”.
- 89.** Article 644 of the Code is amended by striking out “movable” in the second paragraph.
- 90.** Article 648 of the Code is amended by replacing “the authority of a final judgment (*res judicata*)” by “become final”.
- 91.** Article 679 of the Code is amended by inserting “ordinary” before “collaterals” in the first paragraph.
- 92.** Article 685 of the Code is amended by replacing “in cash” in the first paragraph by “all at once”.
- 93.** Article 687 of the Code is amended by replacing “taking effect at the death” by “having the death as a term”.
- 94.** Article 689 of the Code is amended by replacing “taking effect at the death” in the first paragraph by “having the death as a term”.
- 95.** Article 708 of the Code is amended by replacing “articles” by “property”.
- 96.** Article 722.1 of the Code is amended by replacing “connected with the testator by marriage or a civil union” in the third paragraph by “be connected to that extent by marriage or a civil union to the testator”.

97. Article 723 of the Code is amended by replacing “connected with him by marriage or a civil union” by “is connected to that extent by marriage or a civil union to the testator”.

98. Article 726 of the Code is amended by replacing “any mechanical process” in the first paragraph by “technical means”.

99. Article 728 of the Code is amended by replacing “a mechanical process” in the first paragraph by “technical means”.

100. Article 730 of the Code is amended by replacing “a mechanical process” by “technical means”.

101. Article 730.1 of the Code is amended by replacing “connected with the testator by marriage or a civil union” in the third paragraph by “be connected to that extent by marriage or a civil union to the testator”.

102. Article 744 of the Code is amended by replacing “dependencies” in the first paragraph by “accessories”.

103. Article 745 of the Code is amended by replacing “dependent” by “accessory”.

104. Article 754 of the Code is amended by replacing “ceases to have effect” by “is resolved”.

105. Article 777 of the Code is amended by replacing “has” in the first paragraph by “exercises”.

106. Article 785 of the Code is amended by replacing “the heirs, by majority vote,” by “the majority of the heirs”.

107. Article 790 of the Code is amended by replacing “exempted by the court” in the second paragraph by “the court relieves him of his default”.

108. Article 811 of the Code is amended by replacing “for a reserve” by “for a reserve, if appropriate.”.

109. Article 813 of the Code is amended by replacing “determined things” wherever it appears in the second paragraph by “certain and determinate property”.

110. Article 814 of the Code is amended by replacing “an individual property” by “certain and determinate property”.

111. Article 821 of the Code is amended by striking out “without judicial formalities” in the first paragraph.

- 112.** Article 822 of the Code is amended by replacing “interested persons may consult the account” in the second paragraph by “the account may be consulted”.
- 113.** Article 838 of the Code is amended by replacing “liquidator; otherwise, partition” in the first paragraph by “liquidator or”.
- 114.** Article 842 of the Code is amended by replacing “existing interests and” by “interests involved and the”.
- 115.** Article 845 of the Code is amended by replacing “too great a risk” by “great risks”.
- 116.** Article 847 of the Code is amended by replacing “to enjoyment of only” by “only to enjoyment of”.
- 117.** Article 859 of the Code is amended by replacing “exercise” by “assert”.
- 118.** Article 865 of the Code is amended by replacing “assist the co-partitioners in this matter” by “allow the co-partitioners to make use of them”.
- 119.** Article 871 of the Code is amended by replacing “equivalent property” in the third paragraph by “property of equivalent value”.
- 120.** Article 874 of the Code is amended by replacing “actions” in the third paragraph by “acts or omissions”.
- 121.** Article 888 of the Code is amended by replacing “The setting up of claims” in the second paragraph by “The setting up of the allotment of claims”.
- 122.** Article 900 of the Code is amended by replacing “alienation” in the second paragraph by “disposition”.
- 123.** Article 909 of the Code is amended by striking out “shares of the capital stock or common” in the first paragraph.
- 124.** Article 912 of the Code is amended by replacing “take legal action” by “take part in judicial proceedings”.
- 125.** Article 943 of the Code is amended by replacing “takes legal action” in paragraph 2 by “institutes judicial proceedings”.
- 126.** Article 951 of the Code is amended by replacing “rights of the State” in the second paragraph by “public rights”.
- 127.** Article 976 of the Code is amended by replacing “custom” by “usage”.

128. Article 1014 of the Code is amended by replacing “the expected length of indivision” by “the term provided for the indivision”.

129. Article 1017 of the Code is amended by replacing “right of exclusive use or enjoyment” and “also has exclusive use or enjoyment” by “right of use or exclusive enjoyment” and “also has the use or exclusive enjoyment”, respectively.

130. Article 1020 of the Code is amended by replacing “any loss which by his doing decreases” in the second paragraph by “losses resulting from his act or omission that decrease”.

131. Article 1023 of the Code is amended

(1) by replacing “sell the share of an undivided co-owner” in the first paragraph by “cause the share of a co-owner to be sold”;

(2) by replacing “has no” in the second paragraph by “may not set up his”.

132. Article 1032 of the Code is amended

(1) by inserting “immediate” before “partition” in the first paragraph;

(2) by replacing “too high a risk” in the second paragraph by “presents great risks”.

133. Article 1046 of the Code is amended by replacing “proportionate” by “equal”.

134. Article 1050 of the Code is amended by striking out “real” in the first paragraph.

135. Article 1051 of the Code is amended by replacing “preferences” by “prior claims”.

136. Article 1070 of the Code is amended by inserting “, where applicable,” before “and all other documents” in the second paragraph.

137. Article 1077 of the Code is amended by replacing “counterclaim” by “recursory action”.

138. Article 1087 of the Code is amended by replacing “the general terms” by “the essential terms”.

139. Article 1089 of the Code is amended by replacing “second” in the second paragraph by “new”.

140. Article 1094 of the Code is amended by replacing “voting rights” by “right to vote”.

141. Article 1096 of the Code is amended by inserting “vote” after “majority”.

142. Article 1097 of the Code is amended by replacing “majority vote of the” in the portion before paragraph 1 by “majority of”.

143. Article 1098 of the Code is amended by replacing “majority vote” in the portion before paragraph 1 by “majority”.

144. Article 1106 of the Code is amended by inserting “that he considers” before “necessary” in the second paragraph.

145. Article 1138 of the Code is amended by replacing “preserved” by “retained”.

146. Article 1155 of the Code is amended by replacing “preserve” by “retain”.

147. Article 1158 of the Code is amended

(1) by replacing “legal proceedings” in the first paragraph by “judicial applications”;

(2) by replacing “proceedings” in the second paragraph by “applications”.

148. Article 1168 of the Code is amended by replacing “be declared to have forfeited his right” in the first paragraph by “forfeit his right”.

149. Article 1172 of the Code is amended by replacing “enjoy” by “use”.

150. Article 1195 of the Code is amended by replacing “enjoyment” in the first paragraph by “use”.

151. Article 1200 of the Code is amended by replacing “use” in the second paragraph by “utility”.

152. Article 1205 of the Code is amended by striking out “real”.

153. Article 1215 of the Code is amended by replacing “however” by “in particular”.

154. Article 1220 of the Code is amended by replacing “that is subject to no other indication” by “, placed on the donee or legatee without further indication,”.

155. Article 1256 of the Code is amended

- (1) by replacing “durable” in the first paragraph by “lasting”;
- (2) by replacing “main” in the second paragraph by “essential”.

156. Article 1259 of the Code is amended by replacing “the initial property of the trust foundation”, “substituted therefor” and “substance of the initial property” by “the property forming the initial patrimony of the trust foundation”, “subrogated” and “substance of the patrimony”, respectively.

157. Article 1263 of the Code is amended by replacing “The purpose of an onerous trust established by contract may be to secure” in the first paragraph by “A trust established by onerous contract may have as its object the guarantee of”.

158. Article 1268 of the Code is amended by replacing “a thing” by “corporeal property”.

159. Article 1269 of the Code is amended by replacing “shareholders” by “holders of securities”.

160. Article 1270 of the Code is amended by replacing “main” in the second paragraph by “essential”.

161. Article 1282 of the Code is amended by replacing “may appoint” in the second paragraph by “is to appoint”.

162. Article 1291 of the Code is amended by replacing “take legal action” and “to act or is prevented from acting” by “take part in judicial proceedings” and “to do so or is prevented from doing so”, respectively.

163. Article 1294 of the Code is amended by replacing “substitute another closely related purpose for the original purpose of the trust” in the first paragraph by “substitute, for the original purpose of the trust, a purpose as nearly like it as possible”.

164. Article 1306 of the Code is amended by replacing “appropriate it to a purpose” by “secure its appropriation”.

165. Article 1308 of the Code is amended by replacing “by law or” in the first paragraph by “by law and”.

166. Article 1325 of the Code is amended by replacing “the initial agreement between the administrator and the beneficiary” in the second paragraph by “an agreement to which the administrator and the beneficiary were initially parties”.

167. Article 1328 of the Code is amended by inserting “list or” after “inventory and to”.

168. Article 1338 of the Code is amended by replacing “judicial recourses” and “was duly empowered to give” in the second paragraph by “remedies” and “could validly confer”, respectively.

169. Article 1339 of the Code is amended

(1) by replacing “immovable, or by” in subparagraph *a* of paragraph 5 by “immovable or on”;

(2) by replacing “timely” in paragraph 9 by “continuous”.

170. Article 1353 of the Code is amended by replacing “these have been divided accordingly” by “the division has been respected”.

171. Article 1357 of the Code is amended by replacing “empowered to” in the first paragraph by “who may”.

172. Article 1363 of the Code is amended by replacing “their duties are terminated” in the first paragraph by “their offices are terminated”.

173. Article 1383 of the Code is amended

(1) by replacing “circumstances do” in the first paragraph by “nature of things does”;

(2) by replacing “circumstances absolutely require” in the second paragraph by “nature of things requires”.

174. Article 1384 of the Code is amended by replacing “property and services” by “property or services”.

175. Article 1387 of the Code is amended by inserting “certain” before “secondary”.

176. Article 1437 of the Code is amended by replacing “not in good faith” in the second paragraph by “contrary to the requirements of good faith”.

177. Article 1457 of the Code is amended by replacing “act or fault” in the third paragraph by “act, omission or fault”.

178. The heading of subdivision 2 before article 1459 of the Code is amended by replacing “*Act or fault*” by “*Act, omission or fault*”.

179. Article 1459 of the Code is amended by replacing “act or fault” wherever it appears by “act, omission or fault”.

180. Article 1460 of the Code is amended by replacing “act or fault” in the first paragraph by “act, omission or fault”.

181. Article 1461 of the Code is amended by replacing “any act” and “is himself guilty of a deliberate” by “an act or omission” and “has himself committed an intentional”, respectively.

182. Article 1463 of the Code is amended by replacing “agents and servants” by “subordinates”.

183. Article 1464 of the Code is amended by replacing “An agent or servant” by “A subordinate”.

184. Article 1480 of the Code is amended by replacing “wrongful act” by “wrongful act or omission”.

185. Article 1491 of the Code is amended

(1) by replacing “A person who receives a payment” and “is obliged to restore it” in the first paragraph by “A payment” and “obliges the person who receives it to make restitution”, respectively;

(2) by replacing “He is not obliged to restore it, however,” and “the claim of the person who received the undue payment in good faith” in the second paragraph by “However, a person who receives the payment in good faith is not obliged to make restitution” and “the person’s claim”, respectively.

186. Article 1512 of the Code is amended by replacing “the circumstances” in the first paragraph by “any appropriate circumstances”.

187. Article 1514 of the Code is amended by replacing “act and” in the first paragraph by “act or omission and”.

188. Article 1521 of the Code is amended by replacing “does not” by “does not, in itself,”.

189. Article 1531 of the Code is amended by replacing “act of” by “act or omission of”.

190. Article 1561 of the Code is amended by replacing “the thing” in the first paragraph by “what is”.

191. Article 1562 of the Code is amended by replacing “act or fault” by “act, omission or fault”.

192. Article 1575 of the Code is amended by replacing “it is legally proved” in the first paragraph by “it is proved”.

193. Article 1576 of the Code is amended by striking out “which is recorded”.

194. Article 1609 of the Code is replaced by the following article:

“**1609.** Acquittances, transactions or statements which the debtor, an insurer or their representatives obtain from the creditor, and which relate to the bodily or moral injury the creditor has suffered, are without effect if they are damaging to the creditor and were obtained within 30 days of the act or omission which caused the injury.”

195. Article 1616 of the Code is amended

(1) by replacing “in cash” in the first paragraph by “all at once”;

(2) by replacing “it fixes and indexed” in the second paragraph by “it fixes, which may include indexation”.

196. Article 1634 of the Code is amended by replacing “defrauding a later ranking creditor” in the second paragraph by “defrauding a subsequent creditor”.

197. Article 1636 of the Code is amended by replacing “contract or payment seized and sold and be paid according” by “juridical act seized and sold and may be paid in proportion”.

198. Article 1648 of the Code is amended by replacing “notice” in the first paragraph by “notification”.

199. Article 1650 of the Code is amended by replacing “unlawfully” by “unjustly”.

200. Article 1668 of the Code is amended by replacing “the delegatee evidently” by “it is evident that the delegatee”.

201. Article 1692 of the Code is amended by replacing “quant à ces derniers” and “ils” in the second paragraph in the French text by “quant à ces dernières” and “elles”, respectively.

202. Article 1696 of the Code is amended by striking out “by blood”.

203. Article 1699 of the Code is amended by replacing “unlawfully” in the first paragraph by “without right”.

204. Article 1701 of the Code is amended by replacing “or if the restitution” wherever it appears by “or the cause of the restitution”.

205. Article 1703 of the Code is amended by replacing “expenses incurred” by “disbursements made” and by inserting “the cause of” after “faith or if”.

206. Article 1704 of the Code is amended by inserting “the cause of” after “faith or if” in the second paragraph.

207. Article 1705 of the Code is amended by inserting “the cause of” after “or where” in the second paragraph.

208. Article 1706 of the Code is amended by replacing “derive” in the first paragraph by “retain”.

209. Article 1711 of the Code is amended by replacing “deposit” by “partial payment”.

210. Article 1712 of the Code is amended by replacing “the deed” by “title”.

211. Article 1730 of the Code is amended by replacing “warrant the buyer in the same manner as the seller” by “a seller’s warranty”.

212. Article 1732 of the Code is amended by replacing “fault” by “acts or omissions”.

213. Article 1749 of the Code is amended

(1) by replacing “original” in the second paragraph by “immediate”;

(2) by replacing “hands of the original”, “property by the original” and “charges with which the original” in the third paragraph by “hands of the immediate”, “property by that” and “charges with which the immediate”, respectively.

214. The heading of Division I before article 1779 of the Code is amended by replacing “*rights of succession*” by “*rights in a succession*”.

215. Article 1779 of the Code is amended by replacing “rights of succession” by “rights in a succession”.

216. Article 1842 of the Code is amended by replacing “business” in the third paragraph by “enterprise”.

217. Article 1859 of the Code is amended by inserting “or omission” after “act” in the first paragraph.

218. Article 1860 of the Code is amended by inserting “or omission” after “act” wherever it appears in the second paragraph.

219. Article 1864 of the Code is amended by replacing “normal aging” by “the age”.

220. Article 1938 of the Code is amended by replacing “spouse or blood relative of the lessee” in the first paragraph by “spouse of the lessee, a relative”.

221. Article 1990 of the Code is amended by replacing “entitled in a dwelling of the appropriate category or subcategory” in the first paragraph by “entitled to an appropriate dwelling”.

222. Article 2009 of the Code is amended by replacing “for which it is intended” by “consistent with the ship’s normal destination”.

223. Article 2027 of the Code is amended by replacing “general custom” in the second paragraph by “maritime customs”.

224. Article 2041 of the Code is amended by replacing “states” in the first sentence of the second paragraph by “states, in particular,”.

225. Article 2056 of the Code is amended by replacing “as described” in the second paragraph by “of the same nature as that described”.

226. Article 2072 of the Code is amended

- (1) by replacing “or other servants” in paragraph 1 by “or subordinates”;
- (2) by replacing “act or the fault” in paragraph 2 by “act, omission or fault”;
- (3) by striking out “natural” in paragraph 5.

227. Article 2085 of the Code is amended by replacing “undertakes for a limited period to do work for remuneration, according to the instructions and” by “undertakes, for a limited time and for remuneration, to do work”.

228. Article 2088 of the Code is amended by replacing “avec loyauté” in the first paragraph in the French text by “avec loyauté et honnêteté”.

229. Article 2101 of the Code is amended by striking out “specifically” and by replacing “employ” by “obtain the assistance of”.

230. Article 2111 of the Code is amended by replacing “deduct” and “or poor workmanship” in the second paragraph by “withhold” and “or apparent poor workmanship”, respectively.

231. Article 2112 of the Code is amended by replacing “deducted” by “withheld”.

- 232.** Article 2119 of the Code is amended by replacing “completed” in the first paragraph by “carried out by him”.
- 233.** Article 2128 of the Code is amended by replacing “qualifications” by “qualities”.
- 234.** Article 2130 of the Code is amended by replacing “are called power” in the second paragraph by “are also called power”.
- 235.** Article 2143 of the Code is amended by replacing “in the same act” in the first paragraph by “for the same act”.
- 236.** Article 2144 of the Code is amended by replacing “in respect of” in the first paragraph by “together for”.
- 237.** Article 2154 of the Code is amended by replacing “is not at fault” by “has not committed any fault”.
- 238.** Article 2174 of the Code is amended by replacing “provision” by “stipulation”.
- 239.** Article 2183 of the Code is amended by replacing “of the death” in the first paragraph by “of the event”.
- 240.** Article 2214 of the Code is amended by replacing “and there is no stipulation dividing it between them nor” by “without it being divided among them and without”.
- 241.** Article 2216 of the Code is amended by replacing “the vote of a majority” in the second paragraph by “a majority vote”.
- 242.** Article 2225 of the Code is amended by striking out “in a civil action”.
- 243.** Article 2254 of the Code is amended by replacing “use” by “service”.
- 244.** Article 2280 of the Code is amended by replacing “keep it” in the first paragraph by “keep custody of it”.
- 245.** Article 2283 of the Code is amended by replacing “the safekeeping” by “his custody”.
- 246.** Article 2302 of the Code is amended by replacing “and services” by “and the services and prestations”.
- 247.** Article 2305 of the Code is amended by replacing “issue” by “contestation”.

248. Article 2317 of the Code is amended by replacing “safekeeping” by “custody”.

249. Article 2344 of the Code is amended by replacing “original action, and” by “first demand and”.

250. Article 2357 of the Code is amended by replacing “resulting enrichment of” by “enrichment retained by”.

251. Article 2361 of the Code is amended by replacing “contrary provision” by “stipulation to the contrary”.

252. Article 2365 of the Code is amended by replacing “the act” by “an act or omission”.

253. Article 2366 of the Code is amended by replacing “capital” by “principal”.

254. Article 2367 of the Code is amended by replacing “in cash or by” in the second paragraph by “all at once or in”.

255. Article 2372 of the Code is amended by replacing “entitlement whatever to” in the first paragraph by “right to”.

256. Article 2386 of the Code is amended

(1) by replacing “debtor, and to require or order” in the first paragraph by “debtor and obtain consent to, or require an order for;”;

(2) by inserting “or omission” after “act” in the second paragraph.

257. Article 2394 of the Code is amended by replacing “accident and sickness insurance” wherever it appears by “accident or sickness insurance”.

258. Article 2396 of the Code is amended by replacing “liability he may incur for damage to a third person by reason of an injurious act” by “obligation he may incur, by reason of an injurious act or omission, to make reparation for the injury caused to another”.

259. The heading of subdivision 3 before article 2408 of the Code is amended by replacing “*of insured*” by “*of the client*”.

260. Articles 2416 and 2417 of the Code are amended by replacing “accident and sickness” in the first paragraph by “accident or sickness”.

261. Article 2419 of the Code is amended by replacing “employees” in the second paragraph by “subordinates”.

262. Article 2420 of the Code is amended by replacing “accident and sickness insurance” in the second paragraph by “accident or sickness insurance”.

263. Article 2422 of the Code is amended by replacing “accident and sickness insurance” in the first paragraph by “accident or sickness insurance”.

264. Article 2426 of the Code is amended by replacing “Accident and sickness insurance” in the first paragraph by “Accident or sickness insurance”.

265. Article 2430 of the Code is amended by replacing “accident and sickness” by “accident or sickness”.

266. Article 2433 of the Code is amended by replacing “accident and sickness insurance contract” in the first paragraph by “accident or sickness insurance contract”.

267. Article 2435 of the Code is amended by replacing “accident and sickness” in the first paragraph by “accident or sickness”.

268. Article 2436 of the Code is amended

(1) by replacing “in the policy” and “the conditions of the policy” in the first paragraph by “in the contract” and “its conditions”, respectively;

(2) by replacing “accident and sickness” and “policy” in the second paragraph by “accident or sickness” and “insurance”, respectively.

269. Article 2439 of the Code is amended

(1) by replacing “accident and sickness insurance” in the first paragraph by “accident or sickness insurance”;

(2) by replacing “policy” wherever it appears in the first paragraph by “contract”.

270. Article 2464 of the Code is amended

(1) by replacing “policy” in the first paragraph by “contract”;

(2) by replacing “acts the insured” in the second paragraph by “acts or omissions the insured”.

271. Article 2465 of the Code is amended by replacing “natural loss” by “shrinkage”.

272. The heading of Division II before article 2466 of the Code is amended by replacing “*Material change*” by “*Increase*”.

273. Article 2467 of the Code is amended by replacing “any material change in the risk” in the first paragraph by “the new circumstances”.

274. Article 2468 of the Code is amended by replacing “second” in the first paragraph by “secondary”.

275. Article 2470 of the Code is amended by replacing “give rise to an indemnity” in the first paragraph by “fall under the coverage”.

276. Article 2471 of the Code is amended by replacing “de celles-ci” in the first paragraph in the French text by “des renseignements fournis”.

277. Article 2474 of the Code is amended by replacing “person responsible for the loss” and “any act” in the first paragraph by “author of the injury” and “an act or omission”, respectively.

278. Article 2481 of the Code is amended by striking out “or deterioration” in the first paragraph.

279. Article 2491 of the Code is amended by replacing “policies” wherever it appears by “contracts”.

280. Article 2494 of the Code is amended by replacing “preferred” by “prior”.

281. Article 2499 of the Code is amended by inserting “and omissions” after “acts”.

282. Article 2502 of the Code is amended by replacing “right of action” by “recursory action”.

283. Article 2514 of the Code is amended by replacing “A contingent or partial insurable interest subject to annulment” by “An insurable interest subject to annulment, or that is contingent or partial.”.

284. Article 2518 of the Code is amended by replacing “policy attaches” in the first paragraph by “contract is formed”.

285. Article 2522 of the Code is amended by replacing “policy” in the first paragraph by “contract”.

286. Article 2523 of the Code is amended by replacing “policy” in the second paragraph by “contract”.

287. Article 2530 of the Code is amended by inserting “in favour of an heir” at the end.

288. Article 2532 of the Code is amended by replacing “admissible in evidence” by “admissible in evidence, in particular”.

289. Article 2543 of the Code is amended by replacing “he had reason” in the second paragraph by “he had good reason”.

290. Articles 2560 and 2561 of the Code are amended by replacing “policy” in the first paragraph by “contract”.

291. Article 2563 of the Code is amended

(1) by replacing “policy” in the second paragraph by “contract”;

(2) by inserting “or movables” after “goods” in the second paragraph.

292. Article 2579 of the Code is amended by replacing “policy” by “contract”.

293. Article 2598 of the Code is amended by replacing “persons acting on his behalf” in the second paragraph by “his mandatary”.

294. Articles 2604 to 2607 and 2617 of the Code are amended by replacing “policy” wherever it appears by “contract”.

295. Article 2620 of the Code is amended

(1) by replacing “pays” and “so paid for” in the first paragraph by “indemnifies the insured” and “so insured”, respectively;

(2) by replacing “pays” in the second paragraph by “indemnifies the insured”.

296. Articles 2623 and 2626 of the Code are amended by replacing “policy” wherever it appears by “contract”.

297. Article 2633 of the Code is amended by replacing “a final judgment (*res judicata*)” in the first paragraph by “*res judicata*”.

298. Article 2636 of the Code is amended by replacing “acquired the authority of a final judgment (*res judicata*)” by “become final”.

299. Article 2646 of the Code is amended by replacing “rank equally” in the second paragraph by “claim together”.

300. Article 2650 of the Code is amended by replacing “A claim to which” and “is a prior claim” in the first paragraph by “A prior claim is a claim to which” and “according to the origin of his claim”, respectively.

301. Article 2654 of the Code is amended by replacing “takes procedures in execution” in the first paragraph by “proceeds by seizure in execution”.

302. Article 2658 of the Code is amended by replacing “, unliquidated or conditional claim” by “or unliquidated claim, or a claim suspended by a condition,”.

303. Article 2664 of the Code is amended by replacing “formalities” in the first paragraph by “forms”.

304. Article 2674 of the Code is amended

(1) by replacing “on an individual property” in the second paragraph by “that charges certain and determinate property”;

(2) by replacing “proceeds” in the third paragraph by “sums of money which are proceeds”.

305. Article 2680 of the Code is amended by replacing “, unliquidated or conditional claim” by “or unliquidated claim, or a claim suspended by a condition,”.

306. Article 2698 of the Code is amended by replacing “its date of registration” by “its registration”.

307. Article 2699 of the Code is amended by replacing “gives value” by “has performed his prestation”.

308. Article 2700 of the Code is amended by replacing “purchaser” wherever it appears by “acquirer”.

309. Article 2701 of the Code is amended by replacing “a purchaser” by “an acquirer”.

310. Article 2704 of the Code is amended by inserting “or omission” after “act”.

311. Article 2708 of the Code is amended by replacing “gives value” by “has performed his prestation”.

312. Article 2713.4 of the Code is amended by inserting “by the grantor” after “money transferred” in subparagraph 1 of the first paragraph.

313. Article 2726 of the Code is amended by replacing “in proportion to the work” and “to the materials” by “for the work” and “for the materials”, respectively.

- 314.** Article 2730 of the Code is amended by replacing “annual Pension Index” in the second paragraph by “basis of indexation”.
- 315.** Article 2735 of the Code is amended by replacing “legal” by “judicial”.
- 316.** The heading of Division II before article 2736 of the Code is amended by replacing “IN POSSESSION OF” by “WHO HOLD”.
- 317.** Article 2739 of the Code is amended by replacing “ageing” by “age”.
- 318.** Article 2757 of the Code is amended by replacing “made” in the second paragraph by “notified”.
- 319.** Article 2759 of the Code is amended by replacing “purchaser” and “hypothecary claims prior to the creditor’s claim” in the second paragraph by “acquirer” and “claims that take precedence over the creditor’s rights”, respectively.
- 320.** Article 2764 of the Code is amended by replacing “attested” in the second paragraph by “recorded”.
- 321.** Article 2766 of the Code is amended by replacing “a surety” by “security”.
- 322.** Article 2767 of the Code is amended by replacing “deteriorate” in the first paragraph by “depreciate”.
- 323.** Article 2780 of the Code is amended by replacing “designated by him” in the second paragraph by “it designates”.
- 324.** Article 2784 of the Code is amended by replacing “public auction” by “auction”.
- 325.** Article 2788 of the Code is amended by replacing “a sale by public auction” in the first paragraph by “an auction sale”.
- 326.** Article 2789 of the Code is amended by replacing “claims prior to” in the first paragraph by “claims that take precedence over”.
- 327.** Article 2791 of the Code is amended by replacing “public auction” in the first paragraph by “auction”.
- 328.** Article 2827 of the Code is amended by replacing “intention” by “consent”.
- 329.** Article 2838 of the Code is amended by replacing “be used to adduce” by “make”.

330. Article 2848 of the Code is amended

(1) by replacing “a final judgment (*res judicata*)” in the first paragraph by “*res judicata*”;

(2) by replacing “a final judgment” in the second paragraph by “*res judicata*”.

331. Article 2853 of the Code is amended by inserting “joined” after “issue”.

332. Article 2865 of the Code is amended by replacing “that gives an indication that the alleged fact may have occurred” by “, where it renders plausible the alleged fact”.

333. Article 2866 of the Code is amended by replacing “an action” in the first paragraph by “judicial proceedings”.

334. Article 2885 of the Code is amended by inserting “or omission” after “act” in the first paragraph.

335. Article 2896 of the Code is amended by replacing “has acquired the authority of a final judgment (*res judicata*)” in the first paragraph by “has become final”.

336. Article 2906 of the Code is amended by replacing “cohabitation” by “their community of life”.

337. Article 2908 of the Code is amended

(1) by replacing “rejetée, annulée ou que le jugement qui y fait droit n’est pas annulé” in the second paragraph in the French text by “rejetée, que le jugement qui y fait droit n’est pas annulé ou que l’autorisation qui est l’objet du jugement n’est pas déclarée caduque”;

(2) by replacing “dismissed or annulled or until the judgment granting the application for leave is set aside” in the second paragraph by “dismissed, the judgment granting the application for leave is set aside or the authorization granted by the judgment is declared lapsed”.

338. Article 2939 of the Code is amended by replacing “clauses” by “rights”.

339. Article 2941 of the Code is amended by replacing “before publication” in the second paragraph by “if they are not published”.

340. Article 2943 of the Code is amended by replacing “appropriate register or” in the second paragraph by “appropriate register and”.

341. Articles 2953 and 2954 of the Code are amended by replacing “registration” by “publication”.

342. Article 2968 of the Code is amended by replacing “acquires the authority of a final judgment (*res judicata*)” in the first paragraph by “becomes final”.

343. The heading of Title Three after article 2968 of the Code is amended by replacing “FORMALITIES” by “MODALITIES”.

344. Article 2994 of the Code is amended by replacing “acquired the authority of *res judicata*” in the second paragraph by “become final”.

345. Article 2999.1 of the Code is amended by replacing “verified” and “verification” in the third paragraph by “certified” and “certification”, respectively.

346. Article 3002 of the Code is amended by replacing “has acquired the authority of a final judgment (*res judicata*)” by “has become final”.

347. Article 3014 of the Code is amended by replacing “the registration of a right” in the first paragraph by “the publication of a right”.

348. Article 3018 of the Code is amended by replacing “owned by a person” in the second paragraph by “held by a person”.

349. Article 3028.1 of the Code is amended by replacing “recorded” and “purchasers” in the second paragraph by “preserved” and “acquirers”, respectively.

350. Article 3031 of the Code is amended by replacing “oil or gas pipelines” in the first paragraph by “petroleum products pipelines”.

351. Article 3035 of the Code is amended

(1) by replacing “pertain to” in the second paragraph by “evidence”;

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

“A real right of State resource development cannot give rise to the opening of a land file under a serial number unless ownership of the right is declared by law to be separate from ownership of the land subject to the right.”

352. Article 3038 of the Code is amended by replacing “oil or gas pipelines” in the portion before subparagraph 1 of the first paragraph by “petroleum products pipelines”.

353. Article 3042 of the Code is amended by replacing “appropriate, without formality or indemnity, a right of superficies above, on or under an immovable, for public use” in the third paragraph by “appropriate for public utility, without formality or indemnity, a right of ownership in superficies as to the surface or the subsoil of an immovable”.

354. Article 3044 of the Code is amended by replacing “registered” in the second paragraph by “published”.

355. Article 3063 of the Code is amended

(1) by replacing “rescinded” in the first paragraph by “resolved”;

(2) by replacing “It may also order cancellation” in the second paragraph by “Cancellation is also ordered”.

356. Article 3068 of the Code is amended

(1) by striking out “the registered amount thereof is” in the first paragraph;

(2) by inserting “or reduced” after “cancelled” in the second and third paragraphs.

357. Article 3073 of the Code is amended by replacing “acquired the authority of a final judgment (*res judicata*)” in the first paragraph by “become final”.

358. Article 3085 of the Code is amended by inserting “there” after “exercised” in the second paragraph.

359. Article 3098 of the Code is amended by replacing “owned” in the second paragraph by “held”.

360. Article 3099 of the Code is amended by replacing “right of succession” in the first paragraph by “successoral right”.

361. Article 3100 of the Code is amended by replacing “outside Québec” by “abroad”.

362. Article 3125 of the Code is amended by replacing “of occurrence of the act from which they derive” by “where the act or omission from which they derive occurred”.

363. Article 3126 of the Code is amended

(1) by replacing “injurious act occurred” and “person who committed the injurious act” in the first paragraph by “act or omission which occasioned the injury occurred” and “author”, respectively;

(2) by replacing “person who committed the injurious act” in the second paragraph by “author”.

364. Article 3136 of the Code is amended by replacing “cannot possibly be instituted outside Québec or where the institution of such proceedings outside Québec” by “abroad prove impossible or the institution of proceedings abroad”.

365. Article 3148 of the Code is amended by inserting “or omission” after “injurious act” in subparagraph 3 of the first paragraph.

366. Article 3155 of the Code is amended by replacing “acquired the authority of a final judgment (*res judicata*)” and “in first instance” in paragraph 4 by “become final” and “first seized of the dispute”, respectively.

367. Article 3167 of the Code is amended

(1) by replacing “has been” in the first paragraph by “would be”;

(2) by replacing “recognizes that institution; where that is the case” in the second paragraph by “provides for that institution; if it does so provide”.

368. Article 3168 of the Code is amended by replacing “injurious act which” in paragraph 3 by “injurious act or omission which”.

369. This Act comes into force on 6 April 2016.

