

Gouvernement du Québec

**O.C. 489-2002, 24 April 2002**

Civil Code of Québec  
(1991, c. 64; 1999, c. 47)

**Tardy declaration of filiation**  
— **Publication of a notice**

Regulation respecting the publication of a notice of tardy declaration of filiation

WHEREAS the Act to amend the Civil Code as regards names and the register of civil status (1999, c. 47) came into force on 5 November 1999, the day it was assented to, except section 8 which will come into force on 1 May 2002;

WHEREAS section 8 of the Act, which amended article 130 of the Civil Code, authorizes, on certain conditions, the registrar of civil status to add missing information to an act of civil status, for instance, to add filiation to an act of birth;

WHEREAS the purpose of the Regulation respecting the publication of a notice of tardy declaration of filiation, attached hereto, is to determine the rules applicable to the publication of a notice of tardy declaration of filiation made to the registrar of civil status in accordance with the second paragraph of article 130 of the Civil Code of Québec;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting the publication of a notice of tardy declaration of filiation attached hereto was published in Part 2 of the *Gazette officielle du Québec* of 6 February 2002, with a notice that it could be made by the Government upon the expiry of a 45-day period following its publication;

WHEREAS no comments on the draft Regulation have been submitted;

WHEREAS, under section 18 of the Regulations Act, a Regulation may come into force on the date of its publication in the *Gazette officielle du Québec* or before the time limit applicable under section 17 where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS, under that section, the reason justifying such coming into force must be published with the Regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies such coming into force:

— an amendment to article 130 of the Civil Code that allows for a tardy declaration respecting an act of civil status comes into force on 1 May 2002 in accordance with Order in Council 37-2002 dated 23 January 2002. With respect to filiation, publication of a notice is required in accordance with the rules determined by government regulation;

— it is important that the regulatory provisions required for the application of the new measure come into force on the same date as the legislative amendment;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Population, Regions and Native Affairs and Minister of Relations with the Citizens and Immigration:

THAT the Regulation respecting the publication of a notice of tardy declaration of filiation, attached to this Order in Council, be made.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

**Regulation respecting the publication of a notice of tardy declaration of filiation**

Civil Code of Québec  
(1991, c. 64, art. 130; 1999, c. 47, s. 8)

**1.** The author of a tardy declaration of filiation made to the registrar of civil status, in accordance with article 130 of the Civil Code of Québec (1991, c. 64) shall give notice of the declaration, once a week for two consecutive weeks, in the *Gazette officielle du Québec* and in a newspaper published or circulated in the judicial district of the author's domicile.

The notice shall also be published in a newspaper published or circulated in the judicial district of the domicile of the child whose filiation is tardily declared, if the child's domicile is not the same as that of the author of the tardy declaration.

**2.** The notice of tardy declaration shall contain

(1) the name, status and home address of the author of the declaration;

(2) the name, date and place of birth of the child whose filiation is tardily declared, as they appear on the act of birth;

(3) the name, status and home address of the author of the previous declaration;

(4) where applicable, the surname of the author of the tardy declaration of filiation to be added to the child's surname, or part of the author's surname if it is a compound name;

(5) the date and place of the notice;

(6) the signature of the author of the tardy declaration of filiation;

(7) a mention that objections from third persons to the tardy declaration of filiation must be made known to the authors of the declaration, to the minor child of 14 years of age or over and to the registrar of civil status within 20 days of the last publication of a notice of that declaration.

**3.** This Regulation comes into force on 1 May 2002.

5004

Gouvernement du Québec

**O.C. 490-2002**, 24 April 2002

Civil Code of Québec  
(1991, c. 64; 1996, c. 21; 1999, c. 47)

**Tariff of duties**

— **Acts of civil status and change of name or of designation of sex**

— **Amendment**

Regulation to amend the Tariff of duties respecting the acts of civil status and change of name or of designation of sex

WHEREAS, under the third paragraph of article 151 of the Civil Code of Québec (1991, c. 64; 1996, c. 21, s. 27; 1999, c. 47, s. 14), the Government may determine by regulation the duties payable for the issuing of copies of acts, certificates or attestations;

WHEREAS, pursuant to that article, the Government made the Tariff of duties respecting the acts of civil status and change of name or of designation of sex by Order in Council 1593-93 dated 17 November 1993;

WHEREAS it is expedient to amend the Tariff to include new duties payable for adding filiation to an act of birth;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Tariff of duties respecting the acts of civil status and change of name or of designation of sex attached hereto was published in Part 2 of the *Gazette officielle du Québec* of 6 February 2002, with a notice that it could be made by the Government upon the expiry of a 45-day period following its publication;

WHEREAS no comments on the draft Regulation have been submitted;

WHEREAS, under section 18 of the Regulations Act, a Regulation may come into force on the date of its publication in the *Gazette officielle du Québec* or before the time limit applicable under section 17 where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS, under that section, the reason justifying such coming into force must be published with the Regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies such coming into force:

— an amendment to article 130 of the Civil Code that allows for a tardy declaration respecting an act of civil status comes into force on 1 May 2002 in accordance with Order in Council 37-2002 dated 23 January 2002. With respect to filiation, publication of a notice is required in accordance with the rules determined by government regulation;

— it is important that the regulatory provisions required for the application of the new measure come into force on the same date as the legislative amendment;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Population, Regions and Native Affairs and Minister of Relations with the Citizens and Immigration:

THAT the Regulation to amend the Tariff of duties respecting the acts of civil status and change of name or of designation of sex, attached to this Order in Council, be made.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*