

Gouvernement du Québec

O.C. 443-2020, 8 April 2020

An Act to facilitate the payment of support
(chapter P-2.2)

**Collection of support
— Amendment**

Regulation to amend the Regulation respecting the collection of support

WHEREAS, under the first paragraph of section 35 of the Act to facilitate the payment of support (chapter P-2.2), the Government may impose, in the cases and on the conditions prescribed by regulation, in particular the payment of a fee for the collection of arrears in support payments owed by the debtor of support;

WHEREAS, under paragraph 1 of section 4 of the Regulation respecting the collection of support (chapter P-2.2, r. 1), the fees exigible where an amount whose payment is requested in a demand for payment under the first paragraph of section 46 of the Act to facilitate the payment of support has not been paid within the period prescribed in that section are \$110;

WHEREAS, under the first paragraph of section 36 of the Act, the Minister shall pay to the creditor of support twice a month the amount of the support and arrears the Minister has collected;

WHEREAS, under the second paragraph of section 36 of the Act, the Minister may, in the cases and on the conditions prescribed by regulation, pay to the creditor, for a period not exceeding three months, sums of money up to a maximum amount of \$1,000 to stand in lieu of support payments;

WHEREAS, under the third paragraph of section 36 of the Act, the Government may, by regulation, provide for an increase in the maximum amount that the Minister may pay under the second paragraph and an increase in the maximum period during which such payments are authorized;

WHEREAS, under section 6.1 of the Regulation respecting the collection of support, the maximum amount of the advance paid to the creditor of support pursuant to the second paragraph of section 36 of the Act to facilitate the payment of support may not exceed \$1,500;

WHEREAS, under paragraph 2 of section 6 of the Regulation respecting the collection of support, the Minister shall pay sums to stand in lieu of support

payments under the second paragraph of section 36 of the Act to facilitate the payment of support except where a demand for payment is transmitted to the debtor under the first paragraph of section 46 of the Act by reason of the debtor's failure to pay support;

WHEREAS, under paragraphs 3 and 4 of section 71 of the Act, the Government may determine, by regulation, the cases and conditions in and on which the Government may impose a fee under section 35 of the Act and fix the amount of such fee, and the cases and conditions in and on which the Minister may pay sums of money to stand in lieu of support payments and the increase in the maximum amount and the maximum period, for the purposes of section 36 of the Act;

WHEREAS it is expedient to amend the Regulation respecting the collection of support in order to amend certain rules that are provided for therein;

WHEREAS, by Order in Council 177-2020 dated 13 March 2020, the Government declared a public health emergency and took certain measures to protect the population;

WHEREAS the public health emergency was renewed until 29 March 2020 by Order in Council 222-2020 dated 20 March 2020, until 7 April 2020 by Order in Council 388-2020 dated 29 March 2020 and until 16 April 2020 by Order in Council 418-2020 dated 7 April 2020;

WHEREAS, under section 12 of the Regulations Act (chapter R-18.1), a proposed regulation may be made without having been published in the *Gazette officielle du Québec* as provided for in section 8 of that Act if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 13 of that Act, the reason justifying the absence of such publication shall be published with the regulation;

WHEREAS, under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS the Government is of the opinion that the urgency due to the current pandemic and the resulting exceptional economic consequences justifies the absence of such publication and such coming into force of the Regulation to amend the Regulation respecting the collection of support;

IT IS ORDERED, therefore, on the recommendation of the Minister of Finance:

THAT the Regulation to amend the Regulation respecting the collection of support, attached to this Order in Council, be made.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the collection of support

Act to facilitate the payment of support
(chapter P-2.2, s. 71, pars. 3 and 4)

1. The Regulation respecting the collection of support (chapter P-2.2, r. 1) is amended by inserting the following after section 4:

“**4.1.** For the period beginning on 9 April 2020 and ending on 30 June 2020, section 4 must read without taking into account its paragraph 1 where a demand for payment has been transmitted after 13 March 2020 by reason of a failure to pay support to the extent that the debtor did not fail to pay support during the month preceding that date.”.

2. The following is inserted after section 6:

“**6.0.1.** For the period beginning on 9 April 2020 and ending on 30 June 2020, section 6 must read without taking into account its paragraph 2 where a demand for payment has been transmitted after 13 March 2020 by reason of a failure to pay support to the extent that the debtor did not fail to pay support during the month preceding that date.”.

3. The following is inserted after section 6.1:

“**6.2.** Despite section 6.1, for the period beginning on 9 April 2020 and ending on 30 June 2020, the maximum amount of the advance paid to the creditor of support pursuant to the second paragraph of section 36 of the Act may not exceed \$3,000.”.

4. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.