

Regulations and other Acts

Gouvernement du Québec

O.C. 73-2021, 27 January 2021

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 36 of the Act to facilitate the payment of support (chapter P-2.2), the Minister is to 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 of section 36 of the Act and an increase in the maximum period during which such payments are authorized;

WHEREAS, under paragraph 4 of section 71 of the Act, the Government may determine, by regulation, 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, by Order in Council 177-2020 dated 13 March 2020, the Government declared a public health emergency and took certain measures to protect the health of the population;

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 must 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 following circumstances justifies the absence of prior publication and such coming into force of the Regulation to amend the Regulation respecting the collection of support:

—the COVID-19 pandemic has led to the application of public health measures that have economic consequences for debtors and creditors of support and, particularly because of the current lockdown, some creditors of support could find themselves in a vulnerable situation owing to the financial difficulties of debtors;

—it is therefore necessary to allow the Minister to pay sums of money to stand in lieu of support payments under the second paragraph of section 36 of the Act to facilitate the payment of support despite the transmission of a demand for payment to the debtor by reason of the debtor's failure to pay support and increase the maximum amount of the advance paid to the creditor of support pursuant to the second paragraph of section 36 of the Act;

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

An Act to facilitate the payment of support
(chapter P-2.2, s. 71, par. 4)

1. The Regulation respecting the collection of support (chapter P-2.2, r. 1) is amended by replacing section 6.0.1 by the following:

“**6.0.1.** For the period beginning on 28 January 2021 and ending on 30 April 2021, section 6 must read without taking into account its paragraph 2 where a demand for payment has been transmitted after 24 December 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. Section 6.2 is replaced by the following:

“**6.2.** Despite section 6.1, for the period beginning on 28 January 2021 and ending on 30 April 2021, 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.”

3. This Regulation comes into force on 28 January 2021.

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