

NATIONAL ASSEMBLY
Thirty-third Legislature, first session

1987, chapter 105
**AN ACT TO AMEND THE CIVIL CODE
IN RESPECT OF THE INDEXING OF
SUPPORT PAYMENTS**

Bill 98

Introduced by Mr Herbert Marx, Minister of Justice

Introduced 11 November 1987

Passage in principle 8 December 1987

Passage 17 December 1987

Assented to 18 December 1987

Coming into force: 18 December 1987

Act amended:

Civil Code of Québec



Éditeur officiel
Québec



CHAPTER 105

An Act to amend the Civil Code in respect of the indexing of support payments

[Assented to 18 December 1987]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

C.C.Q.,
a. 638,
replaced

1. Article 638 of the Civil Code of Québec is replaced by the following article:

“638. In order to maintain the true monetary value of the claim resulting from the judgment awarding support, the support, if payable as a pension, shall be indexed by operation of law on 1 January each year, in accordance with the annual Pension Index established pursuant to section 119 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9).

Notwithstanding the foregoing, where the application of the index brings about a serious imbalance between the needs of the creditor and the means of the debtor, the court may, in exercising its jurisdiction, either fix another basis of indexation or order that the claim not be indexed.”

Application

2. Article 638 of the Civil Code of Québec also applies to alimentary pensions paid or owing under a court order made before its coming into force.

Objection

In addition to his right to obtain a review, the debtor of such a pension may, by objecting against a seizure in execution exercised against him, also object against the indexation of the pension where it brings about a serious imbalance between his means and the needs of the creditor of support.

Coming into
force

3. This Act comes into force on 18 December 1987.