

chapter P-2.2

ACT TO FACILITATE THE PAYMENT OF SUPPORT

TABLE OF CONTENTS

CHAPTER I	
SCOPE.....	1
CHAPTER II	
COLLECTION OF SUPPORT PAYMENTS	
DIVISION I	
GENERAL PROVISIONS.....	6
DIVISION II	
DEDUCTIONS AT SOURCE.....	11
DIVISION III	
PAYMENT ORDERS.....	26
DIVISION IV	
REIMBURSEMENT.....	33
DIVISION V	
FEES.....	35
CHAPTER III	
PAYMENT TO THE CREDITOR OF SUPPORT.....	36
CHAPTER IV	
FONDS DES PENSIONS ALIMENTAIRES.....	38
CHAPTER V	
RECOVERY.....	46
CHAPTER VI	
EXAMINATIONS AND INVESTIGATIONS.....	55
CHAPTER VII	
REMEDIES.....	60
CHAPTER VIII	
PENAL PROVISIONS.....	67
CHAPTER IX	
REGULATORY PROVISIONS.....	71
CHAPTER X	
MISCELLANEOUS PROVISIONS.....	72
CHAPTER XI	
AMENDING AND REPEALING PROVISIONS	
CODE OF CIVIL PROCEDURE.....	80
ACT RESPECTING LABOUR STANDARDS.....	95
ACT RESPECTING INCOME SECURITY.....	96

CHAPTER XII

TRANSITIONAL AND FINAL PROVISIONS..... 97

REPEAL SCHEDULES

CHAPTER I

SCOPE

1. Support payable as a pension awarded to a creditor of support under a judgment enforceable in Québec shall be paid in the manner and according to the terms and conditions prescribed by this Act.

The same applies to support payable under a transaction made upon a joint declaration dissolving a civil union executed before a notary where the transaction and the declaration are notified to the Minister or where the Minister ascertains, upon an application by the creditor and notification of the documents, that the debtor of support is in default.

1995, c. 18, s. 1; 2002, c. 6, s. 146.

2. The debtor of support shall make his support payments, including arrears, if any, to the Minister of Revenue for the benefit of the creditor of support.

1995, c. 18, s. 2.

3. The court may exempt a debtor of support from the obligation under section 2, in the following cases:

(1) where the debtor of support establishes a trust guaranteeing the payment of the support;

(2) where the parties make a joint application therefor, the court is satisfied that the parties have given free and enlightened consent and the debtor furnishes sufficient security to guarantee support payments for one month.

To satisfy itself that the parties have given free and enlightened consent, the court may summon and hear the parties, even separately, in the presence of their attorneys, where applicable.

1995, c. 18, s. 3; 1997, c. 81, s. 1.

3.1. The court may also, where the parties make a joint application therefor and the court is satisfied that the parties have given free and enlightened consent, temporarily suspend the obligation under section 2 and allow support payments to be made directly to the creditor of support.

The suspension shall end when support is collected in accordance with this Act. However, the duration of the suspension may not exceed four months from the time the judgment is rendered.

1997, c. 81, s. 2.

4. A debtor exempted under section 3 must send a copy of the trust deed to the Minister or furnish security to the Minister within 30 days after the judgment is rendered.

The security furnished by a debtor must be maintained.

1995, c. 18, s. 4; 1997, c. 81, s. 3; 2001, c. 55, s. 1.

5. The exemption granted by the court ceases to have effect for the duration of the obligation of support

(1) where it is ascertained by the Minister that the debtor of support has failed to establish the trust or furnish and maintain the security;

(2) where it is ascertained by the Minister, on application by the creditor of support, that the debtor of support has failed to make a support payment when due;

(3) where the parties make a joint application therefor.

The applications shall be transmitted to the Minister by registered mail, accompanied with the information and documents prescribed by regulation.

1995, c. 18, s. 5; 2001, c. 55, s. 2; I.N. 2016-01-01 (NCCP).

CHAPTER II

COLLECTION OF SUPPORT PAYMENTS

DIVISION I

GENERAL PROVISIONS

6. As soon as a judgment awarding support or revising a judgment awarding support is rendered, the clerk of the court shall notify the following information to the Minister:

- (1) the amount and due date of the support payments;
- (2) the amount of arrears in support payments, if any;
- (3) the basis of indexation of the support payments, if any, specified in the judgment;
- (4) any other information prescribed by regulation.

The clerk of the court shall also transmit to the Minister the statements provided for in article 444 of the Code of Civil Procedure (chapter C-25.01) and a copy of the judgment.

1995, c. 18, s. 6; I.N. 2016-01-01 (NCCP).

7. Support payments are collected by means of a deduction at source or by means of a payment order or both.

1995, c. 18, s. 7.

8. Upon receipt of documents referred to in the second paragraph of section 1, of an application under section 5 or of the information notified by the clerk of the court, the Minister shall give notice to the debtor of the collection procedure applicable to him.

The same applies where the failure to establish the trust or furnish or maintain the security is ascertained by the Minister. The Minister shall, in such a case, inform the creditor of support thereof.

1995, c. 18, s. 8; 2001, c. 55, s. 3; 2002, c. 6, s. 147.

9. The debtor may, within ten days of that notice, file an application with the Minister requesting that another collection procedure be made applicable to him, if he meets the conditions thereof.

Subject to section 3.1, as soon as the support payments are payable, the debtor shall make his support payments to the Minister until the deduction at source or payment order becomes effective.

1995, c. 18, s. 9; 1997, c. 81, s. 4.

10. Where a support payment is not made when due, the Minister may register, in the name of the creditor of support, a legal hypothec on the debtor's property in accordance with the provisions of article 2730 of the Civil Code. The Minister shall, in such a case, inform the creditor of support thereof.

1995, c. 18, s. 10.

DIVISION II

DEDUCTIONS AT SOURCE

11. Where an amount is paid periodically by a person to a debtor of support, the Minister shall collect support payments by means of a deduction at source from the following amounts and in the following order:

- (1) salary, wages or other remuneration;
- (2) fees or advances on remuneration, fees or profits;
- (3) benefits granted under an Act in respect of a pension plan or compensation plan;
- (4) the other amounts specified by regulation.

General partnerships, limited partnerships, undeclared partnerships and associations shall be regarded as persons.

Where there are several amounts of the same rank from which the deduction at source may be made, it shall be made from the largest amount and, if need be, from the others in decreasing order.

1995, c. 18, s. 11.

12. Section 11 does not apply to any amount which by law is totally exempt from seizure.

1995, c. 18, s. 12.

13. Any person who pays a periodic amount shall, at the request of the Minister, communicate to him any information with regard to that amount allowing the portion that may be deducted at source to be determined.

1995, c. 18, s. 13.

14. If a person declares that the debtor of support works for him without remuneration or if the remuneration declared is clearly less than the value of the services rendered, the Minister may value those services and fix an adequate remuneration which, for the purposes of determining the sum to be deducted at source, shall be presumed to be paid periodically to the debtor of support. The same applies where the Minister has reason to believe that a debtor works for a person who declares that that is not the case.

1995, c. 18, s. 14; 2001, c. 55, s. 4.

15. The Minister shall determine the sum that may be deducted at source having regard to the support payments to be made, up to the portion that is seizable for support debts as determined pursuant to articles 694 and following of the Code of Civil Procedure (chapter C-25.01). Arrears in support payments and fees, if any, may be included in that sum, in such proportion as the Minister determines.

For the purpose of determining that sum, the amounts referred to in subparagraphs 2 to 4 of the first paragraph of section 11 are deemed to be salary.

1995, c. 18, s. 15; I.N. 2016-01-01 (NCCP).

16. Any person who pays a periodic amount shall, on notice from the Minister, deduct at source the sum determined by the Minister and remit it to him on the dates and in the manner specified in the notice.

A copy of the deduction notice shall be transmitted by the Minister to the debtor of support.

1995, c. 18, s. 16.

17. If the deduction at source is interrupted or terminated, the debtor shall make his support payments to the Minister.

1995, c. 18, s. 17.

18. Any person who deducts a sum at source pursuant to section 16 is deemed to hold that sum in trust for the Minister and shall keep it separate from his own funds.

In the event of the bankruptcy of that person or the winding-up or alienation of the person's property, any sum so deducted shall constitute an autonomous and distinct patrimony not forming part of the property subject to the bankruptcy, winding-up or alienation, whether or not the sum deducted has in fact been kept separate from the person's own funds.

1995, c. 18, s. 18.

19. A deduction at source is binding for as long as the periodic amount from which the deduction is made is payable to the debtor.

However, the Minister shall release the person making a deduction at source from the obligation to do so and give notice thereof to the debtor of support where the support becomes payable under a payment order or where the debtor is discharged from the obligation to make support payments and no arrears or fees are owing.

1995, c. 18, s. 19.

20. Any person who, despite the deduction notice, neglects or refuses to deduct at source the sum determined by the Minister becomes solidarily liable for that sum with the debtor of support.

Moreover, any person who neglects or refuses to remit to the Minister a sum he has deducted at source becomes liable for that sum.

1995, c. 18, s. 20.

21. Every person making a deduction at source shall give notice to the Minister as soon as the periodic amount from which the deduction is made ceases to be payable to the debtor.

1995, c. 18, s. 21.

22. Every person who receives a deduction notice shall declare to the Minister any seizure of property in the hands of a third person that is binding in respect of the debtor of support.

In such a case, the deduction at source is suspended for as long as the seizure is binding. The Minister must file his claim in the record of the seizure in accordance with the Code of Civil Procedure (chapter C-25.01).

1995, c. 18, s. 22; I.N. 2016-01-01 (NCCP).

23. Every person who deducts at source a sum under section 16 shall declare to the Minister any seizure of property in the hands of a third person served on him after receipt of the deduction notice. In such a case, the deduction at source is deemed to be a seizure of property in the hands of a third person from the receipt of the deduction notice, and the Minister shall give notice to the person to declare and deposit, at the office of the court having awarded the support or, in the case of support referred to in the second paragraph of section 1, at the office of the court of the domicile of the debtor of support, the seizable part of what the person owes to the debtor of support, in accordance with the Code of Civil Procedure (chapter C-25.01).

PAYMENT OF SUPPORT

The Minister shall, in addition, file with the clerk of the court a statement of the Minister's claim and notify the seizing creditor, who shall then file the creditor's claim in the record of the support case concerned. The Minister shall also notify the bailiff, where applicable.

1995, c. 18, s. 23; 2002, c. 6, s. 148; 2015, c. 36, s. 168; I.N. 2016-01-01 (NCCP).

24. Where the Minister acts as claimant or seizing creditor, the clerk or the bailiff, as applicable, shall release the seizure in the hands of a third person once the other claims have been satisfied and shall give notice thereof to the Minister and the garnishee. The provisions relating to deductions at source apply, with the necessary modifications, from that time.

1995, c. 18, s. 24; 2015, c. 36, s. 169.

25. For the purposes of collocation, a seizure of property in the hands of a third person for the execution of an ordinary claim subsequent to the original judgment awarding support or subsequent to the notification of documents referred to in the second paragraph of section 1 has no effect in respect of the amount claimed by the Minister, except if that ordinary claim is another support claim.

1995, c. 18, s. 25; 2002, c. 6, s. 149; I.N. 2016-01-01 (NCCP).

DIVISION III

PAYMENT ORDERS

26. The Minister shall collect support payments by means of a payment order

- (1) where there is no amount from which a deduction at source may be made;
- (2) in respect of the balance owing, where the amount deducted at source is less than the amount of the support payment;
- (3) where a debtor of support receiving a periodic amount so requests, provided there are no arrears.

In such cases, security must be furnished to the Minister and maintained by the debtor, except where the debtor receives employment insurance benefits from the federal government or an employment-assistance allowance from the Minister of Employment and Social Solidarity.

1995, c. 18, s. 26; 2001, c. 55, s. 5; 2016, c. 25, s. 22.

27. The Minister may also collect support payments by means of a payment order where, having regard to the circumstances, deduction at source cannot ensure collection of support payments on a regular basis.

1995, c. 18, s. 27.

28. Subparagraph 3 of the first paragraph of section 26 ceases to have effect for the duration of the obligation of support if a support payment is not made when due.

1995, c. 18, s. 28.

29. The Minister shall determine the amount that must be paid by the debtor having regard to the support payments to be made and, where applicable, any sum deducted at source pursuant to section 16. Arrears in support payments and fees, if any, may be included in that amount, in such proportion as the Minister determines.

The debtor shall pay to the Minister the amount so determined on the dates and in the manner specified in the payment order.

1995, c. 18, s. 29.

PAYMENT OF SUPPORT

30. The security required of the debtor must be sufficient to guarantee the support payments or, as the case may be, the payment of the balance owing, for one month.

New or additional security must be furnished where the amount of the payments or balance is varied.

1995, c. 18, s. 30; 2001, c. 55, s. 6.

31. The Minister may, where the debtor shows him that he is unable to furnish the required security, agree with the debtor on terms and conditions allowing for the gradual establishment of the required security. However, a debtor referred to in subparagraph 3 of the first paragraph of section 26 is not eligible for such terms and conditions.

Moreover, the Minister may, where he has reasonable grounds to believe that the financial situation of a debtor has improved, require payment of the balance owing on the security or agree on new terms and conditions.

The Minister may, for such purposes, require of the debtor that he file any document or information and that he report on any steps he has taken to obtain a loan or security from a financial institution.

1995, c. 18, s. 31.

32. A debtor of support who fails to furnish or maintain the required security is deemed not to have made a support payment when due.

1995, c. 18, s. 32.

DIVISION IV

REIMBURSEMENT

33. Any creditor of support who receives from the Minister an amount to which he is not entitled shall reimburse that amount to the Minister.

1995, c. 18, s. 33.

34. Where the debtor is released from the obligation to pay support and no arrears or fees are owing, the Minister shall return to him the security not realized on or any balance thereof.

The Minister shall also return the security if it is no longer required.

As well, where an exemption has been granted for at least two years, the Minister shall return the security to the debtor upon request if the creditor consents and no arrears or fees are owing.

Interest at the legal rate is paid annually to the debtor if the security is a sum of money.

1995, c. 18, s. 34; 2012, c. 20, s. 52.

DIVISION V

FEES

35. The Government may impose, in the cases and on the conditions prescribed by regulation, the payment of a fee for the collection of arrears in support payments owed by the debtor of support or of any amount exigible from another person under this Act.

Where arrears are owing, the fee shall not be collected until all arrears have been paid.

Such a fee bears interest at the legal rate and is exigible notwithstanding the cancellation of the support payments.

1995, c. 18, s. 35.

CHAPTER III

PAYMENT TO THE CREDITOR OF SUPPORT

36. The Minister shall pay to the creditor of support twice a month the amount of the support and arrears he has collected.

The Minister may, however, 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. Such sums are paid in the name of the debtor and are recoverable from him, or, where applicable, from the person referred to in the second paragraph of section 20.

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.

1995, c. 18, s. 36; 2011, c. 6, s. 224.

37. Where a support payment is not made when due and the debtor of support has furnished security, the Minister shall realize on the security and shall pay the support to the creditor of support out of the proceeds.

1995, c. 18, s. 37.

CHAPTER IV

FONDS DES PENSIONS ALIMENTAIRES

38. The Fonds des pensions alimentaires, hereinafter referred to as the “Fund”, is hereby established at the Agence du revenu du Québec, and the following sums shall be credited to it:

- (1) the sums collected by the Minister under this Act;
- (2) the sums paid to the Minister as security;
- (3) the sums derived from realization on securities;
- (4) *(subparagraph repealed)*;
- (5) the advances made to the Fund by the Minister of Finance under the first paragraph of section 54 of the Financial Administration Act (chapter A-6.001);
- (6) the sums transferred to the Fund by the Agency out of those transferred to the Tax Administration Fund established under section 56 of the Act respecting the Agence du revenu du Québec (chapter A-7.003), and the sums transferred to the Fund by a department or a budget-funded body out of the appropriations allocated for that purpose by Parliament;
- (7) the interest accrued on the sums referred to in subparagraphs 1 to 3.

The sums referred to in the first paragraph are deposited in trust with the Agency.

1995, c. 18, s. 38; 2010, c. 31, s. 149; 2011, c. 18, s. 261, s. 328; 2011, c. 18, s. 261.

39. The sums required

(1) for the payment of the amounts payable by the Minister under this Act and

(2) for the return of any security that is a sum of money or of the balance thereof and for the payment of accrued interest

shall be debited from the Fund.

1995, c. 18, s. 39; 2011, c. 18, s. 262.

40. *(Repealed).*

1995, c. 18, s. 40; 2011, c. 18, s. 263.

41. Section 53, the second paragraph of section 54, and sections 55 and 56 of the Financial Administration Act (chapter A-6.001) do not apply to the Fund.

1995, c. 18, s. 41; 2011, c. 18, s. 264.

42. *(Repealed).*

1995, c. 18, s. 42; 2010, c. 31, s. 150.

43. The sums credited to the Fund are managed by the Agence du revenu du Québec.

1995, c. 18, s. 43; 2000, c. 15, s. 139; 2010, c. 31, s. 151; 2011, c. 18, s. 265.

44. *(Repealed).*

1995, c. 18, s. 44; 2000, c. 8, s. 178; 2000, c. 15, s. 140; 2011, c. 18, s. 266.

45. *(Repealed).*

1995, c. 18, s. 45; 2011, c. 18, s. 266.

CHAPTER V

RECOVERY

46. Any person owing an amount under this Act shall pay the amount within ten days after receipt of a demand for payment from the Minister.

However, the Minister may enter into a written agreement with such a person to establish the terms and conditions of payment of the amount owed. The Minister shall, in the case of a debtor of support, inform the creditor of support thereof.

Before entering into such an agreement, the Minister may require of the person that he file any document or information which establishes his financial situation and that he report on any steps he has taken to obtain a loan or security from a financial institution.

If the terms of the agreement are not complied with, the agreement lapses.

1995, c. 18, s. 46.

47. In order to recover an amount owed, the Minister may use, in addition to any recovery measure under this Act, any remedy or become a party to any proceeding to foster the execution of the obligation of support.

1995, c. 18, s. 47; 2015, c. 36, s. 170.

47.1. The execution of a judgment under this Act is to proceed in accordance with the rules of Book VIII of the Code of Civil Procedure (chapter C-25.01), subject to the special rules set out in this Act and the following rules:

(1) the Minister may enter into an agreement with a person owing an amount under this Act for the payment of instalments over a period of time, which may exceed one year, that the Minister determines; such an agreement need not be filed with the court office;

(2) the Minister shall act as seizing creditor for himself or for the support creditor; the Minister shall prepare the notice of execution and file it with the court office; the notice is valid only for the execution of a judgment effected under this Act and does not prevent the filing of a notice for the execution of another judgment; if the Minister acts for the support creditor, the Minister may exercise the powers granted to the support creditor under Division III of Chapter IV of Title I of that Book VIII;

(3) the Minister seizes a sum of money or income in the hands of a third person, but entrusts the administration of subsequent steps, including the receipt and distribution of the sum or income, to the clerk of the court seized; the Minister serves the notice of execution on the defendant and the garnishee, but is not required to inform the defendant's creditors or deal with their claims, or to join in a seizure in the hands of a third person already undertaken by a bailiff in another case if the seizure to be made by the Minister is for other sums or income than the sums or income specified in the notice of execution filed by the bailiff;

(4) the Minister is required to hire the services of a bailiff for the seizure of movable or immovable property, to give the bailiff instructions and to amend the notice of execution accordingly; in such a case, if a notice for the execution of a judgment was filed by a bailiff in another case prior to the Minister's request, the Minister or the bailiff hired by the Minister joins in the seizure already undertaken.

The Minister is not required to pay an advance to cover execution-related costs.

2015, c. 36, s. 171.

48. The Minister may, by written notice, require a person who, by virtue of an existing obligation, is or will be bound to make a payment to a person owing an amount under this Act, that he pay to the Minister all or part of the amount to be paid to his creditor, such payment to be made at the time at which the amount becomes payable to his creditor.

The same applies in the case of a payment to be made to a creditor holding a security furnished by a person owing an amount under this Act or to the assignee of a claim assigned by such person where the payment would, but for the security or assignment of claim, be made to that person.

1995, c. 18, s. 48; 2001, c. 55, s. 7.

49. Where a person owing an amount under this Act is or is to become the debtor of a financial institution and has furnished security for the debt, and the institution has not yet paid its consideration for the debt, the Minister may, by written notice, require that the institution pay to the Minister all or part of the consideration.

1995, c. 18, s. 49; 2001, c. 55, s. 8.

50. The Minister may, by written notice, require that a person other than a financial institution who is to lend or advance an amount to a person who owes an amount under this Act or is to pay an amount for that person, pay to the Minister all or part of that amount.

The first paragraph applies only if the person owing an amount under this Act is or is to be remunerated by the person other than a financial institution, or, where the latter person is a legal person, only if the person is not dealing at arm's length therewith within the meaning of the Taxation Act (chapter I-3).

1995, c. 18, s. 50; 2001, c. 55, s. 9.

50.1. A notice of the Minister sent to a person pursuant to section 48, 49 or 50 remains valid and binding until release is given.

Release is given by the Minister upon full payment of the debt in respect of which the notice was sent or upon full discharge by the person referred to in the first paragraph of all obligations towards the person's creditor.

2001, c. 55, s. 10.

51. Any person who neglects or refuses to comply with a notice of the Minister under any of sections 48 to 50 becomes solidarily liable, with the person owing an amount, for the amount claimed in the notice up to the amount of his obligation.

1995, c. 18, s. 51.

51.0.1. A demand for payment sent under section 46 or a notice from the Minister sent under any of sections 48, 49 and 50 interrupts prescription.

2011, c. 6, s. 225.

51.1. Where a person owing an amount under this Act transfers property, directly or indirectly, by means of a trust or by any means whatever to a person with whom the person is not dealing at arm's length within the meaning of the Taxation Act (chapter I-3), a person under 18 years of age, the person's spouse or a person who, after the transfer, becomes the person's spouse, the transferee becomes solidarily liable with the transferor to pay an amount equal to the lesser of the following amounts

(a) the amount by which the fair market value of the property at the time of the transfer exceeds the fair market value at that time of the consideration given for the property; and

(b) the aggregate of the amounts owed by the transferor under this Act that are payable at the time of the transfer or are to become payable within one year following the transfer.

If the transferred property is a share in undivided property, the fair market value of the share in that undivided property at the time of the transfer is deemed to be equal to the proportion of the fair market value of the undivided property at that time that the share is of the aggregate of the shares in that undivided property.

2001, c. 55, s. 11; 2011, c. 6, s. 226.

51.2. A payment by the transferor affects the transferee's liability only where that payment operates to reduce the aggregate of the amounts referred to in paragraph b of section 51.1 to an amount that is less than the amount in respect of which the transferee is solidarily liable under the provisions of section 51.1.

In that case, the transferee's solidary liability is reduced to that lesser amount.

2001, c. 55, s. 11.

51.3. For the purposes of section 51.1, where the property is transferred to a spouse pursuant to a decree, order or judgment of a competent court or pursuant to a written separation agreement, the fair market value of the property at the time of the transfer is deemed to be equal to zero if, at that time, the transferor and the transferor's spouse are living separate and apart because of the breakdown of their marriage.

2001, c. 55, s. 11.

51.4. For the purposes of sections 51.1, 51.2 and 51.3, the rules provided in section 2.2.1 of the Taxation Act (chapter I-3) apply with the necessary modifications.

2001, c. 55, s. 11.

52. In order to recover an amount owed by a person under this Act, the Minister may acquire and alienate any property of that person, whether the property is offered for sale following legal proceedings or otherwise.

1995, c. 18, s. 52.

53. Where a person owing an amount under this Act is also the creditor or recipient of an amount payable by a public body, the Minister may apply all or part of the amount payable to the payment of the debt owed by the person.

Sections 31.1.1 to 31.1.7 of the Tax Administration Act (chapter A-6.002), adapted as required, apply to such an application.

This section applies despite section 79 of this Act and section 33 of the Tax Administration Act.

1995, c. 18, s. 53; 2005, c. 2, s. 8; 2010, c. 31, s. 175; 2011, c. 6, s. 227.

54. Where a person other than a debtor of support owes an amount under this Act, the Minister may, at the expiry of the time prescribed by section 46, issue a certificate attesting that the debt is exigible and specifying the amount owed; the certificate shall be proof that the debt is exigible.

If, however, the Minister has reasonable grounds to believe that such a person is attempting to evade paying that amount, the Minister may issue the certificate forthwith.

Once the certificate, together with a copy of a document attesting the amount owed, is filed at the office of the Superior Court, the certificate becomes enforceable as if it were a judgment of that court and has all the effects of such a judgment.

1995, c. 18, s. 54.

CHAPTER VI

EXAMINATIONS AND INVESTIGATIONS

55. A person authorized by the Minister to act as an examiner may, to insure the recovery of an amount owed, require any information and any document, examine such a document and make a copy thereof.

1995, c. 18, s. 55.

56. No proceedings may be brought against an examiner for acts carried out in good faith in the performance of his functions.

1995, c. 18, s. 56.

57. No person may hinder an examiner in the performance of his functions.

1995, c. 18, s. 57.

57.1. To ensure the recovery of an amount owed, the Minister may, by a demand notified by registered mail or by personal service, require that a person, whether or not that person owes an amount under this Act, file any information or any document by registered mail or by personal service, within such reasonable time as the Minister may specify.

The person to whom the demand is addressed must comply within the time specified, whether or not the person has already filed such information or document or a response to a similar demand made under this Act.

2001, c. 55, s. 12; 2015, c. 21, s. 539; I.N. 2016-01-01 (NCCP).

58. The Minister and any person designated by the Minister as an investigator may carry out an investigation with respect to any fact or information relating to the recovery of an amount owed. For that purpose, the Minister and the investigator shall have the powers and immunity of a commissioner appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

1995, c. 18, s. 58.

59. An examiner or investigator shall, on request, identify himself and produce the certificate attesting his capacity signed by the Minister.

1995, c. 18, s. 59.

CHAPTER VII

REMEDIES

60. A debtor having received a notice under section 8 by reason of the application of subparagraph 1 or 2 of the first paragraph of section 5 may, within 20 days after receipt of the notice, contest the application of this Act in his respect by an application to the Superior Court.

The application shall be heard and decided by preference.

1995, c. 18, s. 60; 2001, c. 55, s. 13; I.N. 2016-01-01 (NCCP).

61. Any person presumed to pay remuneration under section 14, any debtor who receives a copy of a deduction notice pursuant to section 28 or any person to whom a demand for payment under section 46 is transmitted may oppose the deduction notice or demand for payment by sending to the Minister by registered mail, within 20 days after receipt of the notice or demand, a notice of contestation setting out the reasons for the contestation and all relevant facts.

1995, c. 18, s. 61; 2001, c. 55, s. 14; I.N. 2016-01-01 (NCCP).

62. The Minister shall, within 30 days after receipt of a notice of contestation, examine the grounds of the contestation and make his decision known to the person having sent the notice.

1995, c. 18, s. 62.

63. A person may, within 30 days after a decision rendered by the Minister under section 62, file an appeal from the decision to the Superior Court of the judicial district in which the person resides or to the Superior Court of the judicial district of Québec or Montréal, according to the judicial district in which the decision would be appealable under article 40 of the Code of Civil Procedure (chapter C-25.01) if it were an appeal to the Court of Appeal.

1995, c. 18, s. 63; I.N. 2016-01-01 (NCCP).

64. The appeal is brought by means of an application filed in duplicate at the office of the court or sent in duplicate to the office of the court by registered mail.

The clerk of the court shall transmit one copy of the application to the Minister, who shall send to the clerk a copy of the notice of contestation and a copy of the decision appealed from.

The application is heard and decided by preference.

1995, c. 18, s. 64; I.N. 2016-01-01 (NCCP).

65. The court may dismiss the application, cancel or vary the deduction notice or demand for payment or refer the notice or demand to the Minister for re-examination and a new decision.

1995, c. 18, s. 65; I.N. 2016-01-01 (NCCP).

66. A remedy sought under this chapter shall not prevent support payments from being collected or made by the Minister or recovery measures from being taken in respect of the amount at issue, unless a judge acting in chambers orders otherwise.

Such an order may be issued only where there are exceptional grounds therefor and the judge is satisfied that the payment of the support is assured until a decision is rendered regarding the remedy sought.

1995, c. 18, s. 66.

CHAPTER VIII

PENAL PROVISIONS

67. A person who

- (1) fails to withhold or remit a sum in accordance with section 16,
- (2) fails to provide the information required under section 13 or 21 or provides false information, or
- (3) contravenes any of sections 57, 57.1 and 75,

is guilty of an offence and liable to a fine of not less than \$800 nor more than \$10,000.

1995, c. 18, s. 67; 2011, c. 6, s. 228.

68. *(Replaced).*

1995, c. 18, s. 68; 2001, c. 55, s. 15; 2011, c. 6, s. 228.

69. *(Replaced).*

1995, c. 18, s. 69; 2011, c. 6, s. 228.

70. Where a person is convicted of an offence under section 67, the court may make any order to remedy the failure constituting the offence.

Prior notice of the application for such an order shall be given by the prosecutor to the person who could be compelled under such an order, except where the person is present in court.

1995, c. 18, s. 70; 2001, c. 55, s. 16; 2011, c. 6, s. 229.

CHAPTER IX

REGULATORY PROVISIONS

71. The Government may determine, by regulation,

(1) the amounts from which a deduction at source may be made pursuant to subparagraph 4 of the first paragraph of section 11;

(2) the nature of the security referred to in sections 3 and 26;

PAYMENT OF SUPPORT

(3) the cases and conditions in and on which the Government may impose a fee under section 35 and fix the amount of such fee;

(4) 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;

(5) the information and documents that must be transmitted under section 5, 6 or 99.

1995, c. 18, s. 71; 2011, c. 6, s. 230.

CHAPTER X

MISCELLANEOUS PROVISIONS

72. This Act is of public order.

1995, c. 18, s. 72.

73. This Act is binding on the Government and its departments and bodies that are mandataries of the State.

1995, c. 18, s. 73; 1999, c. 40, s. 205.

74. No person may, on pain of damages, refuse to employ a person by reason of his being a debtor of support subject to the provisions of this Act.

1995, c. 18, s. 74.

75. Any information obtained under this Act is confidential.

No person may use such information for a purpose other than a purpose provided for by law, disclose or allow the disclosure of such information to a person not legally entitled thereto or allow examination of or access to a document containing such information by such a person.

1995, c. 18, s. 75.

76. The Minister shall transmit to the Minister of Employment and Social Solidarity all necessary information for the application of the Individual and Family Assistance Act (chapter A-13.1.1) in respect of a creditor of support.

The Minister shall transmit to Retraite Québec the social insurance numbers of former spouses that are necessary for the partition of the unadjusted pensionable earnings provided for in section 102.1 of the Act respecting the Québec Pension Plan (chapter R-9).

Such information shall be transmitted in accordance with the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

1995, c. 18, s. 76; 1997, c. 63, s. 128; 1997, c. 86, s. 9; 1998, c. 36, s. 185; 2001, c. 44, s. 30; 2005, c. 15, s. 166; 2015, c. 20, s. 61.

77. The Minister of Revenue is responsible for the administration of this Act.

1995, c. 18, s. 77.



The Minister of Finance exercises the functions of the Minister of Revenue provided for in this Act. Order in Council 412-2016 dated 25 May 2016, (2016) 148 G.O. 2 (French), 2923.

78. Despite any provision to the contrary, any penal proceeding or civil action in relation to the application or enforcement of this Act is instituted by the Agence du revenu du Québec, under the designation “Agence du revenu du Québec” .

Despite any provision to the contrary, any person having a remedy against the Minister, the Agence du revenu du Québec or the State in relation to or as a result of the application or enforcement of this Act shall direct it against the Agence du revenu du Québec, under the designation “Agence du revenu du Québec” .

Sections 72.4, 77 and 79 of the Tax Administration Act (chapter A-6.002) and the second and third paragraphs of section 93 of that Act apply, with the necessary modifications, to such a proceeding or action.

1995, c. 18, s. 78; 2004, c. 4, s. 45; 2010, c. 31, s. 152; 2011, c. 6, s. 231.

79. A security furnished to the Minister or a sum of money to be paid or returned by the Minister under this Act is inalienable and unseizable.

1995, c. 18, s. 79.

CHAPTER XI

AMENDING AND REPEALING PROVISIONS

CODE OF CIVIL PROCEDURE

80. *(Omitted).*

1995, c. 18, s. 80.

81. *(Amendment integrated into c. C-25, a. 589).*

1995, c. 18, s. 81.

82. *(Amendment integrated into c. C-25, a. 641.1).*

1995, c. 18, s. 82.

83. *(Amendment integrated into c. C-25, a. 643).*

1995, c. 18, s. 83.

84. *(Amendment integrated into c. C-25, a. 659.0.1).*

1995, c. 18, s. 84.

85. *(Omitted).*

1995, c. 18, s. 85.

86. *(Amendment integrated into c. C-25, a. 659.11).*

1995, c. 18, s. 86.

87. *(Omitted).*

1995, c. 18, s. 87.

88. *(Amendment integrated into c. C-25, a. 662).*

1995, c. 18, s. 88.

PAYMENT OF SUPPORT

89. *(Amendment integrated into c. C-25, aa. 827.5, 827.6).*

1995, c. 18, s. 89.

90. *(Amendment integrated into c. I-3, s. 313).*

1995, c. 18, s. 90.

91. *(Amendment integrated into c. I-3, s. 336).*

1995, c. 18, s. 91.

92. *(Amendment integrated into c. I-3, s. 1016).*

1995, c. 18, s. 92.

93. *(Amendment integrated into c. M-31, s. 2).*

1995, c. 18, s. 93.

94. *(Amendment integrated into c. M-31, s. 18.1).*

1995, c. 18, s. 94.

ACT RESPECTING LABOUR STANDARDS

95. *(Amendment integrated into c. N-1.1, s. 122).*

1995, c. 18, s. 95.

ACT RESPECTING INCOME SECURITY

96. *(Amendment integrated into c. S-3.1.1, s. 39).*

1995, c. 18, s. 96.

CHAPTER XII

TRANSITIONAL AND FINAL PROVISIONS

97. The provisions of this Act apply to juridical situations in which the collector of support payments is charged, under articles 659.1 and 659.2 of the Code of Civil Procedure (chapter C-25), with compulsory execution of a judgment awarding support against the debtor's property, as and when the Minister of Revenue takes charge of the collection of the support payments.

To that effect, the powers of the collector of support payments are transferred to the Minister of Revenue who shall continue proceedings in accordance with the rules contained in this Act.

1995, c. 18, s. 97.

98. For the purposes of section 97, the collector of support payments shall, as soon as possible, transmit to the Minister of Revenue all necessary information and documents for the execution of each judgment awarding support.

The collector shall first enter all pertinent information in the register of support payments.

1995, c. 18, s. 98.

99. The provisions of this Act apply to any person who is a debtor of support before 1 December 1995, and to the creditor of support,

(1) on the application of the creditor, where a support payment is not made when due, in which case the debtor may avail himself of section 60;

(2) on the joint application of the parties.

Such applications shall be addressed to the clerk of the court in the district in which the judgment awarding support was rendered or of the court in the district in which the creditor resides and shall be accompanied with the information and documents prescribed by regulation. The clerk shall enter all pertinent information in the register of support payments and shall notify such information and transmit such documents to the Minister of Revenue.

1995, c. 18, s. 99.

100. Unless the context indicates otherwise, in any other Act and in any regulation, by-law, order in council, ministerial order, proclamation, judgment, order, contract, agreement, accord or other document, a reference to the collector of support payments is a reference to the Minister of Revenue.

1995, c. 18, s. 100.

101. The Minister of Revenue shall, not later than 1 December 2000, submit to the Government a report concerning the carrying out of this Act.

The report shall be tabled before the National Assembly by the Minister within 15 days if the Assembly is sitting or, if it is not sitting, within 15 days after resumption.

1995, c. 18, s. 101.

102. *(Omitted).*

1995, c. 18, s. 102.

REPEAL SCHEDULES

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), chapter 18 of the statutes of 1995, in force on 1 March 1996, is repealed, except sections 90 to 94 and 102, effective from the coming into force of chapter P-2.2 of the Revised Statutes.

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), sections 90 to 94, 97 and 98 as well as subparagraph 1 of the first paragraph of section 99 of chapter 18 of the statutes of 1995, in force on 1 March 1997, are repealed effective from the coming into force of the updating to 1 March 1997 of chapter P-2.2 of the Revised Statutes.

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), sections 80, 85, 87, 88 and 100 of chapter 18 of the statutes of 1995, in force on 1 April 1998, are repealed effective from the coming into force of the updating to 1 April 1998 of chapter P-2.2 of the Revised Statutes.