

Policy Matters Blog #21 – Bill 96

COMMITTEE ADOPTS PROPOSED CHANGES TO CIVIL CODE OF QUEBEC

April 8, 2022 – The National Assembly’s [Committee on Culture and Education](#) yesterday resumed its clause-by-clause analysis of Bill 96, [An Act respecting French, the Official and Common Language of Québec](#). Members discussed clauses 115 through 126, which make several modifications to the *Charter of the French Language*. These clauses also make many changes to other legislation, including the Civil Code of Quebec – which governs all private legal relationships in the province.

The committee mentioned Wednesday’s debate on the new Art. 165.22 of the Charter. This provision outlines the “disclosure” process for grievances filed to the Office québécois de la langue française regarding potential or possible violations of the Charter. Discussion on this article was once again suspended, to be continued at a later date. The committee then turned to clauses 115 and 117 of the bill, which were adopted without resistance. These clauses expand the punitive measures (such as those discussed on Page 2 of [yesterday’s blogpost](#)) against anyone who violates the rights granted by the Charter. They also dictate to the courts a list of factors that must be considered when issuing any penalty to an offender.

Minister of Justice and Minister Responsible for the French Language Simon-Jolin-Barrette here introduced an amendment to Art. 208.6 (clause 116) of the Charter specifying that all pleadings by legal persons (i.e. corporations) in a language other than French must have attached a French-language translation by a certified translator. This was adopted without debate.

The committee then reached clause 118. This portion of the bill introduces two articles to the Charter that override the *Canadian Charter of Rights and Freedoms* (known as the notwithstanding clause) and the *Quebec Charter of Human Rights and Freedoms*. More precisely, these articles state that the new changes to the Charter will remain in effect even if they infringe on individual rights and freedoms, such as freedom of expression or the right to life, liberty, and personal security. Perhaps anticipating the controversial nature of this clause, the committee decided to delay debate on this clause until a later date.

Clause 119 was adopted with little to no discussion. However, Minister Jolin-Barrette introduced an amendment to the Schedule of the Charter, which is in reference in this clause. The amendment makes a minor change to the wording of the Schedule to recognize the “deliberative function” of the National Assembly. This amendment was passed.

The committee then read through clauses 120 to 126, which make changes to the Civil Code of Quebec. The modifications presented in Bill 96 effectively erase legally recognized bilingualism within the Civil Code. Clause 120 explicitly mentions the Charter in the preliminary provision of the Civil Code, alongside Québec’s Charter of Human Rights and Freedoms. Minister Jolin-Barrette explained that this insertion is meant to ensure that all articles of the Civil Code are interpreted in accordance with Québec’s French-language and human rights Charters in equal measure. These clauses also now oblige all acts of civil status (i.e. birth and death certificates, or marriage and civil union licenses) to be drawn up by the Quebec

government exclusively in French. Further, any acts of civil status issued outside of Quebec in a language other than French and filed with the Directeur de l'état civil must have attached a French-language translation authenticated in Quebec (i.e. certified by the Quebec government). These clauses also now require any declarations of co-ownership of property (for multi-unit dwellings, such as condominiums, duplexes, triplexes, and apartment buildings) to be filed and published with the Quebec Land Registry exclusively in French.

Here, the Minister introduced another amendment, adding Art. 1070.1.1 to the Civil Code. This new article would also require that all documents pertaining to the co-ownership of a property maintained by the Registry (such as condominium by-laws, contracts, cadastral plans, and the building's blueprints and construction plans) must be drawn up in French. The amendment was adopted with little debate.

The committee then adjourned for the week. It will continue its examination of the bill Tuesday, April 12.