



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 196

**An Act to impose a moratorium in order
to preserve the religious heritage**

Introduction

**Introduced by
Mr. Daniel Turp
Member for Mercier**

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EXPLANATORY NOTES

The purpose of this bill is to impose a moratorium, until 1 January 2008, on the alienation, alteration or destruction of an immovable of a religious nature in Québec in order to preserve the religious heritage.

The bill also provides for the obligation of the owner of an immovable of a religious nature to see to its maintenance and preservation.

Lastly, the bill provides that the Minister of Culture and Communications may, on the conditions and in the manner the Minister determines, exempt an immovable of a religious nature from the application of the Act.

Bill 196

AN ACT TO IMPOSE A MORATORIUM IN ORDER TO PRESERVE THE RELIGIOUS HERITAGE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. As of 6 June 2006, it is prohibited, throughout Québec, to alienate, alter or destroy an immovable of a religious nature.

2. For the purposes of this Act,

(1) “immovable of a religious nature” means a place of worship, convent, parsonage, presbytery, cemetery or any other religious building and the land on which it is built;

(2) “alienation” means any conveyance or any declaratory act of ownership of property, including sale with a right of redemption, emphyteusis, alienation for rent, declaration of contribution to a partnership, partition, transfer of a right of superficies, except

(a) transmission owing to death;

(b) forced sale within the meaning of the Civil Code, including sale for unpaid taxes, redemption and any conveyance resulting from the Expropriation Act (R.S.Q., chapter E-24); and

(c) the effect of a taking in payment, to the extent that the creditor becomes the owner of the whole lot or all the lots subject to the hypothec; and

(3) “owner” means

(a) the person who holds the right of ownership to an immovable of a religious nature, except in the cases provided for in paragraphs *b*, *c* and *d*;

(b) the person who possesses an immovable of a religious nature in the manner described in article 922 of the Civil Code, except in the cases provided for in paragraphs *c* and *d*;

(c) the person who possesses an immovable of a religious nature as institute under a substitution or emphyteutic lessee; or

(d) the person who possesses an immovable of a religious nature as usufructuary otherwise than as a member of a group of usufructuaries each having a right of enjoyment periodically and successively in the immovable.

3. The owner of an immovable of a religious nature must see to its maintenance and preservation.

4. The Minister of Culture and Communications may, on the conditions and in the manner the Minister determines, exempt an immovable of a religious nature from the application of this Act.

5. This Act ceases to have effect on 1 January 2008.

6. This Act comes into force on (*insert the date of assent to this Act*) and has effect from 6 June 2006.