

# Gazette officielle du Québec

## Part 2 Laws and Regulations

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**PROVINCE OF QUÉBEC**

2nd SESSION

35th LEGISLATURE

QUÉBEC, 21 OCTOBER 1998

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## OFFICE OF THE LIEUTENANT-GOVERNOR

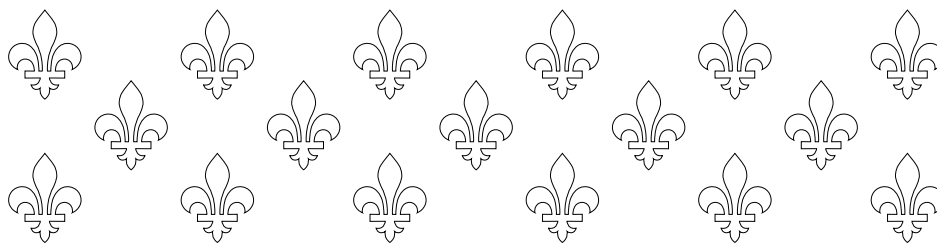
*Québec, 21 October 1998*

This day, at thirty-four minutes past five o'clock in the afternoon, His Excellency the Lieutenant-Governor was pleased to sanction the following bills:

- 443 An Act to amend the Code of Civil Procedure and other legislative provisions in relation to notarial matters
- 450 An Act to amend the Election Act, the Referendum Act and other legislative provisions
- 455 An Act to amend the Crop Insurance Act and the Act respecting farm income stabilization insurance
- 456 An Act to again amend the Act respecting the National Assembly

To these bills the Royal assent was affixed by His Excellency the Lieutenant-Governor.





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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 450  
(1998, chapter 52)

**An Act to amend the Election Act,  
the Referendum Act and other  
legislative provisions**

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**Introduced 14 May 1998  
Passage in principle 4 June 1998  
Passage 21 October 1998  
Assented to 21 October 1998**

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**Québec Official Publisher  
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## EXPLANATORY NOTES

*This bill introduces new provisions into the Election Act to allow an elector or a group composed in the majority of electors to incur publicity expenses, without directly promoting or opposing any candidate or party, in order to publicize or obtain support for the views of the elector or group on a matter of public interest or to advocate abstention or the spoiling of ballots. The elector or group, designated in the Act by the expression “private intervenor”, will be subject to a number of rules whereby, for instance, they will be required to obtain prior authorization, prohibited from spending more than \$300 on publicity and from incurring expenses jointly with any other person and required to file a complete expense report.*

*The bill makes certain changes to the rules governing election expenses, thus providing, among other things, that expenses not exceeding \$200 incurred to hold meetings will not be considered election expenses provided the meetings are not directly or indirectly organized on behalf of a candidate or party.*

*The bill introduces similar provisions in the Referendum Act and in the Act respecting elections and referendums in municipalities. However, as far as the Referendum Act is concerned, private intervenors will include both persons who, without directly promoting or opposing an option, wish to advocate abstention or the spoiling of ballots and persons who, not being able to join either national committee, wish to incur publicity expenses to promote an option. The maximum amount that may be spent on publicity by a private intervenor under the Referendum Act will be \$1,000. The maximum amount relating to expenses for the holding of meetings remains \$600.*

*The bill also amends the Election Act and the Health Insurance Act to facilitate the entry of the names of new electors on the permanent list of electors.*

*Various modifications are also made to the Election Act to facilitate its administration. For example, independent Members of the National Assembly will be required to obtain authorization to allow them to solicit and collect contributions. The Government will not be required to issue an order instituting a by-election if a*



*vacancy occurs more than four years after the last general election. Other amendments concern the establishment and operation of boards of revisors, the revision of the list of electors entitled to vote outside Québec and the financing of election expenses. In addition, a new chapter is introduced concerning election posters and billboards.*

*Regarding the polling itself, the format of the ballot paper is modified as are the rules governing the manner of marking the ballot paper.*

*The Election Act is further amended to create new offences and to raise the amount of certain fines.*

*Finally, amendments consequential to the amendments in the Election Act and a number of other adjustments are made to the Referendum Act.*

**LEGISLATION AMENDED BY THIS BILL :**

- Health Insurance Act (R.S.Q., chapter A-29);
- Referendum Act (R.S.Q., chapter C-64.1);
- Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);
- Election Act (R.S.Q., chapter E-3.3).



## Bill 450

### AN ACT TO AMEND THE ELECTION ACT, THE REFERENDUM ACT AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

#### ELECTION ACT

1. Section 3 of the Election Act (R.S.Q., chapter E-3.3) is amended

(1) by inserting, after the second paragraph, the following :

“An elector who leaves his domicile temporarily to receive health care, to undergo a rehabilitation program or to ensure his safety or the safety of his children may be considered to be domiciled either in the polling subdivision of his domicile or in the polling subdivision where he resides for any such purpose.

An elector who is a Member of the National Assembly upon the issue of the order instituting the election and who is running in an electoral division other than the electoral division in which he is domiciled may be considered to be domiciled either in the polling subdivision of his domicile or in the polling subdivision where the main office he uses for the purposes of the election is situated.”;

(2) by replacing “is deemed to choose to be considered to be domiciled in the place where he is residing” in the first two lines of the third paragraph by “to whom any of the preceding paragraphs apply is deemed to choose to be considered to be domiciled where he resides or, in the case of the fourth paragraph, where his main office is situated”.

2. Section 40.9 of the said Act is replaced by the following :

“40.9. The name of every person of full age having informed the Régie de l'assurance-maladie du Québec that he has acquired Canadian citizenship, having registered with the Régie for the first time as a Canadian citizen or having been identified by the Department of Citizenship and Immigration of Canada as a new Canadian citizen shall be entered on the permanent list of electors by the chief electoral officer. The chief electoral officer shall notify the elector in writing that his name has been entered on the permanent list of electors, requesting the elector to correct or complete the information which concerns him, where required.

If the notice is returned to the chief electoral officer without having reached the addressee or if the chief electoral officer is notified by the person that he cannot or does not wish to be entered on the permanent list of electors, the person's name shall be struck off the list.

“40.9.1. After receiving information from the Régie de l'assurance-maladie du Québec concerning a person who has reached or is about to reach 18 years of age, the chief electoral officer shall advise the person in writing that he will be entered on the permanent list of electors, unless the chief electoral officer is advised by the person that he cannot or does not wish to be so entered.

However, no entry shall be made if the notice is returned to the chief electoral officer without having reached the addressee.”

3. The said Act is amended by inserting, after section 40.38, the following:

#### “CHAPTER III.1

##### “TRANSMISSION OF THE LIST

“40.38.1. Not later than 1 October each year, the chief electoral officer shall transmit the list of the electors entered on the permanent list of electors to be used in a provincial poll to the authorized parties represented in the National Assembly, to any other authorized party that so requests and to any Member.

In the case of a Member, the list transmitted is the list for the electoral division represented by the Member.

However, no list shall be transmitted if 1 October falls within an election or referendum period or if a general election or a referendum was held within the three months preceding that date.

“40.38.2. The list shall be transmitted in computer form and in duplicate.

The list shall indicate the name, address, date of birth and sex of each elector. In the case of electors who are entitled to vote outside Québec, the list shall also indicate their address outside Québec.

“40.38.3. The list transmitted shall contain a cautionary note concerning its confidentiality and shall state the penalties applicable to any person who communicates or uses the information contained in the list of electors for purposes other than those provided for by this Act.

The Member or the person designated by a political party to receive the list must undertake in writing to take appropriate measures to protect the confidentiality of the list and to restrict its use to the purposes provided for by this Act.”

4. The headings of Title III and of Chapter I of Title III of the said Act are replaced by the following :

**“TITLE III**

**“AUTHORIZATION AND FINANCING OF POLITICAL PARTIES,  
INDEPENDENT MEMBERS OF THE NATIONAL ASSEMBLY AND  
INDEPENDENT CANDIDATES**

**“CHAPTER I**

**“AUTHORIZATION OF POLITICAL PARTIES, PARTY AUTHORITIES,  
INDEPENDENT MEMBERS OF THE NATIONAL ASSEMBLY AND  
INDEPENDENT CANDIDATES”.**

5. Section 41 of the said Act is amended by adding the following :

“For the purposes of this Act, the expression “independent candidate” includes any person who, at the time of the person’s application for authorization, undertakes to run as an independent candidate.

For the purposes of this Act, an independent Member is a Member of the National Assembly who belongs to no authorized political party.”

6. Section 43 of the said Act is amended by inserting “, an independent Member” after “authority” in the first line of the third paragraph.

7. Section 46 of the said Act is amended by inserting “, the independent Member” after “authority” in the second line of the second paragraph.

8. Section 47 of the said Act is amended

(1) by replacing “ten” in the second line of the first paragraph by “20”;

(2) by replacing “1 000 electors declaring” in the second line of the second paragraph by “at least 25 electors per electoral division in 20 electoral divisions who declare”;

(3) by adding, at the end, the following :

“The application must also be accompanied with a deposit of \$500, refundable upon the filing of the first financial report of the party under section 113 or upon the filing of the closing financial report under section 67.”

9. The said Act is amended by inserting, after section 47, the following :

“47.1. Before filing an application for authorization, a party may reserve a name for a period not exceeding six months by transmitting a written application to that effect to the chief electoral officer.

The second and third paragraphs of section 50 apply to the application, with the necessary modifications.

A party having reserved a name may, however, change the name in its application for authorization.”

10. Section 48 of the said Act is amended by inserting “and of two officers” after “leader” in paragraph 5.

11. Section 51 of the said Act is amended by inserting, after the first paragraph, the following :

“The application must be accompanied with a copy of a resolution to that effect made in conformity with the by-laws of the party and certified by two or more officers of the party.”

12. Section 53 of the said Act is amended by replacing “obtain the authorization of” in the first and second lines by “so advise”.

13. Section 54 of the said Act is amended

(1) by replacing “The application for authorization to merge is made by means of a joint application” in the first line of the first paragraph by “The merger notice shall be given jointly and”;

(2) by replacing “The joint application” in the first line of the second paragraph by “The notice”;

(3) by replacing subparagraph 1 of the second paragraph by the following :

“(1) indicate the name of the party to result from the merger ;”;

(4) by striking out “proposed” in subparagraphs 2, 4 and 5 of the second paragraph;

(5) by adding the following :

“The merger notice must be accompanied with a copy of a resolution to that effect made in conformity with the by-laws of each party concerned and certified by two or more officers of each of the parties.”

14. Section 55 of the said Act is repealed.

15. The heading of Division V of Chapter I of Title III of the said Act is amended by adding, at the end, “OR OF A MEMBER OF THE NATIONAL ASSEMBLY WHO BECOMES AN INDEPENDENT”.

16. Section 59 of the said Act is amended by inserting “Where the application for authorization is filed at the same time as the nomination paper,” at the beginning of the second paragraph.

17. The said Act is amended by inserting, after section 59, the following :

“59.1. Any elector who undertakes to run as an independent candidate in the next general election may file an application for authorization with the chief electoral officer from the expiry of a period of three years after receipt by the Secretary General of the National Assembly of the list of candidates declared elected referred to in section 380.

Any elector who undertakes to run as an independent candidate in a by-election may file an application for authorization with the chief electoral officer from the date on which the seat becomes vacant.

The application for authorization must contain the information referred to in section 59 as well as the signatures and addresses of at least 100 electors of the electoral division declaring that they support the application.”

18. Section 60 of the said Act is amended by replacing “the candidate” in the first line of the second paragraph by “an independent candidate who was not elected”.

19. Section 61 of the said Act is amended

(1) by inserting “who was not elected” after “candidate” in the first line of the first paragraph;

(2) by replacing the second paragraph by the following :

“The authorization of an independent candidate who was elected expires as soon as the person ceases to sit as an independent Member in the National Assembly, unless the candidate runs again as an independent candidate.”

20. The said Act is amended by inserting, after section 62, the following :

“62.1. A Member of the National Assembly who becomes an independent without having been elected as such must file an application with the chief electoral officer within 30 days of acquiring that status.”

21. Section 63 of the said Act is amended by inserting “, independent Member” after “party authority” in the second line of the second paragraph.

22. Section 64 of the said Act is amended by inserting “, an independent Member” after “authority” in the fourth line of the first paragraph.

23. Section 65 of the said Act is amended by adding “or the independent Member” at the end of the third paragraph.

24. The said Act is amended by inserting, after section 65, the following :

“65.1. Within six months after being authorized, a party must transmit to the chief electoral officer a copy of its by-laws duly adopted by its members at a general meeting.

An authorized party must also transmit to the chief electoral officer a copy of any amendments to its by-laws for updating purposes.”

25. Section 66 of the said Act is amended by adding the following :

“The notice must be accompanied with a copy of a resolution to that effect made in conformity with the by-laws of the party, and certified by two or more officers of the party.”

26. Section 67 of the said Act is amended by adding, at the end, the following :

“In the case of a party or a party authority, the application must also be accompanied with a copy of a resolution to that effect made in conformity with the by-laws of the party and certified by two or more officers of the party.”

27. Section 69 of the said Act is amended

(1) by replacing “ten” in the second line by “20” ;

(2) by adding, at the end, the following :

“The chief electoral officer shall also withdraw the authorization of any independent Member if the Member joins a political party.”

28. Section 70 of the said Act is amended

(1) by inserting “or an independent Member” after “candidate” in the second line ;

(2) by adding the following :

“The chief electoral officer shall withdraw the authorization of any person who undertook to run as a candidate and has not filed a nomination paper at the expiry of the prescribed time.”

29. Section 71 of the said Act is amended by inserting “, independent Member” after “party authority” in the second and third lines.



30. Section 72 of the said Act is amended by inserting “, an independent Member” after “authority” in the fourth line of the first paragraph.

31. The said Act is amended by inserting, after section 74, the following :

“74.1. If an independent Member ceases to be authorized because he has joined an authorized party, because he has died or because he has decided not to run again on the expiry of his term of office, sections 76, 77 and 80 apply, with the necessary modifications.

Any surplus shall, after the payment of debts, be remitted to the authorized party which the independent Member has joined or, in other cases, to the Minister of Finance.”

32. The heading of Chapter II of Title III of the said Act is amended by inserting “, INDEPENDENT MEMBERS” after “PARTIES”.

33. Section 91 of the said Act is amended by inserting “, independent Member” after “party” in the first line of the first paragraph.

34. Section 101 of the said Act is amended

(1) by inserting, after paragraph 1, the following :

“(1.1) the names of the independent Members;”;

(2) by inserting “and each independent Member’s” before “official representative” in paragraph 2.

35. Section 103 of the said Act is amended by replacing “or of a party authority” in the first line by “, of a party authority or of an independent Member ”.

36. Section 117 of the said Act is amended by inserting “or of an independent Member” after “authority” in the second line of the first paragraph.

37. Section 118 of the said Act is amended by replacing “or of an authorized party authority” in the first and second lines by “, of an authorized party authority or of an independent Member”.

38. Section 121 of the said Act is amended by adding, at the end, “and with respect to the independent Members, if any, representing those electoral divisions”.

39. Section 122 of the said Act is amended by inserting “who was not elected” after “candidate” in the first line of the first paragraph.

40. Section 123 of the said Act is amended by inserting “who was not elected” after “candidate” in the first line of the first paragraph.

41. Section 124 of the said Act is amended by replacing “a candidate” in the second line by “an independent candidate who was not elected”.

42. Section 125 of the said Act is amended

(1) by inserting “who was not elected and” after “candidate” in the first line of the first paragraph;

(2) by striking out the second paragraph.

43. Section 127 of the said Act is amended by replacing “independent candidate, if elected” in the third line of the first paragraph by “independent Member”.

44. Section 130 of the said Act is amended by inserting, after the first paragraph, the following:

“However, the Government is not required to make such an order if the vacancy occurs more than four years after receipt by the Secretary General of the National Assembly of the list of candidates declared elected referred to in section 380.”

45. Section 147 of the said Act is amended by replacing “twenty-third” in the first line of the first paragraph by “eighteenth”.

46. Section 187 of the said Act is replaced by the following:

“187. The chief electoral officer shall choose and appoint, after consulting with the parties represented in the National Assembly, the revisor who shall act as chairman of the board of revisors.”

47. Section 188 of the said Act is amended

(1) by replacing “chairman” in the third line of the first paragraph by “vice-chairman”;

(2) by striking out the second paragraph.

48. Section 195 of the said Act is amended

(1) by inserting “and receive applications of electors from 11:00 a.m. to 9:00 p.m. during that period” after “poll” in the third line of the first paragraph;

(2) by adding, after the second paragraph, the following:

“The chairman may, after consulting with the returning officer, extend the hours of the board if the number of applications warrants it.”

49. Section 209 of the said Act, amended by section 15 of chapter 8 of the statutes of 1997, is again amended by adding, at the end of the first paragraph, the following: “Whenever the board of revisors makes a decision in the absence of the elector concerned or of the person having made the application, it shall immediately notify the elector concerned in writing of the decision.”

50. The said Act is amended by inserting, after section 212, the following:

“212.1. Notwithstanding section 212, the board of revisors is not required to convene a person by way of a written notice before striking off or refusing to enter the person’s name where the person was met by the revising officers and confirmed not being a qualified elector.”

51. The said Act is amended by inserting, after section 216, the following:

“216.1. The board of revisors, on its own initiative or on an application, may review or revoke a decision to strike off or refuse to enter a person’s name

(1) where a new fact is discovered which, had it been known in time, could have warranted a different decision;

(2) where the person concerned, owing to reasons considered sufficient, could not present observations.

Upon the completion of the work of the board of revisors, its powers under this section may be exercised by the special board of revisors.”

52. Section 230 of the said Act is amended by adding, at the end, the following: “The board may, however, receive an application to have the name of a deceased elector struck off the list.”

53. Section 231 of the said Act is amended by inserting “Subject to section 216.1,” at the beginning.

54. The said Act is amended by inserting, after section 231.3, the following:

#### **“DIVISION V.1**

#### **“REVISION OF THE LIST OF ELECTORS ENTITLED TO VOTE OUTSIDE QUÉBEC**

“231.4. The chief electoral officer shall establish in the chief electoral officer’s office a board of revisors to receive applications for revision relating to electors who are entitled to vote outside Québec.

“231.5. Sections 183, 184, 186 to 188, 190, 191 and 196 apply to the establishment and operation of the board of revisors, with the necessary modifications.

However, no team of revising officers shall be assigned to the board of revisors.

“231.6. The board of revisors shall sit from Monday of the third week preceding that of the poll to Thursday of the week preceding that of the poll, on the days and during the hours determined by the chief electoral officer.

However, applications by an elector for the striking of a name off the list must be filed not later than Tuesday of the second week preceding that of the poll.

“231.7. An elector who finds that the name of a person is entered on the list of electors, for his electoral division, who are entitled to vote outside Québec though the person is not entitled thereto, may apply in person to the board of revisors of the polling subdivision of the person’s domicile to have the person’s name struck off the list.

The elector shall declare under oath that, to his knowledge, the person is not entitled to be entered on the list of electors who are entitled to vote outside Québec, on the grounds put forward to the board.

“231.8. The board of revisors seized of the application shall transmit the application to the board of revisors established in the office of the chief electoral officer which shall make any relevant inquiries, employing, if necessary, the services of revising officers assigned to the boards of revisors established in the different electoral divisions.

“231.9. The board of revisors shall, before striking a person’s name off the list, seek by all means possible to communicate with the person so that the person may present observations.

“231.10. If, on considering an application for the striking of a person’s name, the board of revisors concludes that the person is entitled to be entered on the list of electors for the polling subdivision in which the person’s domicile is situated, the board of revisors shall see that the person’s name is entered on that list after having struck the name off the list of electors who are entitled to vote outside Québec.

“231.11. Where the board of revisors concludes that a person’s name must be struck off, it shall notify the person in writing of the decision.

The board of revisors shall also transmit the decision to the personnel assigned to the handling of ballot papers for electors entitled to vote outside Québec.

“231.12. Where the chief electoral officer finds that an elector has become entitled to vote outside Québec since the issue of the order instituting the election and that the elector’s name is entered on the list of electors for the polling subdivision in which the elector’s domicile is situated, the chief electoral officer shall direct the returning officer concerned to strike the elector’s name off that list.

“231.13. An elector entitled to vote outside Québec who wishes to vote in the polling subdivision in which the elector’s domicile is situated on the Tuesday of the second week preceding that of the poll shall apply in person to the board of revisors assigned to the polling subdivision for entry on the list.

The elector’s application must be accompanied with an application for the striking of the elector’s name off the list of electors entitled to vote outside Québec.

The board of revisors shall transmit the decision to strike the elector’s name to the chief electoral officer who shall forward the decision to the personnel assigned to the handling of ballot papers outside Québec.

“231.14. Upon completing its work, the board of revisors established in the office of the chief electoral officer shall transmit to the returning officer of each electoral division concerned an abstract of the changes it has made to the list of the electors, for the electoral division, who are entitled to vote outside Québec.

The abstract shall be forwarded by the returning officer to each candidate.”

55. Section 242 of the said Act is amended by replacing “in” in the second line of the first paragraph by “whose names are entered on the list of electors for”.

56. Section 245 of the said Act is amended

(1) by replacing the last sentence by the following : “The returning officer shall verify whether the electors supporting the nomination are entered on the list of electors for the electoral division.”;

(2) by adding, at the end, the following :

“Following such verifications, the returning officer shall issue a notice of conformity and a receipt, which constitutes proof of the nomination.”

57. The said Act is amended by inserting, after section 259, the following :

**“CHAPTER IV.1****“ELECTION POSTERS AND BILLBOARDS**

“259.1. Notwithstanding any inconsistent legislative or regulatory provision, election posters and billboards shall not be subject, during an election period, to any restriction or condition except as provided by this Act.

“259.2. Election posters and billboards may be placed on any property, other than buildings, of the Government, public bodies, state enterprises, municipalities and school boards.

Election posters may also be placed on public utility poles.

“259.3. Election posters and billboards must be placed so as not to hinder vehicular or pedestrian traffic, interfere visually with road signs or compromise road safety or public security.

“259.4. No election poster or billboard may be placed on a classified historic monument or in a classified historic site within the meaning of the Cultural Property Act (chapter B-4) or in a site declared a national historical site under that Act.

“259.5. No election poster or billboard may be placed on a monument, a sculpture, a tree, a fire hydrant, a bridge, a viaduct or an electrical tower.

No election poster or billboard may be placed on a bus shelter or on a public bench, unless space is provided for that purpose, in which case the applicable rules must be complied with.

“259.6. Posters and billboards and their supports must be made of good quality materials and must be safe and be kept in good repair.

Posters and billboards must be affixed in such a manner that they can be easily removed.

“259.7. Election posters placed on public utility poles must meet the following conditions :

(1) the highest part of the poster must not be more than three metres above ground ;

(2) the poster must not have any metal or wood frame ;

(3) the poster must not be affixed with nails or metal fasteners ;

(4) the poster must not obstruct any identification plate on the pole.

Moreover, no banner, streamer or flag may be affixed to a public utility pole.

Workers who maintain public utility poles may, if they consider it necessary for the purposes of the work to be done and, except in an emergency, after advising the candidate or, where applicable, the authorized party, remove any election poster from a pole.

“259.8. All election posters and billboards must be removed not later than 15 days after the polling date, failing which they may be removed by the local municipality or by the owner of the property or poles, at the expense of the party or candidate concerned or, where applicable, of the private intervenor within the meaning of Division V of Chapter VI, following the expiry of a five-day notice to that effect transmitted to the party, candidate or private intervenor.

The notice shall indicate the places where posters or billboards are to be removed. If posters or billboards had to be removed by the municipality or by the owner at the expense of the party, candidate or private intervenor, the bill shall indicate the place and date of removal.

“259.9. The party, candidate or private intervenor shall ensure that the provisions of this chapter are complied with.”

58. Section 293.5 of the said Act is replaced by the following :

“293.5. The chief electoral officer shall send to every elector whose duly completed application for registration to vote outside Québec is received by the chief electoral officer before the eighteenth day preceding polling day the material necessary for the exercise of the right to vote and a list of the places where the elector may consult the list of candidates.

The ballot paper shall be in the form prescribed by Schedule IV and shall contain the name of the elector’s electoral division.”

59. Section 298 of the said Act is amended

(1) by replacing “he shall open the envelope, remove therefrom the envelope containing the ballot paper and place in a ballot box” at the end of the first paragraph by “the chief electoral officer shall keep the envelope without opening it” ;

(2) by adding, at the end, the following :

“In addition, the chief electoral officer shall verify whether the ballot paper is from an elector whose name has been struck off by the board of revisors. If such is the case, the chief electoral officer shall reject the envelope without opening it.”

60. Section 302 of the said Act is amended by inserting, after the third paragraph, the following :

“Where a polling subdivision is an unorganized territory or contains fewer than 50 electors, the returning officer may establish a single polling station for that polling subdivision and the nearest polling subdivision.”

61. Section 303 of the said Act is amended by inserting, at the end of the third paragraph, the following : “The chief electoral officer shall note, in the return published under section 381, the cases where such authorization was granted.”

62. Section 343 of the said Act is replaced by the following :

“343. The elector shall mark the ballot paper in one of the circles with the pencil given to him by the deputy returning officer at the same time as the ballot paper.”

63. Section 346 of the said Act is amended by replacing “make an “X”, a checkmark or a line in each of the circles thereon” in the second and third lines by “mark each of the circles of the ballot paper”.

64. Section 347 of the said Act is amended by replacing subparagraphs 1 and 2 of the first paragraph by the following :

“(1) by a person who is his spouse or relative within the meaning of section 205 ;

“(2) by another person, in the presence of the deputy returning officer and the poll clerk assigned to the polling station. That person shall declare under oath that he has not assisted any other elector during the poll.”

65. Section 350 of the said Act is amended by inserting “ or had his main office” after “resided” in subparagraph 2 of the first paragraph.

66. Section 364 of the said Act is amended by adding, after subparagraph 8 of the second paragraph, the following :

“(9) has been marked otherwise than with the pencil given to the elector by the deputy returning officer.”

67. Section 365 of the said Act is amended by replacing the second paragraph by the following :

“No ballot paper may be rejected for the sole reason that the mark extends beyond the circle or that the circle is not completely filled.”



68. The said Act is amended by inserting, after section 366, the following :

“366.1. The deputy returning officer shall record in the statistical report of rejected ballots the reasons why the ballots were rejected.”

69. Section 401 of the said Act is amended by adding, at the end, the following :

“In addition, for the purposes of sections 403, 415, 416, 417 and 421, the expression “election expenses” includes expenses referred to in paragraph 13 of section 404 and the expression “official agent” includes a private intervenor within the meaning of Division V if the private intervenor is an elector, and the representative of such an intervenor if the private intervenor is a group of electors.”

70. Section 404 of the said Act is amended

(1) by inserting, after paragraph 8, the following :

“(8.1) the cost of the food and beverages served at a political activity where the cost is included in the entrance fee paid by participants;”;

(2) by adding, at the end, the following :

“(12) the expenses incurred for the holding of meetings, the total of which does not exceed \$200 for the entire election period, including the renting of halls and the convening of participants, provided the meetings are not directly or indirectly organized on behalf of a candidate or party;

“(13) the publicity expenses, the total of which does not exceed \$300 for the entire election period, incurred by an authorized private intervenor in accordance with Division V, without directly promoting or opposing a candidate or party, to publicize or obtain support for the intervenor’s views on a matter of public interest or to advocate abstention or the spoiling of ballots.”

71. Section 415 of the said Act is amended by striking out “contemplated in section 403” in the second line.

72. The said Act is amended by inserting, after section 421, the following :

“421.1. For the purposes of section 421, a printer, manufacturer, owner or radio or television broadcaster shall also, in the case of a private intervenor within the meaning of Division V or the representative of such an intervenor, indicate the authorization number issued under section 457.6.

Where the cost of the writing, object, material, advertisement or publicity referred to in section 421 exceeds \$300, the printer, manufacturer, owner or radio or television broadcaster may only mention or, as the case may be, indicate as the person having caused the writing, object, material, advertisement

or publicity to be produced, published or broadcast, the name and title of the official agent or deputy official agent of a candidate or party.”

73. Section 432 of the said Act is amended by inserting “who was not elected” after “candidate” in the first line of the third paragraph.

74. Section 441 of the said Act is amended

(1) by adding, at the end of the first paragraph, the following: “The official agent of an independent candidate who was elected shall remit such sums to the candidate’s official representative.”;

(2) by inserting “who was not elected” after “candidate” in the first line of the second paragraph.

75. Section 457 of the said Act is amended

(1) by replacing “20%” in subparagraph 2 of the first paragraph by “15%”;

(2) by inserting “who was not elected” after “candidate” in the first line of the second paragraph.

76. Section 457.1 of the said Act is amended by inserting “that obtained at least 1% of the valid votes” after “party” in the first line of the first paragraph.

77. The said Act is amended by inserting, after section 457.1, the following:

#### **“DIVISION V**

#### **“EXPENSES OF PRIVATE INTERVENORS**

“457.2. Only an elector or a group not endowed with legal personality and composed in the majority of natural persons who are qualified electors may apply for authorization as a private intervenor.

“457.3. An elector who applies for authorization must

(1) indicate his name, date of birth, domiciliary address and telephone number;

(2) declare that he is a qualified elector;

(3) declare that he does not intend to directly promote or oppose any candidate or party;

(4) state briefly the purpose of the application, specifying, where applicable, the matter of public interest on which he intends to express his views;

(5) declare that he is not a member of any party ;

(6) declare that he is not acting directly or indirectly on behalf of any candidate or party ;

(7) declare that, to his knowledge, he does not belong to a group that has obtained an authorization as a private intervenor for a similar purpose or whose application for authorization is pending.

The application for authorization must be supported by the elector's oath and include an undertaking by the elector to comply with all applicable legal provisions.

“457.4. A group that applies for authorization must

(1) indicate its name, address, telephone number, date of formation and objects ;

(2) indicate the name, domiciliary address and telephone number of its leaders ;

(3) indicate the actual or approximate number of members of the group and declare that the majority of the members are qualified electors ;

(4) indicate the name, date of birth, domiciliary address and telephone number of the elector who is to act as the representative of the group ;

(5) declare that the group does not intend to directly promote or oppose any candidate or party ;

(6) state briefly the purpose of the application, specifying, where applicable, the matter of public interest on which the group intends to express its views ;

(7) declare that the group is not acting directly or indirectly on behalf of any candidate or party ;

(8) declare that the representative of the group is not a member of any party ;

(9) declare that, to the group's knowledge, no member of the group has obtained an authorization as a private intervenor for a similar purpose or made an application for authorization that is pending.

The application for authorization must be made by the elector designated in the application to act as the representative of the group, be supported by the representative's oath and include an undertaking by the representative to comply with all applicable legal provisions.

“457.5. An application for authorization must be filed at the office of the returning officer of the electoral division of the applicant’s domicile.

The application must be filed during the period extending from the twenty-seventh to the thirteenth day preceding polling day.

“457.6. The returning officer shall, if the application is in conformity with the requirements of this division, issue the authorization and an authorization number without delay.

Before rejecting an application, the returning officer must allow the elector to present observations or make any necessary corrections. A decision to reject an application must be in writing and contain reasons.

“457.7. Notwithstanding the first paragraph of section 59 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), the returning officer shall, during the election period, allow an elector to consult, in the returning officer’s main office, any application for authorization which was granted.

However, notwithstanding the second paragraph of section 10 of that Act, only a candidate may obtain a copy of such an application.

“457.8. Not later than the tenth day preceding polling day, the returning officer shall transmit to the authorized parties represented in the National Assembly, to any other party which so requests and to each candidate a list of the authorizations which have been granted.

The list shall indicate the name of each private intervenor, the name of the private intervenor’s representative, if any, and the number and date of the authorization. The list shall also indicate if the private intervenor intends to express views on a matter of public interest or to advocate abstention or the spoiling of ballots.

“457.9. An elector or a group of electors may only obtain one authorization during an election period. The authorization is only valid for that period.

The representative of a group of electors may only act for that group.

“457.10. The representative of a group of electors who resigns shall notify the leader of the group and the returning officer in writing.

Within five days of resigning, the representative shall submit a report of the expenses incurred, with vouchers, to the leader of the group.

“457.11. If the representative of a group of electors dies, resigns, is dismissed or is unable to act, the leader of the group shall appoint another representative and shall notify the returning officer in writing forthwith.

“457.12. A private intervenor who is an elector or the representative of a private intervenor may not become a member of a party during the election period.

“457.13. A private intervenor may not incur expenses that are not related to the purpose stated in the application for authorization or that directly promote or oppose a candidate or party.

“457.14. A private intervenor may not incur an expense jointly with any person or incur an expense individually but in agreement, collusion or association with any person.

“457.15. A private intervenor who is an elector must defray the cost of any expense out of his own funds.

A private intervenor that is a group of electors must defray the cost of any expense out of the funds of the members of the group who are electors.

A private intervenor must pay any expense by cheque or order of payment drawn on the private intervenor's account in a bank, trust company or savings and credit union having an office in Québec. The cheque or order of payment must be signed by the private intervenor if the private intervenor is an elector, or by the representative if the private intervenor is a group of electors.

“457.16. In the case of a private intervenor that is a group of electors, only the representative may incur expenses on behalf of the private intervenor.

The representative of a private intervenor is bound by the provisions of sections 457.13 to 457.15 and must ensure that they are complied with.

“457.17. A private intervenor who is an elector or the representative of a private intervenor may not pay an expense of \$25 or more without a voucher in the form of an itemized invoice.

The invoice must indicate the goods or services furnished and their rate or unit price.

“457.18. A private intervenor who is an elector or the representative of a private intervenor shall, within 30 days after polling day, file with the chief electoral officer a report of all the private intervenor's expenses, in the form prescribed by the chief electoral officer.

The report must be accompanied with the invoices, receipts and other vouchers, or certified copies of those documents, a list thereof and a sworn declaration in the prescribed form.

“457.19. Sections 435, 436 and 444 apply to the report referred to in section 457.18, with the necessary modifications.

“457.20. The chief electoral officer may, on his own initiative or on an application, withdraw the authorization of a private intervenor

(1) if the chief electoral officer ascertains that the application for authorization contains false or inaccurate information ;

(2) if the chief electoral officer ascertains that the private intervenor or, where applicable, the representative of the private intervenor no longer qualifies for such authorization ;

(3) if the chief electoral officer ascertains that the private intervenor or, where applicable, the representative of the private intervenor has contravened any applicable provision of this Act.

Before withdrawing the authorization, the chief electoral officer must allow the private intervenor to present observations or make any necessary corrections. A decision to withdraw the authorization must be in writing and contain reasons.

“457.21. Any person whose application for authorization is rejected or any private intervenor whose authorization is withdrawn may, by way of a motion, appeal the decision before a judge of the Court of Québec.

The motion must be served beforehand on the returning officer or the chief electoral officer, as the case may be.

The appeal shall be heard and decided by preference. The appeal does not suspend the execution of the decision, unless the court decides otherwise.

The decision of the judge is final.”

78. Section 487 of the said Act is amended

(1) by inserting “, independent Members” after “authorities” in paragraph 1 ;

(2) by inserting “, independent Members” after “authorities” in the first line of paragraph 2.

79. Section 501 of the said Act is amended by replacing “or by a member of his personnel and, in the latter case” in the second and third lines by “, by a member of his personnel or by the assistant to the chairman of the Commission de la représentation, if any, and, in the latter two cases”.

80. Section 537 of the said Act is amended by replacing the first sentence by the following : “The chairman may appoint an assistant to assist him in the exercise of his duties.”

81. Section 552 of the said Act is amended by replacing “elector in” in the second line of paragraph 2 by “elector whose name is entered on the list of electors for”.

82. Section 553.1 of the said Act is amended by inserting, after paragraph 2, the following :

“(2.1) every person who, to be admitted to vote or to allow someone to vote, makes a false declaration or assumes the identity of another person;”.

83. Section 555 of the said Act is amended by inserting, after paragraph 1, the following :

“(1.1) every person who misinterprets the law intentionally;

“(1.2) every person who counterfeits or misappropriates for partisan purposes a document emanating from the chief electoral officer;”.

84. The said Act is amended by inserting, after section 556, the following :

“556.1. The following persons are liable to a fine of \$200 to \$1,000 :

(1) every person who erects an election poster or billboard in contravention of any of the provisions of sections 259.2 to 259.5 or of the conditions provided in the first paragraph of section 259.7;

(2) every person who affixes an election banner, streamer or flag on a public utility pole.”

85. Section 559 of the said Act is amended

(1) by inserting “false or” after “produces a” in paragraph 3;

(2) by adding, at the end, the following :

“Every elector referred to in section 457.3 or in the last paragraph of section 457.4 who makes a false declaration, files a false report or produces a false or falsified invoice, receipt or voucher is also liable to a fine of \$1,000 to \$10,000.”

86. The said Act is amended by inserting, after section 559, the following :

“559.1. The following persons are liable to a fine of \$1,000 to \$10,000 :

(1) every person who attempts to incur an election expense otherwise than as permitted by this Act;

(2) every person who makes a false invoice, receipt or voucher;

- (3) every person who falsifies an invoice, receipt or voucher.”
87. Section 562 of the said Act is amended by striking out “125,”.
88. Section 564 of the said Act is amended
- (1) by replacing “and 429.1” in the second line by “, 429.1, 457.9 and 457.11 to 457.17”;
- (2) by replacing “\$100” in the last line by “\$500”.
89. Section 566 of the said Act is amended by replacing “, through encouragement or advice or by his orders, incites” in the first line of the second paragraph by “encourages, advises, allows, authorizes or orders”.
90. The said Act is amended by inserting, after section 568, the following :
- “568.1. Where a penalty greater than the minimum penalty is requested, the judge shall have regard, in particular, to the following criteria if they are alleged by the prosecutor in the statement of offence :
- (1) the fact that it is a second or subsequent conviction ;
- (2) the status of the offender ;
- (3) the size of the expense or contribution.”
91. Schedule III to the said Act is replaced by the following :



“SCHEDULE III

(Sections 277 and 320)

BALLOT PAPER

OBVERSE

Marie **BONENFANT**  
Political affiliation ●

Jean-Charles **BUREAU**  
Political affiliation ●

Pierre-A. **LARRIVÉE**  
Independent ●

REVERSE

No.

No.

**NATIONAL ASSEMBLY**

Electoral division of:

**21 June 1979**  
Lucien Lamothe, Imprimeur  
117, rue Notre-Dame  
Montréal

Initials of deputy returning officer

”

## REFERENDUM ACT

92. The Referendum Act (R.S.Q., chapter C-64.1) is amended by inserting, after section 24, the following :

“24.1. Any application for affiliation to a national committee must be made within seven days after the adoption of the by-laws of the national committee.

The national committee must decide the application within seven days after the application is made.”

93. Sections 402, 403 and 404, the third paragraph of section 406 and sections 413, 414, 416 and 417 of Appendix 2 to the said Act are reenacted.

94. Appendix 2 to the said Act, amended by section 22 of chapter 8 of the statutes of 1997, is again amended

(1) by adding, in section 3, the following paragraph :

“Replace the fourth paragraph by the following :

“An elector who is a Member of the National Assembly representing an electoral division other than the electoral division in which he is domiciled may be considered to be domiciled either in the polling subdivision of his domicile or in the polling subdivision where the main office he uses as a Member of the National Assembly in the electoral division he represents is situated.”;

(2) by replacing the paragraph relating to the second paragraph of section 46 by the following :

“Replace the words “Within 30 days of resigning, the official representative shall file with the party, the party authority, the independent Member or the independent candidate” in the second paragraph by the words “Within 30 days of resigning, the official agent shall file with the national committee”, and the words “financial report” by the words “return of regulated expenses”.”;

(3) by replacing section 187 by the following :

“187 Replace the words “parties represented in the National Assembly” by the words “national committees referred to in section 184”;

(4) by replacing section 188 by the following :

“188            Replace the section by the following section :

“188.    The revisor recommended by the national committee to which the greatest number of Members of the National Assembly belong shall act as vice-chairman of the board of revisors.”;

(5) by replacing section 231.3 by the following :

“231.3  
to  
231.14”;

(6) by inserting, after section 255, the following :

“259.1            Replace the word “election” by the word “referendum” and the words “an election” by the words “a referendum”

“259.2            Replace the word “Election” in the first and second paragraphs by the word “Referendum”.

“259.3            Replace the word “Election” by the word “Referendum”.

“259.4            Replace the word “election” by the word “referendum”.

“259.5            Replace the word “election” in the first and second paragraphs by the word “referendum”.

“259.6

“259.7            Replace the words “Election” and “election” in the first and third paragraphs by the words “Referendum” and “referendum”.

“259.8            Replace the word “election” in the first paragraph by the word “referendum”.

Replace the words “party or candidate concerned” in the first paragraph by the words “national committee concerned”.

Replace the words “party, candidate” in the second paragraph by the words “national committee”.

“259.9            Replace the words “The party, candidate” by the words “The national committee”.”;

(7) by replacing section 293.5 by the following :

“293.5        Strike out the words “and a list of the places where the elector may consult the list of candidates” in the first paragraph.

Strike out the words “be in the form prescribed by Schedule IV and shall” in the second paragraph.”;

(8) by inserting, after section 366, the following :

“366.1”;

(9) by inserting, after section 381, the following :

“401        Replace the section by the following section :

“401.    For the purposes of sections 403, 415, 416, 417 and 421, the expression “regulated expenses” includes expenses referred to in paragraph 10 of section 404 and the expression “official agent” includes a private intervenor within the meaning of Division V if the private intervenor is an elector, and a representative of a private intervenor if the private intervenor is a group of electors.””;

(10) by inserting, after subparagraph 5 of section 404, the following :

“(5.1) the cost of the food and beverages served at a political activity where the cost is included in the entrance fee paid by participants;”;

(11) by replacing subparagraph 9 of section 404 by the following :

“(9) the expenses incurred for the holding of meetings, the total of which does not exceed \$600 for the entire referendum period, including the renting of halls and the convening of participants, provided the meetings are not directly or indirectly organized on behalf of a national committee;”;

(12) by inserting, after subparagraph 9 of section 404, the following :

“(10) the publicity expenses, the total of which does not exceed \$1,000 for the entire referendum period, incurred by a neutral intervenor authorized under Division V, without directly promoting or opposing an option, to advocate abstention or the spoiling of ballots.”;

(13) by adding, at the end of section 413, the following :

“However, a non-affiliated elector authorized under Division V may incur regulated publicity expenses provided that the total of the expenses for the entire referendum period does not exceed \$1,000.”;

(14) by inserting, after section 421, the following :

“421.1 Replace the second paragraph by the following paragraph :

“Where the cost of the writing, object, material, advertisement or publicity referred to in section 421 exceeds \$1,000, the printer, manufacturer, owner or radio or television broadcaster may only mention or, as the case may be, indicate as the person having caused the writing, object, material, advertisement or publicity to be produced, published or broadcast the name and title of the official agent or deputy official agent of a national committee or of the local agent of the official agent.”;

(15) by inserting “, other than expenses incurred by a non-affiliated elector” after “expenses” in the second line of the first paragraph of section 425 ;

(16) by adding, at the end of section 426, the following :

“However, the national committee that represents the option for which the fewest non-affiliated electors have been authorized under section 457.6 to incur regulated expenses may spend an additional amount equal to 50% of the difference between the expenses that authorized non-affiliated electors favourable to one option may incur and the expenses that may be incurred by those favourable to the other option.

The amount is established by the chief electoral officer who shall draw up a certificate and transmit a copy to the chairman and the official agent of each national committee not later than the tenth day preceding polling day.”;

(17) by inserting, after section 448, the following :

“457.2 Replace the section by the following section :

“457.2. Only an elector or a group not endowed with legal personality and composed in the majority of natural persons who are qualified electors may apply for authorization as a neutral intervenor.

Only an elector who cannot join a national committee may apply for authorization as a non-affiliated elector.

Neutral intervenors and non-affiliated electors are private intervenors.””;

“457.3 Replace subparagraphs 3 to 6 of the first paragraph by the following subparagraphs :

“(3) in the case of a neutral intervenor, state briefly the purpose of the application and declare that he does not intend to directly promote or oppose either option ;

“(4) in the case of a non-affiliated elector, indicate which option he intends to promote and state briefly why he cannot join a national committee;

“(5) declare that he is not associated with and has not contributed to either national committee;

“(6) declare that he is not acting directly or indirectly on behalf of either national committee;”.

Insert, at the beginning of subparagraph 7 of the first paragraph, the following : “in the case of a neutral intervenor,”.

“457.4 Replace the words “any candidate or party” at the end of subparagraph 5 of the first paragraph by the words “either option”.

Replace subparagraph 6 of the first paragraph by the following subparagraph :

“(6) state briefly the purpose of the application,”.

Replace the words “any candidate or party” at the end of subparagraph 7 of the first paragraph by the words “either national committee”.

Replace the words “a member of any party” at the end of subparagraph 8 of the first paragraph by the words “associated with and has not contributed to either national committee”.

“457.5

“457.6

“457.7 Replace the word “election” in the first paragraph by the word “referendum”.

Replace the words “a candidate” in the second paragraph by the words “an official delegate”.

“457.8 Replace the section by the following section :

“457.8. Not later than the tenth day preceding polling day, the returning officer shall transmit to the national committees and to each official delegate a list of the authorizations which have been granted.

The list shall indicate the name of each private intervenor, the name of the private intervenor’s representative, if any, and the number and date of the authorization. The list shall also indicate whether the private intervenor is a neutral intervenor or a non-affiliated elector and, in the latter case, the option that the non-affiliated elector intends to promote.”

“457.9 Replace the words “an election” in the first paragraph by the words “a referendum”.

“457.10

“457.11

“457.12 Replace the section by the following section :

“457.12. A private intervenor who is an elector or the representative of a private intervenor may not join or contribute to a national committee during the referendum period.”.

“457.13 Replace the section by the following section :

“457.13. A neutral intervenor may not incur expenses that are not related to the purpose stated in the application for authorization or that directly promote or oppose either option.

A non-affiliated elector may not incur expenses that do not promote the option indicated in the application for authorization.”

“457.14

to

“457.16

“457.17 Replace the figure “\$25” in the first paragraph by the figure “\$60”.

“457.18

to

“457.20

“457.21        Replace the words “a judge of the Court of Québec” in the first paragraph by the words “the Conseil du référendum”.

Replace the word “court” in the third paragraph and the word “judge” in the last paragraph by the word “council”.”;

(18) by inserting, after section 556, the following :

“556.1        Replace the words “an election” in paragraphs 1 and 2 by the words “a referendum”.”;

(19) by inserting, after section 559, the following :

“559.1        Replace the words “an election” in paragraph 1 by the words “a regulated”.”;

(20) by inserting “or the report referred to in section 457.18” after “expenses” in section 563 ;

(21) by replacing section 564 by the following :

“564            Replace the section by the following section :

“564.        Every person who contravenes any of sections 66, 87, 90 to 93, 95 to 97, 99, 100, 104, 105, 410, 413 to 417, 421, 421.1, 422, 424, 429, 429.1, 457.9 and 457.11 to 457.17 is liable to a fine of \$500 to \$10,000.”.”;

(22) by inserting, after section 568, the following :

“568.1”;

(23) by replacing section 569 by the following :

“569            Replace the words “Such proceedings” in the second paragraph by the words “Proceedings are instituted before the Court of Québec. They”.”.

#### ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

95.    The English text of section 364 of the Act respecting elections and referendums in municipalites (R.S.Q., chapter E-2.2), amended by section 84 of chapter 31 of the statutes of 1998, is again amended by striking out “yet” in the third line of the definition of “electoral district”.

96.    Section 450 of the said Act is amended by adding, at the end, the following :



“In addition, for the purposes of sections 452, 459, 460, 461 and 463, the expression “election expense” includes expenses referred to in paragraph 9 of section 453 and the expression “official agent” includes a private intervenor within the meaning of Division VIII.1 if the private intervenor is an elector, and the representative of such an intervenor if the private intervenor is a group of electors.”

97. Section 453 of the said Act is amended by adding, at the end, the following :

“(8) the expenses incurred for the holding of meetings, the total of which does not exceed \$200 for the entire election period, including the renting of halls and the convening of participants, provided the meetings are not directly or indirectly organized on behalf of a candidate or party ;

“(9) the publicity expenses, the total of which does not exceed \$300 for the entire election period, incurred by a private intervenor authorized in accordance with Division VIII.1, without directly promoting or opposing a candidate or party, to publicize or obtain support for the intervenor’s views on a matter of public interest or to advocate abstention or the spoiling of ballots.”

98. The said Act is amended by inserting, after section 463, the following :

“463.1. Where, pursuant to section 450, a writing, object, material, advertisement or publicity referred to in section 463 must mention the name and title of the private intervenor referred to in Division VIII.1 or of the representative of the private intervenor, the writing, object, material, advertisement or publicity must also indicate the authorization number issued under section 512.5.

Where the cost of the writing, object, material, advertisement or publicity referred to in section 463 exceeds \$300, only the name and title of the official agent or deputy official agent of the candidate or authorized party may be indicated as the person having caused the writing, object, material, advertisement or publicity to be produced, published or broadcast.”

99. The said Act is amended by inserting, after section 512, the following :

#### **“DIVISION VIII.1**

##### **“EXPENSES OF PRIVATE INTERVENORS**

“512.1. Only an elector or a group not endowed with legal personality and composed in the majority of natural persons who are qualified electors may apply for authorization as a private intervenor.

“512.2. An elector who applies for authorization must

(1) indicate his name, date of birth, domiciliary address and telephone number;

(2) declare that he is a qualified elector;

(3) declare that he does not intend to directly promote or oppose any candidate or party;

(4) state briefly the purpose of the application, specifying, where applicable, the matter of public interest on which he intends to express his views;

(5) declare that he is not a member of any party;

(6) declare that he is not acting directly or indirectly on behalf of any candidate or party;

(7) declare that, to his knowledge, he does not belong to a group that has obtained an authorization as a private intervenor for a similar purpose or whose application for authorization is pending.

The application for authorization must be supported by the elector's oath and include an undertaking by the elector to comply with all applicable legal provisions.

“512.3. A group that applies for authorization must

(1) indicate its name, address, telephone number, date of formation and objects;

(2) indicate the name, domiciliary address and telephone number of its leaders;

(3) indicate the actual or approximate number of members of the group and declare that the majority of the members are qualified electors;

(4) indicate the name, date of birth, domiciliary address and telephone number of the elector who is to act as the representative of the group;

(5) declare that the group does not intend to directly promote or oppose any candidate or party;

(6) state briefly the purpose of the application, specifying, where applicable, the matter of public interest on which the group intends to express its views;

(7) declare that the group is not acting directly or indirectly on behalf of any candidate or party;

(8) declare that the representative of the group is not a member of any party;

(9) declare that, to the group's knowledge, no member of the group has obtained an authorization as a private intervenor for a similar purpose or made an application for authorization that is pending.

The application for authorization must be made by the elector designated in the application to act as the representative of the group, be supported by the representative's oath and include an undertaking by the representative to comply with all applicable legal provisions.

"512.4. An application for authorization must be filed with the treasurer of the municipality in which the applicant is an elector.

The application must be filed during the period extending from the fiftieth to the twentieth day preceding polling day.

"512.5. The treasurer shall, if the application is in conformity with the requirements of this division, issue the authorization and an authorization number without delay.

Before rejecting an application, the treasurer must allow the elector to present observations or make any necessary corrections. A decision to reject an application must be in writing and contain reasons.

"512.6. Notwithstanding the first paragraph of section 59 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), the treasurer shall, during the election period, allow an elector to consult, at the treasurer's office, any application for authorization which was granted.

However, notwithstanding the second paragraph of section 10 of that Act, only a candidate may obtain a copy of such an application.

"512.7. Not later than the fifteenth day preceding polling day, the treasurer shall transmit to the authorized parties and to each candidate a list of the authorizations which have been granted.

The list shall indicate the name of each private intervenor, the name of the private intervenor's representative, if any, and the number and date of the authorization. The list shall also indicate if the private intervenor intends to express views on a matter of public interest or to advocate abstention or the spoiling of ballots.

"512.8. An elector or a group of electors may only obtain one authorization during an election period. The authorization is only valid for that period.

The representative of a group of electors may only act for that group.

“512.9. The representative of a group of electors who resigns shall notify the leader of the group and the treasurer in writing.

Within five days of resigning, the representative shall submit a report of the expenses incurred, with vouchers, to the leader of the group.

“512.10. If the representative of a group of electors dies, resigns, is dismissed or is unable to act, the leader of the group shall appoint another representative and shall notify the treasurer in writing forthwith.

“512.11. A private intervenor who is an elector or the representative of a private intervenor may not become a member of a party during the election period.

“512.12. A private intervenor may not incur expenses that are not related to the purpose stated in the application for authorization or that directly promote or oppose a candidate or party.

“512.13. A private intervenor may not incur an expense jointly with any person or incur an expense individually but in agreement, collusion or association, with any person.

“512.14. A private intervenor who is an elector must defray the cost of any expense out of his own funds.

A private intervenor that is a group of electors must defray the cost of any election expense out of the funds of the members of the group who are electors.

A private intervenor must pay any expense by cheque or order of payment drawn on the private intervenor's account in a bank, trust company or savings and credit union having an office in Québec. The cheque or order of payment must be signed by the private intervenor if the private intervenor is an elector, or by the representative if the private intervenor is a group of electors.

“512.15. In the case of a private intervenor that is a group of electors, only the representative of the group may incur expenses on behalf of the private intervenor.

The representative of a private intervenor is bound by the provisions of sections 512.12 to 512.14 and must ensure that they are complied with.

“512.16. A private intervenor who is an elector or the representative of a private intervenor may not pay an expense of \$25 or more without a voucher in the form of an itemized invoice.

The invoice must indicate the goods or services furnished and their rate or unit price.

“512.17. A private intervenor who is an elector or the representative of a private intervenor shall, within 30 days after polling day, file with the treasurer a report of all the private intervenor’s expenses, in the prescribed form.

The report must be accompanied with the invoices, receipts and other vouchers, or certified copies of those documents, a list thereof and a sworn declaration in the prescribed form.

“512.18. Sections 499, 500, 501 and 506 apply to the report referred to in section 512.17, with the necessary modifications.

“512.19. The chief electoral officer may, on his own initiative or on an application, withdraw the authorization of a private intervenor

(1) if the chief electoral officer ascertains that the application for authorization contains false or inaccurate information ;

(2) if the chief electoral officer ascertains that the private intervenor or, where applicable, the representative of the private intervenor no longer qualifies for such authorization ;

(3) if the chief electoral officer ascertains that the private intervenor or, where applicable, the representative of the private intervenor has contravened any applicable provision of this Act.

Before withdrawing the authorization, the chief electoral officer must allow the private intervenor to present observations or make any necessary corrections. The decision to withdraw the authorization must be in writing and contain reasons.

“512.20. Any person whose application for authorization is rejected and any private intervenor whose authorization is withdrawn may, by way of a motion, appeal the decision before a judge of the Court of Québec.

The motion must be served beforehand on the treasurer or the chief electoral officer, as the case may be.

The appeal shall be heard and decided by preference. The appeal does not suspend execution of the decision unless the court decides otherwise.

The decision of the judge is final.”

100. Section 595 of the said Act is amended by adding, at the end, the following :

“Every elector referred to in section 512.2 or in the last paragraph of section 512.3 is guilty of an offence who makes a false declaration, files a false report or produces a false or falsified invoice, receipt or other voucher.”

101. Section 622 of the said Act is amended by adding, at the end, the following :

“For the purposes of subparagraph 2 of the first paragraph, the expression “election expense” includes expenses referred to in paragraph 9 of section 453 and the expression “official agent” includes a private intervenor within the meaning of Division VIII.1 of Chapter XIII of Title I, if the private intervenor is an elector, and the representative of such an intervenor if the private intervenor is a group of electors.”

102. Section 623 of the said Act is amended by adding, at the end, the following :

“For the purposes of this section, the expression “election expenses” includes expenses referred to in paragraph 9 of section 453 and the expression “official agent” includes a private intervenor within the meaning of Division VIII.1 of Chapter XIII of Title I, if the private intervenor is an elector, and the representative of such an intervenor if the private intervenor is a group of electors.”

103. Section 624 of the said Act is amended by adding, at the end, the following :

“For the purposes of this section, the expression “official agent” includes a private intervenor within the meaning of Division VIII.1 of Chapter XIII of Title I, if the private intervenor is an elector, and the representative of such an intervenor if the private intervenor is a group of electors.”

104. The said Act is amended by inserting, after section 624, the following :

“624.1. Every person who contravenes any of sections 463.1, 512.8 and 512.10 to 512.16 is guilty of an offence.”

105. The said Act is amended by inserting, after section 626, the following :

“626.1. Every private intervenor within the meaning of Division VIII.1 of Chapter XIII of Title I, if the private intervenor is an elector, or representative of such an intervenor if the private intervenor is a group of electors, who fails to transmit the report prescribed in section 512.17 within the time fixed in that section is guilty of an offence.”

106. Section 645 of the said Act is amended by replacing “paragraph 1” in the second line of the second paragraph by “subparagraph 1 of the first paragraph”.

## HEALTH INSURANCE ACT

107. Section 65.0.1 of the Health Insurance Act (R.S.Q., chapter A-29), amended by section 19 of chapter 98 of the statutes of 1997, is again amended

(1) by striking out “of each beneficiary who has reached the age of 18, and” in the eighth and ninth lines of the first paragraph ;

(2) by adding, at the end of the first paragraph, the following: “The Régie shall also transmit the same information concerning any beneficiary who is to reach the age of 18, at least six months before the beneficiary’s birthday.”

## TRANSITIONAL AND FINAL PROVISIONS

108. A Member of the National Assembly who, on 21 October 1998, is an independent Member within the meaning of section 41 of the Election Act must make an application for authorization pursuant to section 62.1 of the said Act within 30 days of that date.

109. Notwithstanding section 227 of the Election Act, at the first general election following 21 October 1998, each returning officer shall establish, for the purposes of that election, three special boards of revisors in his electoral division, including one at his office.

110. This Act comes into force on 21 October 1998.

However, the provisions of sections 46, 47, 55, 56 and 81 and those of paragraphs 3 and 4 of section 94 come into force on the date or dates to be fixed by order of the Government. The Government may not make such an order until after the first general election subsequent to 21 October 1998.





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## Coming into force of Acts

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Gouvernement du Québec

### **O.C. 1375-98, 21 October 1998**

#### **An Act to amend the Election Act and other legislative provisions as regards the permanent list of electors (1997, c. 8)**

##### **— Coming into force of certain provisions**

COMING INTO FORCE of certain provisions of the Act to amend the Election Act and other legislative provisions as regards the permanent list of electors

WHEREAS the Act to amend the Election Act and other legislative provisions as regards the permanent list of electors (1997, c. 8) was assented to on 8 April 1997;

WHEREAS under section 29 of the Act, sections 5 and 8, paragraph 4 of section 10, the words “and a list of the addresses for which no electors’ names are entered” in paragraph 1 of section 11 and section 13 where it enacts section 198.1 of the Election Act (R.S.Q., c. E-3.3) will come into force on the date or dates to be fixed by the Government;

WHEREAS it is expedient to fix the coming into force of certain of those provisions;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for Electoral Reform:

THAT the date of coming into force of paragraph 4 of section 10, the words “and a list of the addresses for which no electors’ names are entered” in paragraph 1 of section 11 and section 13 where it enacts section 198.1 of the Election Act be fixed at 21 October 1998.

MICHEL NOËL DE TILLY,  
*Clerk of the Conseil exécutif*



## Regulations and other acts

Gouvernement du Québec

### O.C. 1342-98, 21 October 1998

An Act respecting municipal taxation  
(R.S.Q., c. F-2.1)

#### **Single-use immovables of an industrial or institutional nature** — **Method of assessment**

Regulation respecting the method of assessment of single-use immovables of an industrial or institutional nature

WHEREAS under paragraph 10 of section 262 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), the Government may prescribe, for the single-use immovables of an industrial or institutional nature that it defines, a method of assessment consistent with the provisions of section 44; the method may vary according to the classes of immovables it determines;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft of the Regulation respecting the method of assessment of single-use immovables of an industrial or institutional nature was published in Part 2 of the *Gazette officielle du Québec* of 23 June 1998 on pages 2328 and 2329, with a notice that it could be made by the Government upon the expiry of 45 days following that publication and that any interested person could send comments in writing to the Minister of Municipal Affairs before the expiry of the 45-day period;

WHEREAS comments justifying the amendment to the draft Regulation were received before the expiry of the 45-day period;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs:

THAT the Regulation respecting the method of assessment of single-use immovables of an industrial or institutional nature, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,  
*Clerk of the Conseil exécutif*

### **Regulation respecting the method of assessment of single-use immovables of an industrial or institutional nature**

An Act respecting municipal taxation  
(R.S.Q., c. F-2.1, s. 262, par. 10)

1. For the purposes of this Regulation, “single-use immovable of an industrial or institutional nature” means a unit of assessment which, on the date provided for in the first paragraph of section 46 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), meets the following conditions:

(1) the value, entered on the roll in force, of the structures which are part of the immovable is \$5 000 000 or more;

(2) it is not totally disused;

(3) it is not likely to be sold by agreement;

(4) the structures which are part of it are specifically designed and laid out for carrying on a predominant activity of an industrial or institutional nature; and

(5) the structures which are part of it may not be economically converted for the purposes of carrying on an activity of another type.

An industrial production activity is of an industrial nature.

The following activity is of an institutional nature: an activity for which is intended an immovable referred to in any of paragraphs 1, 1.1 and 13 to 17 of section 204 of the Act and which is neither of a residential, administrative or commercial nature nor a storage activity.

2. For the purposes of establishing the actual value of a single-use immovable of an industrial or institutional nature, a particular application of the cost approach is used which consists in establishing, in accordance with section 3, the cost as new of the structures, in subtracting from that cost any depreciation, particularly the one provided for in section 4 and in adding to the difference obtained the value of the lot established according to the usual rules.

3. The cost as new of the structures is established by taking into account their exact outside dimensions, as they exist on the date applicable under the first or second paragraph of section 46 of the Act, as the case may be, and the materials and techniques currently used on that date to build such structures.

4. Depreciation shall be subtracted in order to take into account, where applicable, the significant difference existing between:

(1) the interior space that would be available in a structure having exactly the same outside dimensions than the structure the value of which is to be established, as they exist on the date applicable under the first or second paragraph of section 46 of the Act, as the case may be, if the materials and techniques currently used on that date had been used for building such a structure;

(2) the interior space actually available on the same date, whether used or not, in the structure the value of which is to be established.

5. This Regulation applies for the purposes of establishing the value of any single-use immovable of an industrial or institutional nature that must be entered on a real estate assessment roll coming into force after 31 December 2000.

6. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

2569

## Notice

### Amendments to the Rules of practice of the Superior Court of Québec in civil matters

Notice is hereby given that the Rules to amend the Rules of practice of the Superior Court of Québec in civil matters, the text of which appears below, were made by the judges of the Superior Court of Québec by way of a consultation by mail, on October 16th, 1998, in accordance with article 47 of the Code of Civil Procedure (R.S.Q., c. C-25)

Montréal, 16 October 1998

LYSE LEMIEUX,  
*Chief Justice*

## Rules to amend the Rules of practice of the Superior Court of Quebec in civil matters\*

Code of Civil Procedure  
(R.S.Q., c. C-25, s. 47)

1. The following Table of Contents is inserted before Division I of the Rules of Practice of the Superior Court of Quebec in Civil Matters:

### “Table of Contents

(References are to rule numbers)

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— Medical record and experts’ reports	3
— Change of address	4

#### CHAPTER II PROCEEDINGS AND EXHIBITS

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— Receipt of proceedings	14

\* The Rules of Practice of the Superior Court of Quebec in Civil Matters (R.R.Q., 1981, c. C-25, r. 8) were last amended by the Rules adopted on 31 January 1997 (1997, *G.O.* 2, 1027). For previous amendments, refer to the “Tableau des modifications et Index sommaire”, Éditeur officiel du Québec, 1998, updated to 1 March 1998.

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Form VI: Notice to members (class action)  
(Rule 58d)

Form VII: Judgment of authorisation (class action)  
(Rule 58e)".

2. The following is substituted for Divisions I to XII of the Rules:

#### “CHAPTER I GENERAL

**1. Application.** These Rules apply to all the judicial districts of Quebec, subject to special rules adopted under Article 47 of the Code of Civil Procedure (R.S.Q., c. C-25).

Subject to any provision to the contrary, these Rules also apply to family matters and to bankruptcy.

**2. Access to registers and records.** All persons may have access to the records of the Court and to the registers of the Clerk and the Sheriff, at their respective offices, on all juridical days from Monday to Friday between 8:30 a.m. and 4:30 p.m.

A Court record may be consulted only in the presence of the Clerk. If the Clerk cannot be present, he shall require that a written acknowledgement of it be kept in the record.

**3. Medical record and experts' reports.** In every legal action, a medical record or any report prepared by a physician, a psychologist or a social worker that is filed of record shall be kept in a sealed envelope and only the parties and their attorneys may have access thereto without authorisation from the Court or a judge. Access to such a document includes the right to make copies thereof at one's own expense.

**4. Change of address.** The parties and their attorneys shall promptly notify the Clerk of any change of address.

#### CHAPTER II PROCEEDINGS AND EXHIBITS

##### DIVISION I GENERAL

**5. Designation of parties and format.** Every proceeding shall be legibly written on one side only of a good quality paper measuring 21.25 cm X 35 cm (8 1/2 X 14 inches); the nature and object of the proceeding shall be indicated on the back, with the record number and the names of the parties, the party filing it, as well as the name, address,

postal code, telephone number and computer code of his attorney.

Every proceeding introductive of suit shall indicate the name, address and postal code of the parties. Every proceeding of a party shall be signed by his attorney. If a party is not represented by an attorney, except in the cases provided for in Article 61 of the Code of Civil Procedure, the party shall sign the proceeding personally.

In every proceeding, the parties shall keep the same order and designation as in the proceeding introductive of suit.

Every proceeding taken under the simplified procedure and the backings therefor shall include the words “Simplified Procedure” above “Superior Court”.

**6. Service by fax.** The transmission slip used as proof of service by fax shall be stapled to the back of the original of the document served. The format of the slip shall be 8.5 inches by 11 inches (21.25 cm by 27.5 cm) and, insofar as possible, comply with Form I.

**7. Amendments.** Should a proceeding be amended, additions or substitutions shall be underlined, or indicated in the margin by a vertical line, and deletions shall be indicated by means of dots in brackets.

**8. Particulars.** When particulars to a proceeding have been ordered, a new proceeding incorporating them shall be filed of record within the allotted time.

##### DIVISION II MOTIONS

**9. Reference to relevant provisions.** Every motion in the Practice Division and before the Judge shall indicate the article of the Code of Civil Procedure, of the Rules of Practice or of the Act under which it is filed.

**10. Filing with Office of the Court.** Only motions that have been filed with the Office of the Court for at least one clear juridical day may be placed on the roll, unless the Chief Justice grants an exemption for a particular district.

**11. Motion for particulars.** Each paragraph of a motion for particulars shall bear the same number as the paragraph of the proceeding to which it refers.

**12. Seizure before judgment and forced surrender.** A motion to quash a seizure before judgment and a motion to rescind an order issued under Article 2767 of the Civil Code of Quebec based on the falsity of the

allegations in the affidavit shall specify which allegations are contested and the reasons for contesting them.

### CHAPTER III OFFICE OF THE COURT

**13. Registers and indexes.** The Clerk of the Court shall keep, in the form of books, cards, films, magnetic recordings or as otherwise decided by the Chief Justice in agreement with the administration, the following registers and indexes:

(a) an index of plaintiffs, defendants and other parties;

(b) an index of elections of domicile;

(c) an index of the cases taken under advisement, with respect to both incidental proceedings and the merits, containing:

i. the number of the case;

ii. the names of the parties;

iii. the name of the Judge;

iv. the date on which the matter was taken under advisement;

(d) a court ledger containing:

i. the number of the case;

ii. the names of the parties;

iii. the nature of the application, the amount claimed and the date on which the copy of the application was deposited;

iv. the nature and the date of receipt of all documents;

v. a concise description of each document filed;

vi. a concise summary of all judicial orders, interlocutory and final judgments rendered and their date;

vii. the date of each session of the Court and the date of the deposit of the minutes of the hearing at such session;

viii. the date on which the record is complete and that on which it has been sent to the Judge to deliberate;

ix. the nature of any writ of execution requested;

x. the date of the writ of execution and the date of its return;

xi. the judgments rendered since the issuance of the writ of execution or of attachment;

xii. the nature and date of receipt of all oppositions, claims or contestations filed, and the names and addresses of the attorneys, if any;

xiii. the amount realized, if any;

xiv. the date of posting of the schemes of collocation, that of their homologation and of their transmission to the Sheriff, as well as the date and a concise description of the motions filed in connection therewith;

(e) a register containing the originals of judgments except those written and signed on the minutes of a hearing or on a motion;

(f) a journal of the judgments included in the preceding register;

(g) a register complying with Article 275 of the Code of Civil Procedure;

(h) an index of applications for injunction, writs of habeas corpus and extraordinary recourses mentioned in Title VI of Book V of the Code of Civil Procedure, containing:

i. the number of the case;

ii. the names of the parties and of their attorneys;

iii. the date and nature of the application;

(i) an index of expropriations containing:

i. the number of the case;

ii. the names of the parties and of their attorneys;

iii. the date of introduction of the suit;

(j) an index of class actions containing:

i. the number of the case;

ii. the names of the parties and of their attorneys;

iii. the date of introduction of the suit;

(k) a register of non-contentious proceedings containing:

- i. the designation of the parties;
- ii. the object of the proceedings;
- iii. the date of the judgment;
- iv. a mention of the proceedings after judgment;

(l) all other registers, indexes or cards which may be required by law or be ordered by the Chief Justice or be determined by the Clerk.

**13.1 Updating of court ledger.** Where the record is forwarded to the Court or to the Judge, an extract of the updated court ledger shall be filed therein and the previous extracts shall be destroyed.

**14. Receipt of proceedings.** Upon receipt of a proceeding or an exhibit, the Clerk shall number it and enter the date and time of its reception.

#### CHAPTER IV READINESS OF RECORDS

**15. Certificate of readiness.** No action introduced by a declaration and contested on the merits shall be placed on the roll for hearing, unless a certificate of readiness complying with Form III, issued by the Clerk, is filed in the record. As soon as the certificate is filed, the Clerk shall so notify the parties and their attorneys.

The Clerk shall issue the certificate when each party, except any party who has not contested, has served and filed in the record a declaration of inscription on the roll for hearing complying with Form II. Such declaration shall be accompanied by a list of the exhibits communicated.

Failure on the part of a party to file such declaration within the prescribed time gives rise, in particular, to the application of Article 477 of the Code of Civil Procedure.

The declaration of inscription on the roll shall be made by the attorney under his oath of office and shall include an attestation of the party he represents; a sworn declaration shall be made by a party that is not represented by an attorney.

The party on whom the declaration of inscription on the roll is served has 60 days to serve and file his declaration of inscription on the roll; that period shall be reduced to 30 days under the simplified procedure. Failing compliance, the party is foreclosed from doing so. At the expiry of the period, the Clerk shall issue the

certificate of readiness. Thereafter, the foreclosed party may not file his declaration without authorisation by the Court.

**15.1 List of exhibits.** The list of exhibits provided for in Rule 15 shall identify them and indicate the number of each one preceded by an identifying letter attributed to each party, to be used until the end of the hearing. There shall be only one series of numbers.

Unless they are filed in the form of a book, the number of the record and of the exhibit shall appear on the front and on the back of each exhibit, if applicable.

**16. Inactive records.** Having given notice to the parties or their attorneys, the Chief Justice or the Judge designated by him may call the cases on the roll wherein no certificate of readiness has been filed within a year of their inscription and, upon motion, the cases in which the plaintiff has not filed his declaration of inscription within 90 days of the inscription. The Chief Justice or the Judge designated by him then has discretion to strike the case off the roll, to postpone it to a later date, to declare a party foreclosed or take any other measure consistent with the proper administration of justice.

Under the simplified procedure, the one-year period is reduced to three months and the 90-day period is reduced to 30 days.

**17. Additional exhibits or documents.** Once the certificate of readiness is issued, no other document, extract of testimony, report or exhibit may be filed without permission of the Court, which will be granted only when considered necessary in the interest of justice and on such conditions as are deemed appropriate.

**18. Provisional roll.** Following the issuance of the certificate of readiness, the Clerk shall prepare a list of the cases that may be called in the following weeks and, at least 15 days before the date of the session referred to hereafter, he shall mail to each attorney of record and to the parties not represented by an attorney an extract of that list containing mention of their cases, and shall convene them to a calling of the provisional roll presided by the Chief Justice or a judge designated by him or, with his consent, by the Clerk.

At that session, the Judge or Clerk presiding shall determine the means of simplifying the procedure and shortening the hearing.

Having consulted the attorneys, the Judge or Clerk presiding shall fix the dates of hearing for the cases on the list. Any request for postponement shall be presented at that session.



The Clerk shall draw up the minutes of the session and shall enter in the record of each case called the presence or absence of the attorneys or parties not represented.

**19. Meeting of experts.** At any stage of the proceedings, a judge may, even on his own initiative, order the experts who have prepared contradictory reports to meet to reconcile their opinions or to identify the matters on which they disagree. Within the time fixed by the Judge, they shall report the result of their meeting to the parties and file it of record.

**20. Pre-trial conference.** The Chief Justice or the Judge designated by him shall determine the cases in which a pre-trial conference is required before they are set for proof and hearing.

## CHAPTER V ROLL FOR HEARING

**21. Roll for hearing.** As soon as possible, the Clerk shall send the roll for hearing to the judges who will be hearing the cases appearing on the roll and, where applicable, to the Judge who has presided at the session mentioned in Rule 18.

The roll for hearing shall indicate:

- (a) the name of the Judge;
- (b) the number of the case;
- (c) the names of all the parties;
- (d) the names of the attorneys of record;
- (e) the date and time of the hearing;
- (f) the place of the hearing and, where applicable, the room number; and
- (g) any other information ordered by the Judge or Clerk who presided at the session mentioned in Rule 18.

An extract from that roll shall also be sent by the Clerk to each attorney of record or to the parties not represented concerning their cases.

**22. Cases added to the roll.** The Chief Justice or the Judge designated by him or, under their authority, the Clerk or the Master of the Rolls, may add cases that he deems ready to proceed to the roll for hearing.

**23. Case fixed by preference.** Any motion to fix a case by preference shall be accompanied by a notice in

which the date and time of presentation shall have been previously determined by the Judge designated by the Chief Justice or by the Clerk or Master of the Rolls under his authority.

After service, the motion shall be filed in the Office of the Court at least one clear day before it is presented for hearing.

The Clerk shall send the record of the Court to the Judge and only that judge has jurisdiction to hear and decide the case, subject to the authority of the Chief Justice.

**24. Notice to attorneys and parties.** The sending to the attorneys or parties by the Clerk of the extract from the roll for hearing containing mention of their cases constitutes the notice required by Article 278 of the Code of Civil Procedure.

**25. Inaccuracies in certificate of readiness.** If the Judge presiding at the trial finds that the certificate of readiness contains inaccuracies without which the case would not have been put on the roll for hearing, he may strike the case from the roll, adjourn it or take any other appropriate measure in the interest of justice.

**26. Departure from roll.** The Judge may decide to hear a case on another date or in an order differing from that on the definitive roll.

**27. Postponement.** No case shall be postponed on the sole ground of consent or of absence of the parties. It shall be struck from all rolls. Any case which has been once postponed at the request of any party and for which the parties are still not ready when the case re-appears on the roll for hearing shall be struck from all rolls, and it may not re-appear again unless the Chief Justice of the Judge designated by him orders otherwise, on written motion to that effect.

**28. Motion to institute proceedings.** The Chief Justice or the Judge designated by him may place on any of the rolls kept by the Clerk under Article 275 of the Code of Civil Procedure any motion introductive of suit inscribed on the roll in Practice Division and, if he deems it expedient, order it subject to Rule 15, in which case Rules 16 and 17 also apply.

**29. Roll of urgent matters.** Cases that must be heard and decided by preference by reason of a provision of law or a decision of the Chief Justice or of the Judge designated by him for such purpose (Article 275 C.C.P.) shall be placed on the roll of urgent matters, and in particular the following matters:

(1) Incidental to the compulsory execution of judgments (Article 576 C.C.P.);

(2) To contest a claim filed by a creditor in a seizure by garnishment (Article 646 C.C.P.);

(3) To contest a claim filed in the case of voluntary deposits (Article 659 C.C.P.);

(4) Respecting applications for seizure before judgment (Article 740 C.C.P.).

## CHAPTER VI MISCELLANEOUS

**30. Extracts of depositions.** Any extract of a deposition adduced as evidence under Articles 398.1 or 398.2 of the Code of Civil Procedure shall indicate the date and place of the deposition, the name and capacity of the deponent and shall be certified by the authorised person who transcribed it or, failing that, the Clerk may issue a certified true copy thereof.

**31. Jurisprudence or doctrine.** A party who refers to jurisprudence or doctrine shall indicate the relevant pages and shall highlight the extracts relied on.

**32. Statutes and regulations cited.** A party who refers to regulatory or statutory provisions other than those of the Civil Code, the Code of Civil Procedure and the Divorce Act shall provide a copy to the Judge.

## CHAPTER VII HEARING

### DIVISION I DECORUM

**33. Persons present.** All persons attending a hearing shall rise when the Judge enters the room and shall remain standing until he has taken his seat. When the hearing is over, they shall stand again and remain so until the Judge has retired.

**34. Court Usher.** At the opening of the session, the Court Usher shall say aloud: "Silence. All rise please. The Superior Court is now in session, the Honourable ..... presiding".

As soon as the Judge is seated, the Court Usher shall invite those present to be seated.

**35. Dress and conduct at the hearing.** Every person appearing before the Court shall be suitably attired.

Every person addressing the Court shall stand up, except with leave of the Judge.

**36. Gown.** In the court room, a male attorney shall wear either a black gown with a black jacket, dark trousers and a shirt with a white collar and bands, or a black gown closed in front, with a raised neck opening, long sleeves and white bands. A female attorney shall wear a black gown with white bands and a black long-sleeved dress or a dark skirt or trousers and a white long-sleeved blouse.

A male articulated student shall wear either a black gown with a dark suit, white shirt and dark tie, or a black gown closed in front, with a raised neck opening and long sleeves. A female articulated student shall wear a black gown with a dark skirt or trousers and a white long-sleeved blouse or dark clothing.

In family matters, a gown is compulsory at all times.

However, it is not required to wear a gown during the months of July and August, nor in the Practice Division for civil matters. When a gown is not required, the male attorney and the male articulated student shall wear somber trousers, jacket, shirt and tie; the female attorney or female articulated student shall wear a somber skirt or trousers with a blouse and jacket, dress or tailor-made suit.

**37. Dress for Court Clerks and Ushers.** When the Court is in session, Court Clerks and Ushers shall always wear one of the attires described in Rule 36 for articulated students.

**38. Order.** Anything that disturbs the decorum and good order of the Court is prohibited.

It is also prohibited to read newspapers, to use a camera, and to use radio or television equipment at a hearing.

The media are authorised to record the proceedings and any decision on audiotape, unless the Judge decides otherwise. Broadcasting such recording, however, is prohibited.

### DIVISION II MINUTES

**39. Role of Court Clerk.** The Court Clerk shall draw up the minutes of the hearing, in which he enters:

- (a) the name of the presiding Judge;
- (b) the various stages of the hearing;
- (c) the names of the attorneys and witnesses;
- (d) the names of the Clerk and the Stenographer;

(e) the exhibits filed;

(f) the Court orders, and the decisions rendered without being taken under advisement, except those concerning the evidence given in the depositions;

(g) the admissions dictated to the Stenographer or mechanically recorded;

(h) the admissions dictated to the Court Clerk, which must be signed by the parties or their attorneys; and

(i) where applicable, the reasons stated by the Court for not proceeding with the case.

**40.** During the hearing, the Court Clerk shall mark the exhibits with a letter and number in the appropriate order and write the case number under his initials; he shall indicate on the copies of doctrine and jurisprudence the name of the attorneys or the party who filed it.

He shall also prepare a separate list of exhibits filed by each of the parties that describes them.

Before giving the record to the Judge who has taken a case under advisement, he shall place all documents, and the doctrine and jurisprudence filed by each party, in separate envelopes, listing their contents.

## CHAPTER VIII STENOGRAPHY AND RECORDING OF PROCEEDINGS

**41.** Every Official Stenographer shall go to the court room where he is to fulfil his duties and be present at the opening of the session and remain there until discharged by the Judge.

**42.** The Clerk shall report to the Chief Justice when a case has not proceeded because no stenographer was present and state the reason for the absence, if he knows it.

**43.** The Stenographer must take the depositions, the oral testimony, the objections to the evidence, the argument upon the objections if the Judge so requires, and the decisions thereon.

**44.** Each page of a deposition shall mention the name of the witness at the top. The Stenographer must keep his notes where specified by the Clerk.

The stenographer who transcribes more than one deposition in the same case shall prepare an index of the names of the witnesses and the number of the page where the depositions appear.

**45.** The Rules of this Chapter apply adapted as required to any person required to record or transcribe depositions by any other authorised method.

## CHAPTER IX JUDGMENTS

**46. Record under advisement.** Before giving the record to the Judge, the Court Clerk shall ensure that it contains the proceedings, exhibits, interlocutory proceedings and examinations taken out of court, consecutively numbered according to the date of their filing, as well as any written argument required by the Court. If the record is incomplete, he shall notify the attorneys so that they may remedy the default.

No case will be taken under advisement and no record sent to the Judge until it has been completed, unless the Judge decides otherwise.

**47. Incomplete arguments.** Failing completion by either party of the oral or written argument within the time period fixed at the hearing, the Judge may send or have the Clerk send to the parties or their attorneys a notice to remedy the default within a period fixed by the Judge and take the case under advisement as it stands upon the expiry of that period.

**48. Judgment by default.** No action or motion introductive of suit shall proceed to judgment by default to appear or to plead without proof and hearing, unless the attorney or unrepresented party has certified that the record is complete and that judgment may be rendered as requested and according to the proof filed of record. This certificate, in conformity with Form IV, shall be filed with the inscription and signed by the attorney under his oath of office; the certificate shall be sworn to where a party is not represented by attorney.

The certificate referred to in the preceding paragraph shall apply, adapted as required, to motions made pursuant to Articles 805 and 806 of the Code of Civil Procedure and shall be filed with the notice of presentation.

**49. Out-of-court evidence.** When evidence taken out of court has been filed of record, the Clerk, if he has no jurisdiction to render judgment and the Court is not sitting in the district, shall send the record to the Judge who authorised such evidence.

**50. Interlocutory judgment.** It is not required to draw up and sign again on a separate paper an interlocutory judgment already written out and signed on a motion presented to the Court. The Clerk may issue true copies of such judgment.

## CHAPTER X SHERIFF

**51. Register.** The Sheriff shall keep in his office a register of the writs of seizure of immovables, stating the names of the parties and the oppositions as well as a register of notices given under Articles 670 and 671 of the Code of Civil Procedure.

**52. Receipt of proceedings.** The Sheriff, upon receipt of a proceeding or an exhibit, shall number it and enter the date and time of its reception.

## CHAPTER XI FEES FOR COMMISSIONERS AND OTHER OFFICERS

**53.** Subject to the second paragraph of Article 47 of the Code of Civil Procedure, commissioners and other officers appointed by the Court shall be remunerated as follows:

(a) for administering oaths: \$2;

(b) for the deposit of reports (when required): \$10;

(c) for each day of attendance, including the preparation of reports: \$30.

The attendance fee may be increased by the Judge according to the nature and importance of the case.

## CHAPTER XII CLASS ACTION

**54. Definition.** In this Title, unless the context indicates otherwise, “Act” means the Act respecting the class action (R.S.Q., c. R-2.1) and “Fonds” means the *Fonds d’aide aux recours collectifs*.

**55. Compulsory indications.** All class action proceedings shall include the words “Class Action” immediately above “Superior Court” on the front and back.

**56. Place of institution of motion.** The motion for authorisation to institute a class action (Article 1002 C.C.P.) shall be filed in the district indicated by the rules relating to the place of instituting actions.

**57. Content of motion.** The motion shall be drawn up in accordance with Form V and shall contain, in particular:

(a) an indication of the district where the petitioner proposes that the class action be brought, with reasons in support thereof;

(b) full particulars of any identical, similar or related questions of law or fact which the petitioner wishes to have decided by the class action;

(c) a description of those questions of law or fact, if any, which are particular to each member individually;

(d) the reasons justifying the class action and which make the application of Articles 59 or 67 of the Code of Civil Procedure difficult or impractical with a list of authorities in support thereof, if any.

**58. Documents accompanying motion.** The motion shall be accompanied by the following documents, a copy of which are to be served on the other party at the same time as the motion:

(a) all contracts or other documents, if any, on which the personal claim of the petitioner is based;

(b) copies of all contracts or other documents, if any, which the petitioner has in his possession and on which other claims raising the same questions are based;

(c) a list of the names and addresses of the members of the class who are known by the petitioner and, as for those who are unknown, an estimate of their probable number and the place where they are domiciled;

(d) a draft notice to members (Article 1006 C.C.P.) complying with Form VI;

(e) a draft judgment granting the motion (Article 1005 C.C.P.) complying with Form VII;

(f) a list of any individual claims already filed that raise the same questions;

(g) a copy of Rules 56 to 64;

(h) a copy of the Regulation respecting the percentage withheld by the *Fonds d’aide aux recours collectifs* (O.C. 1996-85).

Failure by the petitioner to comply with this Rule does not entail dismissal of the motion; however, the Judge, on request of any interested person or on his own initiative, may postpone the date of presentation of the motion and order the petitioner to remedy the default.

**59. Presentation of motion.** On the date the motion is presented, the Judge may permit the respondent to contest in writing, within the time fixed by him. At the same time, the Judge, after consulting with the attorneys, shall fix a date for hearing the motion.

**60. Contestation.** If the respondent contests in writing, his contestation must be accompanied with the documents mentioned in Rule 58, to the extent he does not accept those already filed by the petitioner. Any allegations of fact in the contestation shall be supported by an affidavit.

**61. Documentary evidence.** Unless the Judge grants special leave to the contrary, the motion is decided on the basis of the documents and affidavits submitted by the parties without hearing witnesses.

**62. Authorization granted.** If authorization to institute a class action is granted, the action shall proceed according to the ordinary rules, in the district designated by the Chief Justice and before a judge designated by him.

**63. Content of transaction.** Every transaction presented to the Court for approval shall contain the following information (Article 1025 C.C.P.):

(a) a description of the class whose members will be bound by the transaction;

(b) the method of execution, whether by collective recovery, with or without individual liquidation of the claims of the members of the class or the distribution of an amount to each of them, or by individual recovery of the claims;

(c) where the transaction provides for collective recovery of the claims of the members of the class, it must indicate the total sum due by the debtor and stipulate that the debtor shall deposit that sum at the Office of the Court;

(d) in cases of collective recovery in accordance with Article 1033 C.C.P. or of individual claims, the procedure by which the claims will be liquidated and the method of distribution;

(e) the amount which will be reimbursed to the *Fonds* in any case where it has granted financial assistance to the representative (Section 30 of the Act);

(f) the amount which the debtor has agreed to pay as costs or fees (Section 32, 2nd paragraph of the Act);

(g) in cases of collective recovery, the designation of the proposed beneficiaries of the balance, where applicable.

**64. Content of notice.** A notice given in accordance with Article 1025 C.C.P. shall comply with Article 1046 C.C.P. and contain the following information:

(a) a statement to the effect that a transaction will be filed with the Court for approval on a given date and at a given place;

(b) where applicable, the agreement concerning fees between the representative and his attorney;

(c) the nature of the transaction and the proposed method of execution;

(d) the procedure by which the members will prove their claims;

(e) a statement to the effect that the members may present their contentions regarding the proposed transaction and, where applicable, the proposed distribution of the balance (Article 1036 C.C.P.).

**65. Approval of transaction.** A motion for approval of a transaction out of court shall be served upon the other parties and the *Fonds*, together with a notice of presentation.

**66. Service of judgment.** The representative shall serve a judgment granting a class action on the Clerk and the *Fonds*.

**67. Report on administration.** Where the judgment orders collective recovery of the claims with individual liquidation of the members' claims, the Clerk of the Court, after the expiry of the period granted to the members to file their claims, shall provide to the Court a detailed report on his administration and give notice of such filing to the parties and the *Fonds*.

The report shall contain a list of the members who filed claims, the amounts paid to each of them, the amount of the balance and the amount withheld for the *Fonds* pursuant to Section 42 of the Act and the Regulation respecting the percentage withheld by the *Fonds d'aide aux recours collectifs*.

**68. Balance.** When the report of the Clerk provided for in Rule 67 shows a balance, the representative shall, within 30 days of the filing of such report, present to the Court a motion for the distribution of such balance together with a notice of its presentation served upon the Clerk, the *Fonds* and the other parties to the action.

**69. Costs.** Any motion for fixing costs or the fees of the representative's attorney or for approval of a transaction respecting such costs or fees shall be served upon the *Fonds*, together with a notice of its presentation."

3. The forms are renumbered as follows:

Form I becomes III

Form II becomes V

Form III becomes VI

Form IV becomes VII

Form V becomes IV

Form VI becomes II

Form VII becomes I

4. The following is substituted for Form II entitled "DECLARATION OF INSCRIPTION ON THE ROLL FOR HEARING" (Rule 15):

**"FORM II**

CANADA  
PROVINCE OF QUEBEC  
DISTRICT

Case No.:

SUPERIOR COURT

vs.

DECLARATION OF INSCRIPTION ON THE ROLL  
FOR HEARING  
(Rule 15)

1. DEPONENT

UNREPRESENTED  
PARTY

ATTORNEY OF RECORD

Name: \_\_\_\_\_ Name: \_\_\_\_\_  
Address: \_\_\_\_\_ Firm: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Address: \_\_\_\_\_  
Fax: \_\_\_\_\_ Telephone: \_\_\_\_\_  
Fax: \_\_\_\_\_

- Applicant  Defendant
- Other

2. EXHIBITS

- A list of the exhibits disclosed to the other parties is attached hereto.

3. TO DATE, THE OTHER PARTIES HAVE RECEIVED THE FOLLOWING:

- The reports provided for in Article 294.1 C.C.P.;
- The whole deposition or extracts in accordance with Article 398.1 C.C.P.;
- The whole deposition or extracts in accordance with Article 398.2 C.C.P.;
- Medical reports in accordance with Article 399.2 C.C.P.;
- Experts' reports in accordance with Article 402.1 C.C.P.;
- Statements, reports and certificates required under the Rules applicable in family matters.

4. TRIAL

- The deponent certifies that he is ready to proceed and estimates that his proof and argument will last \_\_\_\_\_ days, or \_\_\_\_\_ hours;

5. Concise statement of the questions of law and fact in dispute (10 lines maximum)

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6. Unless there are valid reasons for not doing so, please list the names of your witnesses and the object of their testimony. Indicate for each whether they will testify in French or English, or with the assistance of an interpreter:

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7. Suggested admissions, including those which may reduce the number of witnesses to be called:

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. Authorities, jurisprudence and doctrine to which you intend to refer (make one list only and attach a schedule if necessary):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. ATTESTATIONS AND OATHS

A. PARTY REPRESENTED BY ATTORNEY

By the party or an agent acquainted with the facts:

I, the undersigned, attest that all the exhibits in my possession that I intend to refer to at the hearing were given to my attorney for disclosure to the other parties and I acknowledge that I cannot file other exhibits without the Court's authorization after the expiry of the period provided for in Article 331.8 C.C.P.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

(Representative's name: \_\_\_\_\_  
Position: \_\_\_\_\_)

By the attorney:

I, the undersigned, under my oath of office, certify that the facts declared in paragraphs 1, 2, 3 and 4 are accurate and that I have explained to the party I represent his obligation to disclose all the exhibits in his possession that he intends to refer to at the hearing, and that those exhibits have been disclosed to the other parties or

will be disclosed within the period provided for in Article 331.8 C.C.P.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

B. UNREPRESENTED PARTY

I, the undersigned, solemnly affirm that the facts declared in paragraphs 1, 2, 3 and 4 are accurate and that all the exhibits in my possession that I intend to refer to at the hearing have been disclosed to the other parties or will be within the period provided for in Article 331.8 C.C.P., and I acknowledge that I cannot file other exhibits without the Court's authorization after the expiry of that period.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

(Representative's: \_\_\_\_\_  
Position: \_\_\_\_\_)

Sworn before: \_\_\_\_\_  
(name and position, profession or capacity)

At: \_\_\_\_\_ On: \_\_\_\_\_  
(Municipality and Province) (date)

\_\_\_\_\_  
(Signature of person administering the oath)''.

5. These Rules come into force ten days after their publication in the *Gazette officielle du Québec*.

2564

Notice

**Amendments to the Rules of practice of the Superior Court of Québec in family matters**

Notice is hereby given that the Rules to amend the Rules of practice of the Superior Court of Québec in family matters, the text of which appears below, were made by the judges of the Superior Court of Québec, by way of a consultation by mail, on October 16th, 1998, in accordance with article 47 of the Code of Civil Procedure (R.S.Q., c. C-25).

Montreal, 16 October 1998

LYSE LEMIEUX,  
*Chief Justice*

## Rules to amend the Rules of Practice of the Superior Court of Québec in Family Matters\*

Code of Civil Procedure  
(R.S.Q., c. C-25, art. 47)

1. The following Table of Contents is inserted before Division I of the Rules of Practice of the Superior Court of Québec in Family Matters:

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\* The Rules of Practice of the Superior Court of Québec in Family Matters (R.R.Q. 1981, c. C-25, r. 9) were last amended by the Rules adopted on 31 January 1997 (1997, *G.O.* 2, 3340). For previous amendments, refer to the “Tableau des modifications et Index sommaire, Éditeur officiel du Québec”, 1998, updated to 1 March 1998.



Form II	Attestation in respect of the Registration of Births (Rule 22)
Form III	Statement of Income and Expenditures and Balance Sheet (Rules 26 to 30)
Form IV	Statement of the Family Patrimony (Rule 31)
Form V	Consent to Psychosocial Evaluation (Rule 33)
Form VI	Order for Psychosocial Evaluation (Rule 36)
Form VII	Communication of Records Order (Rule 36)
Form VIII	Divorce Judgment (Rule 41)
Form IX	Certificate of Divorce (Rule 42 e)
Form X	Notice of Hearing respecting Confirmation of a Provisional Order (Rule 42 i)

2. The following is substituted for Titles I and II:

#### “CHAPTER I GENERAL

**1. Application:** These Rules of Practice shall apply to all the districts of Québec.

**2. In camera — Advocates and articulated students:** Advocates and articulated students shall be admitted to *in camera* hearings.

#### CHAPTER II YOUTH PROTECTION APPEALS FROM DECISIONS OR ORDERS OF THE COURT OF QUÉBEC

**3. Definitions:** In this Chapter, “Court” means the Superior Court of Québec and “Court of Québec” means the Court of Québec, Youth Division.

**4. Introduction of appeal:** Appeals are heard by the Court, in the Family Division, unless referred by a judge to the Criminal Division.

**5. Notice of appeal:** In addition to the provisions of Section 101 of the Youth Protection Act (R.S.Q., c. P-34.1), the notice of appeal shall contain the object of the complaint, the conclusions of the decision or order appealed from, and the names of the parties’ attorneys in first instance.

The Court may issue any order permitted by law, whether or not it is stated in the notice of appeal.

The notice of appeal shall be signed by the appellant or his attorney and shall give the address to which any communication may be directed.

The appellant may invoke grounds not stated in the notice of appeal by filing with the Clerk of the Court a notice stating such grounds precisely and concisely, together with proof of service upon the respondent and the respondent’s attorney, before the appeal is heard and not later than 15 days after the filing of the complete transcript of the proceedings.

**6.** Upon deposit at the office of the Court of Québec of the notice of appeal provided for in Section 106 of the Youth Protection Act, the Clerk of that Court shall send a copy thereof to the Clerk of the Court.

**7. Appearance:** An attorney who, within 10 days of the deposit of the notice of appeal, files an appearance at the Office of the Court shall be the attorney of record before the Court.

**8. Interim release:** The Court may grant an interim release upon the deposit of the notice of appeal.

A verbal application may be made to that effect; however, one clear day’s notice of its presentation must be given to the prosecutor and be deposited with the Clerk.

#### **9. Preparation of record:**

1. Upon receipt of the notice of appeal, unless the Court orders otherwise upon motion by the appellant, the Clerk of the Court of Québec shall take all necessary steps to obtain as soon as possible a complete transcript of the proceedings. Such transcript shall include the evidence adduced and the decisions rendered both during the hearing and at the time of the final decision and, where applicable, the order.

2. As soon as the transcript is completed, the Clerk of the Court of Québec shall send the original to the Office of the Court with copies to the parties or their attorneys, by registered or certified mail or by any other means providing proof of receipt. Where it appears impossible

to obtain a complete transcript, he shall advise the Clerk of the Court and the parties, giving reasons.

3. The Judge may give any instructions deemed necessary for the application of this Rule.

**10. Inscription on the roll:** Upon the expiry of the time allotted for appearance, the Clerk of the Court shall enter the appeal *pro forma* on the roll of the Family Division, 15 days thereafter or on the first day of the next session, and give notice to the parties or their attorneys.

On the day fixed for the *pro forma* hearing, the parties or their attorneys must be present to inform the Court of the nature of the case and the duration of the hearing. The Judge shall then set a definitive date for the hearing of the appeal which will proceed on that date, without further notice.

If a party is absent or is not represented at the *pro forma* hearing, the Court may apply Rule 13.

**11. Argument in writing:** Any party who wishes to submit an argument in writing must have it served and filed within 15 days of the deposit of the complete transcript of the proceedings; the written argument must, where applicable, state the relevant facts with appropriate references to the transcript and set forth the arguments with references to the authorities relied upon.

**12. Depositions:** When the Court hears new evidence, it shall be taken down by a stenographer or stenotypist or recorded through an independent system that is not connected to the master recording system.

**13. Powers of the Court:** The Court may:

(a) dismiss the appeal, where the appellant is not ready to proceed when the case is called;

(b) allow the appellant to proceed *ex parte* against a respondent who is not ready to proceed when the case is called;

(c) upon application, or on its own initiative, dismiss an appeal where the appellant has failed to observe any of the formalities required by law or by the Rules of Court.

**14. Applications and motions:** All applications or motions shall be served upon the other party or that party's attorney with a notice of presentation of at least one clear juridical day. The Judge, however, may change the time limit for sufficient cause.

**15. Copies of judgments:** The Clerk of the Court shall send a copy of the judgment to the Judge who rendered the decision appealed from and to the Clerk of the Court of Québec, as well as to the persons listed in Section 94 of the Youth Protection Act.

**16. Record:** Upon expiry of the time limit for appeal to the Court of Appeal, the Clerk of the Court shall return the original record to the Clerk of the Court of Québec.

**17. General provision:** The Court may issue any order required in the interest of justice.

### CHAPTER III DIVORCE, SEPARATION, NULLITY OF MARRIAGE AND FILIATION

#### DIVISION I PROCEEDINGS

##### §1. General

**18. Child custody and tutorship:** A party who applies for custody of a child or tutorship to a child must attest that the child is not the object of a court decision or of an agreement with the Director of Youth Protection, or, if such is the case, must give the particulars of such decision or agreement.

**19. Safeguard of rights:** The Court may, at any stage of the proceedings, order any measure likely to ensure proper processing of the record until the hearing. The Court may also, in case of emergency, issue an order to safeguard the rights of the parties for the time and under the conditions it determines.

**20. Provision for costs:** The Court may, at any stage of the proceedings, order a party to pay to the other a provision for costs.

##### §2. Divorce declaration

**21. Content:** A divorce declaration, supported by an affidavit and, where applicable, a notice as to contestation, shall be drawn up as far as possible in accordance with Form I, and shall be signed by the applicant.

**22. Attestation of birth:** In every application for divorce, an attestation of birth for each spouse, drawn up in accordance with Form II, must be enclosed with the inscription for proof and hearing, or, in the case of a joint application, with the declaration.

A case may not be inscribed or a declaration filed without such attestations.

The attestation shall be attached to the copy of the judgment that is sent to the Registrar of Civil Status.

**23. Birth certificates:** Providing children's birth certificates as evidence is not required unless their legitimacy is in dispute. Similarly, photocopies of the parties' birth certificates are sufficient.

### §3. *Other applications by declaration*

**24. Content:** To the extent possible, any application in matters of nullity of marriage, separation as to property or separation as to bed and board, shall include the information required under paragraphs 1 to 7, 10 and 11 of Form I.

**25. Joint application:** All exhibits shall be filed with the Court Office at the same time as the joint application.

## DIVISION II

### PERSONAL SUPPORT FOR APPLICANT

**26. Sworn statement by applicant:** In order to be put on the roll of the Practice Division, any motion for the purpose of fixing or varying support for the applicant shall be accompanied with a sworn statement of the applicant's financial situation; such statement must be prepared in accordance with Form III and be served with the motion.

**27. Sworn statement by respondent:** At least five days before the presentation of the motion, the respondent shall serve upon the applicant and file of record a sworn statement of the respondent's financial situation in accordance with Form III, in default of which the applicant may, at the Court's discretion, proceed *ex parte*. The notice of presentation of the motion shall mention such requirement.

**28. Admission of ability to pay:** A party that acknowledges in Form III being able to pay the amounts claimed by the other party is not required to provide a detailed financial statement, unless the Judge decides otherwise.

**29. Consent or draft agreement:** The consent or draft agreement of the parties or their affidavits for judgment shall describe each party's financial resources and situation, unless they have completed and submitted a sworn financial statement in accordance with Form III or, as the case may be, with the form for fixing child support.

**30. Hearing on merits:** Both parties shall serve on each other a statement of their financial situation drawn up in accordance with Form III at least ten days before

the date of the hearing on the merits, or at the time fixed by the person who presides over the pre-trial conference.

## DIVISION III

### FAMILY PATRIMONY

**31. Mandatory information:** With respect to matters of separation as to bed and board, nullity of marriage or divorce, the party who inscribes the case shall communicate and file with the declaration of inscription on the roll either a declaration by the parties that they are not subject to the rules governing family patrimony, that they renounce partition, that the partition is not contested, or a statement of the family patrimony in accordance with Form IV.

Where the other party contests the statement, he shall communicate and file with his declaration of inscription on the roll a sworn statement of the family patrimony in accordance with Form IV.

## DIVISION IV

### PSYCHOSOCIAL EVALUATION

**32. Application:** Referrals to the Service d'expertise psychosociale attached to the Superior Court of Québec shall only be made in cases involving minor children.

**33. Consent of parties:** The Judge may only issue an order for a psychosocial evaluation with the consent of the parties and after having ascertained that it is appropriate to do so.

The consent, prepared as far as possible in accordance with Form V and signed by the parties and their attorneys, shall be filed of record.

**34. Communication of evaluation:** When an order for the safeguard of rights is issued, the Judge who orders the evaluation shall indicate whether the report must be forwarded to the Chief Justice or to a judge designated by the latter, or returned to him if he remains seized of the matter.

**35. Order issued during hearing:** The order shall be issued from the bench, in the presence of the parties.

The Clerk of the Court shall send all the relevant documents to the Service d'expertise psychosociale.

**36. Content of order:** The order, drawn up as far as possible in accordance with Form VI, shall indicate the specific object of the evaluation. The Court may, if applicable, issue an order in accordance with Section 19 of the Act respecting health services and social services (R.S.Q., c. S-4.2) in accordance with Form VII.

**37. Evaluation report:** An evaluation report shall form part of the evidence and the expert may be called upon to testify.

**38. Copies to parties:** Upon receipt of the report, the Judge shall provide the parties with a copy and have it filed of record under seal.

## DIVISION V MOTIONS FOR VARIATION

**39. Mandatory information:** Any motion to vary, rescind or suspend corollary relief shall be supported by an affidavit and contain the following information:

- (a) The current marital status of the parties;
- (b) The address of the residence of the parties and their dependent childrens' address, age and sex;
- (c) The current terms and conditions of any child custody and access arrangements;
- (d) The current amount of support and the amount requested;
- (e) The amount of arrears, if any;
- (f) The changes in circumstances that support the motion.

**40. Previous order issued in another case:** In the case of proceedings for variation of an order issued in another case, copies of prior judgments and of the proceedings for which judgment was rendered shall be filed of record unless they have already been included.

## DIVISION VI CLERK OF THE COURT

**41. Judgment or Court order:** The Clerk shall prepare and sign every judgment or order issued by the Court or by a judge, unless such judgment or order has been prepared and signed by the Judge.

The divorce judgment shall be prepared, as far as possible, in accordance with Form VIII and shall bear the date on which it was rendered.

## DIVISION VII DIVORCE DIVISION

**42.** In each of the judicial districts of Québec, the Divorce Division shall be administered by the Clerk. The duties of the Clerk shall be as follows;

(a) To file separately the divorce records and to keep registers, an index, a court ledger and a special register available to the public where every divorce judgment is entered without delay;

(b) To receive and register the applications after ascertaining that they comply with the requirements of the Act and of the Rules of Practice;

(c) To keep a register of proceedings containing;

i. with respect to the application, the names and addresses of the parties and the date of filing;

ii. with respect to the divorce judgment, the names and addresses of the parties and the date it was rendered;

(d) To fill out the forms required by the Rules of Practice or the regulations made pursuant to the Divorce Act;

(e) Once the divorce has taken effect, to issue a certificate of divorce in accordance with Form IX, upon request;

(f) In accordance with Section 17 (11) of the Divorce Act, to forward, when the Court has issued an order varying a support order or custody order of another court, a certified true copy of the variation order to the other court or to any other court which had varied the original order;

(g) To forward, in the case of a provisional order, the documents provided for in Sections 18 (3) and 18 (6) of the Act;

(h) To serve upon the applicant or the applicant's attorney the notice provided for in Section 18 (5) of the Act at least 10 days before the date fixed for submitting further evidence;

(i) To serve upon the parties the notice provided for in Section 19 (2) of the Act, in accordance with Form X, accompanied by a copy of the documents received from the court which issued the provisional order;

(j) As required by Section 19(12) of the Act, to send a certified true copy of any order issued under Section 19 (7) of the Act;

(k) To forward to the competent court, following a transfer order issued under Section 6 of the Act, a true copy of the record and the order;

(l) To hire the personnel necessary for the performance of the Clerk's duties, including Deputy-Clerks,

according to the number of proceedings filed in the Court Office for which the Clerk shall have complete responsibility.”

The forms are renumbered as follows:

Form I shall remain I;

Form II shall become III;

Form III shall become VIII;

Form IV shall become IX;

Form V shall become X;

Form VI shall become V;

Form VII shall become VI;

Form VIII shall become VII;

Form XI shall become IV;

Form XII shall become II.

4. Form I, Divorce Application, is amended:

(a) by substituting “Divorce Declaration” for “Divorce Application” as the title;

(b) by inserting the word “(optional)” after the letter and number “P-5” in the second paragraph of paragraph 6;

(c) by inserting the following after “Notice to Defendant as to Contestation” and before the date and the signature (s):

“Notice of Disclosure of Exhibits (Art. 331.2 C.C.P.)  
The exhibits in support of this declaration, numbered Exhibits P1 to P \_\_\_\_\_, are hereby disclosed.”

5. Form II A is revoked.

6. Form V, Consent to Psychosocial Evaluation, is amended by adding the following paragraph after the first paragraph:

“We consent that the evaluation begin after the mediator’s report is filed in accordance with Articles 814.3 *et seq* C.C.P.”

7. These Rules come into force ten days after their publication in the *Gazette officielle du Québec*.



## Municipal Affairs

Gouvernement du Québec

### O.C. 1343-98, 21 October 1998

An Act respecting municipal territorial organization  
(R.S.Q., c. O-9)

Transfer of the territory of the Paroisse de Saint-Jean-Baptiste from the territory of the Municipalité régionale de comté de Rouville to that of the Municipalité régionale de comté de La Vallée-du-Richelieu

WHEREAS under section 210.61 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), the Government may, by order, following an application by a local municipality, detach the territory of the local municipality from the regional municipal territory to which it belongs and attach it to that of another regional county municipality;

WHEREAS under section 210.81 of the same Act and section 109 of Chapter 65 of the Statutes of 1993, the Government may, to give effect to the recommendation of the Minister of Municipal Affairs, amend by order the letters patent constituting the regional county municipalities affected by the transfer of territory;

WHEREAS under the above-mentioned section 210.81, the amending order shall describe the new territory of the regional county municipalities and shall set out the conditions applicable to the transfer of territory;

WHEREAS on 7 April 1997, the council of the Paroisse de Saint-Jean-Baptiste adopted resolution 076-97 to apply to the Government for the detachment of its territory from that of the Municipalité régionale de comté de Rouville and for its attachment to the territory of the Municipalité régionale de comté de La Vallée-du-Richelieu;

WHEREAS it is expedient to grant the application made by the Paroisse de Saint-Jean-Baptiste with the amendments proposed by the Minister of Municipal Affairs, which were approved by the council of the applicant municipality;

WHEREAS it is expedient, therefore, to amend the letters patent of the regional county municipalities of Rouville and of La Vallée-du-Richelieu so as to describe their new territory;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs:

THAT the territory of the Paroisse de Saint-Jean-Baptiste be detached from the territory of the Municipalité régionale de comté de Rouville and that it be attached to that of the Municipalité régionale de comté de La Vallée-du-Richelieu, on the following conditions:

(1) the Paroisse de Saint-Jean-Baptiste will not take part in the sharing of the assets of the Municipalité régionale de comté de Rouville;

(2) the Paroisse de Saint-Jean-Baptiste will pay the Municipalité régionale de comté de Rouville an amount of \$147 550, as follows:

— amount payable no later than one month after the coming into force of the order transferring the territory:	\$20 000
— amount payable before 1 November 1998:	\$20 550
— amount payable before 1 February 1999:	\$41 000
— amount payable before 1 May 1999:	\$25 000
— amount payable before 1 February 2000:	\$41 000;

(3) the Municipalité régionale de comté de Rouville will keep its jurisdiction over appraisal in the Paroisse de Saint-Jean-Baptiste until the expiry of the appraisal contract entered into with the firm of chartered appraisers Beaulieu, Coutu, Bélanger & Associés for the period extending from 1 January 1994 to 31 December 1999; from the date of expiry of that contract, the Municipalité régionale de comté de La Vallée-du-Richelieu will exercise the jurisdiction devolved on it under section 5 of the Act respecting municipal taxation (R.S.Q., c. F-2.1);

(4) the Municipalité régionale de comté de Rouville will keep its jurisdiction over the regular collection of domestic garbage in the Paroisse de Saint-Jean-Baptiste until the expiry of the contract entered into with the company Services sanitaires Transvick inc. (Gestion Matrec inc.) for the period extending from 1 July 1997 to 31 December 1999;

(5) the Municipalité régionale de comté de Rouville will keep its jurisdiction over the selective collection of recyclable materials from the domestic garbage of the



Paroisse de Saint-Jean-Baptiste until the expiry of the contract entered into with the company Services sanitaires Transvick inc. (Gestion Matrec inc.) for the period extending from 1 July 1998 to 31 December 2002;

THAT the letters patent constituting the Municipalité régionale de comté de Rouville be amended:

(1) by substituting the following for the second paragraph of the operative part:

“The boundaries of the territory of the Municipalité régionale de comté de Rouville are those described by the Minister of Natural Resources in the official description of that territory dated 21 July 1998 which appears in Schedule A to these letters patent as if it were a part thereof.”;

(2) by substituting Schedule A attached to this Order in Council for Schedule A to those letters patent;

THAT the letters patent constituting the Municipalité régionale de comté de La Vallée-du-Richelieu be amended:

(1) by substituting the following for the second paragraph of the operative part:

“The boundaries of the territory of the Municipalité régionale de comté de La Vallée-du-Richelieu are those described by the Minister of Natural Resources in the official description of that territory dated 21 July 1998 which appears in Schedule A to these letters patent as if it were a part thereof.”;

(2) by substituting Schedule B attached to this Order in Council for Schedule A to those letters patent;

THAT this Order in Council come into force on the date of its publication in the *Gazette officielle du Québec*.

MICHEL NOËL DE TILLY,  
*Clerk of the Conseil exécutif*

## SCHEDULE A

### “SCHEDULE A

#### OFFICIAL DESCRIPTION OF THE TERRITORY OF THE MUNICIPALITÉ RÉGIONALE DE COMTÉ DE ROUVILLE

The Municipalité régionale de comté de Rouville comprises the territory defined as follows: starting from the intersection of the centre line of Rivière Richelieu and

of the extension of the northeastern line of the cadastre of the Paroisse de Saint-Mathias; thence, successively, the said extension and the said northeastern line, then part of the northeastern line of the cadastre of the Paroisse de Sainte-Marie-de-Monnoir to the apex of the southern angle of lot 419 of the cadastre of the Paroisse de Saint-Jean-Baptiste; in reference to the latter cadastre, the southern line of lots 419, 420 and 421; the southwestern line of lot 462; a broken line separating lots 462 to 469 and 471 to 474 on the one side from lots 422 to 431 on the other; the northeastern line of lot 474; part of the southeastern line of rang “Les Soixantes” to the apex of the northern angle of lot 504; a broken line bordering on the northeast lots 504 to 508; part of the dividing line between the cadastres of the parishes of Saint-Jean-Baptiste and Saint-Césaire to the dividing line between the cadastres of the parishes of Saint-Césaire and Saint-Damase; part of the said dividing line between the cadastres to the southeastern angle of lot 410 of the cadastre of the Paroisse de Saint-Damase; in reference to that cadastre, part of the western line of rang Vingt de Corbin; the northeastern line of lots 355, 354, 353 and 303; a broken dividing line between the cadastres of the parishes of Saint-Césaire and Saint-Paul-d’Abbotsford from the cadastres of the parishes of Saint-Damase and Saint-Pie; the eastern line of the cadastres of the parishes of Saint-Paul-d’Abbotsford and of L’Ange-Gardien; the southwestern line of the cadastre of the Paroisse de L’Ange-Gardien; a broken dividing line between the cadastre of the Paroisse de Saint-Césaire from the cadastres of the parishes of Saint-Romuald-de-Farnham-Ouest and of Sainte-Brigide to the southwestern line of lot 232 of the cadastre of the Paroisse de Sainte-Brigide; in reference to that cadastre, part of the southwestern line of lot 232 and the northern line of lot 449; the centre line of a road bordering on the northeast lots 243, 244, 245, 215 and 216; a broken dividing line between the cadastres of the parishes of Sainte-Brigide, Saint-Grégoire and Saint-Athanase from the cadastres of the parishes of Sainte-Angèle, Sainte-Marie-de-Monnoir and Notre-Dame-de-Bonsecours, the last segment extended to the centre line of Rivière Richelieu; finally, the centre line of Rivière Richelieu downstream to the starting point.

That regional county municipality comprises the following municipalities: the municipalities of Ange-Gardien, Notre-Dame-de-Bon-Secours and Saint-Mathias-sur-Richelieu; the parishes of Saint-Césaire, Sainte-Angèle-de-Monnoir, Sainte-Marie-de-Monnoir, Saint-Michel-de-Rougemont and Saint-Paul-d’Abbotsford; the Village de Rougemont; the towns of Marieville, Richelieu and Saint-Césaire.

Note: The official description appearing in the Notice published on 24 December 1993 (*G.O.*, Partie 1, Vol. 125, No. 52, p. 5400) and that appearing in Schedule 41 to the



letters patent published on 17 April 1996 (*G.O.*, Part 2, Vol. 128, No. 16, p. 1980) and defining the limits of the territory of the Municipalité régionale de comté de Rouville are amended and replaced by this description so as to take into account the detachment of the Paroisse de Saint-Jean-Baptiste. The content mentioned in the second paragraph reflects the current municipal situation.

Ministère des Ressources Naturelles  
Service de l'arpentage  
Charlesbourg, 21 July 1998

Prepared by: JEAN-PIERRE LACROIX,  
*Land surveyor*

MRC-550"

## SCHEDULE B

### “SCHEDULE A

#### OFFICIAL DESCRIPTION OF THE TERRITORY OF THE MUNICIPALITÉ RÉGIONALE DE COMTÉ DE LA VALLÉE-DU-RICHELIEU

The Municipalité régionale de comté de La Vallée-du-Richelieu comprises the territory defined as follows: starting from the apex of the northern angle of lot 310 of the cadastre of the Paroisse de Saint-Antoine; thence, successively, the following lines and demarcations: the dividing line between the cadastres of the parishes of Saint-Antoine and Saint-Denis and the cadastres of the parishes of Saint-Roch and Saint-Ours to the dividing line between Rang 1' Amyot and Rang 3 of the cadastre of the Paroisse de Saint-Denis; in reference to that cadastre, part of the said dividing line between the ranges to the northeastern line of lot 476; part of the said northeastern line and the western line of lot 665; part of the southwestern line of the latter lot and the western line of lot 664; the southwestern line of lots 664 and 684; the dividing line between the cadastres of the parishes of Saint-Denis and Saint-Charles and the cadastres of the parishes of La Présentation and Sainte-Madeleine to the northern line of lot 271 of that latter cadastre; in reference to the cadastre of the Paroisse de Sainte-Madeleine, a broken line bordering to the northeast lots 271, 272 and 273 to the northern line of lot 325 (right-of-way of a railroad); part of the northern line of the said lot westerly to the southwestern line of lot 274; part of the said southwestern line; the dividing line between the cadastres of the parishes of Saint-Hilaire and Saint-Jean-Baptiste and the cadastre of the Paroisse de Sainte-Madeleine; the dividing line between the cadastres of the Paroisse de Saint-Jean-Baptiste and the cadastre of the Paroisse de Saint-Damase, then part of the dividing

line between the cadastre of the Paroisse de Saint-Jean-Baptiste and the cadastre of the Paroisse de Saint-Césaire to the apex of the eastern angle of lot 508; a broken line bordering on the northeast lots 508 to 504 in declining order; part of the southeastern line of rang “Les Soixantes” to the apex of the eastern angle of lot 474; the northeastern line of lot 474; a broken dividing line between lots 431 to 422 in declining order on the one side and lots 474 to 471 and 469 to 462 in declining order on the other side; the southwestern line of lot 462, the southern line of lots 421, 420 and 419; part of the southwestern line of the cadastre of the Paroisse Saint-Jean-Baptiste, then the southwestern line of the cadastre of the Paroisse de Saint-Hilaire and its extension to the centre line of Rivière Richelieu; the centre line of the said river upstream to the extension of the dividing line between the cadastres of the parishes of Saint-Luc and Saint-Joseph-de-Chambly; the said extension; the dividing line between the cadastre of the Paroisse de Saint-Joseph-de-Chambly and the cadastres of the parishes of Saint-Luc, Laprairie, la Madeleine and Saint-Hubert to the eastern line of lot 89 of that latter cadastre; the said eastern line; the southwestern side of Chemin de Chambly to the extension of the eastern line of lot 81 of the cadastre of the Paroisse de Saint-Hubert; the said extension and the said eastern line; the dividing line between the cadastre of the Paroisse de Saint-Bruno and the cadastres of the parishes of Saint-Hubert and Sainte-Famille-de-Boucherville to the southwestern line of lot 238 of that latter cadastre; in reference to that latter cadastre, part of the southwestern line of the said lot to the axis of a stream; the said axis of the said stream crossing lot 238 and separating it from lots 239, 240 and 241; the northeastern line of lot 238; the dividing line between the cadastre of the Paroisse de Saint-Bruno and the cadastres of the parishes of Sainte-Famille-de-Boucherville and Sainte-Julie to the southwestern line of lot 10 of the cadastre of the Paroisse de Saint-Bruno; in reference to that cadastre, part of the southwestern line of the said lot to its intersection with a line perpendicular to the southwestern line of lot 11 and whose point of origin on that latter line is 517.15 metres (1696.7 ft) from the southern corner of that latter lot; the said perpendicular line to its point of origin; part of the southwestern line of lot 11 of the said distance of 517.15 metres (1696.7 ft); part of the northwestern line of lot 18 northeasterly; the dividing line between the cadastres of the parishes of Saint-Bruno and Sainte-Julie to the northern line of lot 606 of that latter cadastre; the northern line of the said lot; the dividing line between the cadastres of the Paroisse de Sainte-Julie and the cadastres of the parishes of Saint-Bruno and Saint-Mathieu-de-Beloil to the southwestern line of lot 563 of that latter cadastre; in that cadastre part of the dividing line between the Cinquième and Sixième concessions and the southwestern line of lot 451; the dividing line between the cadastres of the parishes of Sainte-Julie and Saint-Mathieu-de-

Beloil northeasterly; the southeastern line of ranges D, C, B and A and the northeastern line of Rang A of the cadastre of the Paroisse de Saint-Marc; the dividing line between the cadastres of the parishes of Saint-Marc and Saint-Antoine and the cadastres of the parishes of Verchères and Contrecoeur to the southwestern line of lot 292 of the latter cadastre; in that cadastre, the northwestern line of lots 292 and 293; finally, the dividing line between the cadastre of the Paroisse de Saint-Antoine and the cadastre of the Paroisse de Contrecoeur to the starting point.

That regional county municipality comprises the following municipalities: the municipalities of Saint-Antoine-sur-Richelieu, Saint-Charles-sur-Richelieu, Saint-Denis-sur-Richelieu, Saint-Marc-sur-Richelieu and Saint-Mathieu-de-Beloil, the Paroisse de Saint-Jean-Baptiste and the towns of Beloil, Carignan, Chambly, Mc Masterville, Mont-Saint-Hilaire, Otterburn Park, Saint-Basile-le-Grand and Saint-Bruno-de-Montarville.

Note: The official description appearing in the Notice published on 24 December 1993 (*G.O.*, Partie 1, Vol. 125, No. 52, p. 5402) and that appearing in Schedule 1 to the letters patent published on 15 March 1995 (*G.O.*, Part 2, Vol. 127, No. 11, p. 942) and defining the limits of the territory of the Municipalité régionale de comté de La Vallée-du-Richelieu are amended and replaced by this description so as to take into account the attachment of the Paroisse de Saint-Jean-Baptiste. The content mentioned in the second paragraph reflects the current municipal situation.

Ministère des Ressources Naturelles  
Service de l'arpentage  
Charlesbourg, 21 July 1998

Prepared by: JEAN-PIERRE LACROIX,  
*Land surveyor*

MRC-570"

2570

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Abbreviations: **A**: Abrogated, **N**: New, **M**: Modified

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