

Regulations and other acts

Gouvernement du Québec

O.C. 967-96, 7 August 1996

Professional Code
(R.S.Q., c. C-26)

Professions Tribunal — Rules of practice

Rules of practice of the Professions Tribunal

WHEREAS the Professions Tribunal may, under section 184.2 of the Professional Code (R.S.Q., c. C-26), enacted by section 164 of Chapter 40 of the Statutes of 1994, adopt the rules of practice it considers necessary to ensure proper compliance with sections 162 to 177.1 and 182.1 to 182.8 of that Code;

WHEREAS it is expedient to replace the Rules of practice of the Professions Tribunal (R.R.Q., 1981, c. C-26, r. 6);

WHEREAS at their meeting of 10 April 1996, the members of the Tribunal adopted the Rules of practice of the Professions Tribunal;

WHEREAS under section 184.2 of the Professional Code, those rules shall be submitted to the Government, which may approve them with or without amendment;

WHEREAS it is expedient to approve the Rules of practice of the Professions Tribunal, without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions, that the Rules of practice of the Professions Tribunal, attached to this Order in Council, be approved.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Rules of practice of the Professions Tribunal

Professional Code
(R.S.Q., c. C-26, s. 184.2)

DIVISION I INTERPRETATION

1. Articles 6 to 8 of the Code of Civil Procedure (R.S.Q., c. C-25) govern the application of these Rules.

DIVISION II SERVICE AND NOTICES

2. Failing a provision to the contrary, the services provided for in the Professional Code (R.S.Q., c. C-26) and in these Rules shall be made in accordance with the Code of Civil Procedure. The powers of the judge or clerk of the Court of Québec provided for in article 138 of the Code of Civil Procedure shall be exercised by a judge of the Professions Tribunal.

3. Failing a provision to the contrary, any motion preliminary or incidental to the hearing of an appeal shall be served with a notice of presentation upon the interested parties; in the case of a motion filed under subparagraph *b* of the sixth paragraph of section 164 or section 182.2 of the Professional Code, it shall also be served upon the secretary of the committee on discipline, of the Bureau or of the administrative committee whose decision is appealed from. Such service shall be made within the time periods provided for in those sections.

The party shall agree with the clerk of the Tribunal on the date of its presentation.

This Rule also applies to motions filed under sections 177.1 and 182.8 of the Professional Code.

DIVISION III FILING OF PETITION IN APPEAL AND OF RECORD

4. The clerk of the Court of Québec of the judicial district in which a petition in appeal is filed shall immediately notify the chairman of the Tribunal thereof and provide him with all the information pertaining to that appeal, in particular the names of the parties, the case number and the names and addresses of the parties' advocates.

5. As soon as he has sent to the clerk of the Tribunal the original and the 3 copies of the record referred to in section 164 or 182.2 of the Professional Code, the secretary shall send a copy thereof to all the parties or their advocates.

Upon receipt of the original and the 3 copies, the clerk of the Tribunal shall file a notice indicating that the record has been filed in the court office of the Court of Québec in the judicial district in which the appeal is inscribed.

6. The record that the secretary must forward to the Tribunal and to all the parties shall be prepared in various volumes not exceeding 200 pages each.

Each volume shall be bound so that the text is printed only on the right-hand pages.

Each volume shall be presented on white paper of good quality, 21.5 cm by 35.5 cm in size. Each page shall contain approximately 50 lines, numbered every 10 lines in the left margin.

Each volume shall begin with a general table of contents. The pagination shall be indicated in the upper right corner of each page. If there is more than one volume, the number of each volume and the sequence of the pages in each volume shall be indicated on the upper part of the front cover and on the lower part of the edge of each volume.

Documents forming part of the record and specified in section 164 of the Professional Code shall be inserted in the following order:

- (1) the table of contents;
- (2) the petition in appeal;
- (3) the complaint;
- (4) the decisions of the committee on discipline and, where applicable, the returns of service of the decisions;
- (5) other proceedings, including the minutes of the trial;
- (6) the exhibits produced; and
- (7) the transcription of the hearings.

In the case of an appeal governed by section 182.1 of the Professional Code, the documents forming part of the record shall respect the order prescribed in section 182.2 of that Code.

DIVISION IV PROCEEDINGS

7. The size of the paper shall be 21.5 cm by 35.5 cm.

8. In every proceeding, the case heading shall include, in the following order, the names of the appellant, of the respondent and, where applicable, of the other parties. Under the name of each party, the position in appeal shall be indicated in upper case letters and, at first instance, in lower case letters.

The case heading shall remain the same in all proceedings during the appeal.

9. The title of a motion, appearing on the back and on the first page of the proceeding, shall indicate the position in appeal of the party who presents it, followed by an accurate reference to the statutory or regulatory provisions on which it is based.

10. Every motion intended for a single judge shall be filed with the court office with its schedules, and a copy of the motion and its schedules to the court office located in the Palais de justice de Montréal, 1, rue Notre-Dame Est, Montréal (Québec), H2Y 1B6, at least one clear juridical day before the day fixed for its presentation.

Every motion intended for the Tribunal shall be filed with the court office with its schedules, and 3 copies of the motion and its schedules shall also be filed therewith at least 5 clear juridical days before the day fixed for its presentation.

The applicant party shall agree with the clerk of the Tribunal on the date of its presentation.

11. The allegations in a proceeding shall be treated in separate, consecutively numbered paragraphs.

12. Any reference to a statute or a regulation in a proceeding shall be made by giving the title, the alphanumeric designation and the number of the provision in question.

DIVISION V FACTUM

13. The contents of a factum shall be divided into 5 parts identified by Roman numerals. The first 4 parts may not exceed 50 pages in all, unless a motion for leave to exceed that number is granted by a judge.

The factum shall contain the following parts:

(1) Part I — Facts:

In this part, the appellant shall set forth the facts succinctly. The respondent shall indicate his position on the appellant's statement of the facts and, if need be, shall state the other facts which he deems relevant;

(2) Part II — Questions in dispute and grounds of appeal:

In this part, the appellant shall list the questions in dispute and his grounds of appeal; the respondent shall indicate his position in regard thereto, following the same order as the appellant, and shall list, if need be, the other points which he intends to argue;

(3) Part III — Argument:

In this part, the parties shall develop each of the factual and legal grounds raised;

(4) Part IV — Conclusions:

The parties shall state precisely the conclusions sought;

(5) Part V — Authorities:

The parties shall supply a list of the authorities referred to, both for the case law and for the doctrine.

14. The presentation of the factum and its schedules shall comply with the following norms:

(1) the colour of the cover varies with the party: yellow for the appellant, green for the respondent and grey for the other parties;

(2) the upper part of the front cover shall indicate:

(a) the record number assigned by the clerk;

(b) the names of the appellant, of the respondent and, where applicable, of the other parties, in that order; under the name of each party, his position in appeal shall be indicated in upper case letters and his position at first instance, in lower case letters;

(c) identification of the factum according to the position of the party who files it; and

(d) the name of the advocate.

15. Each volume of the factum shall begin with a general table of contents. The pagination shall be indicated in the upper right corner of each page. If there is more than one volume, the number of each volume and

the sequence of the pages in each volume shall be indicated on the upper part of the front cover and on the lower part of the edge of each volume.

16. The factum shall be bound so that the text is printed only on the right-hand pages.

It shall be presented on white paper of good quality, 21.5 cm by 35.5 cm in size. Each page shall contain approximately 50 lines, numbered every 10 lines in the left margin.

17. A party relying on legislative provisions other than those of the Professional Code, the Civil Code of Québec or the Code of Civil Procedure shall reproduce them in his factum or as a schedule thereto or provide the members of the Tribunal with 3 copies thereof.

The regulatory provisions relied upon by a party shall also be reproduced or provided in the same fashion.

18. The factum of a party shall be forwarded to the clerk of the Tribunal and to the other parties within the time periods provided for in section 167 of the Professional Code.

19. A party who wishes to file a book of authorities shall forward it to the other parties and file 3 copies thereof with the office of the Tribunal before the date scheduled for hearing the appeal. The documents in that book shall be separated by consecutively numbered tabs.

DIVISION VI

CHANGE IN THE PLACE OF HEARING

20. Where it is decided, in accordance with section 172 of the Professional Code, that the appeal will not be heard in the judicial district in which the petition in appeal was filed, the clerk of that district shall forward the record to the clerk of the district in which the Tribunal is to sit.

DIVISION VII

ROLL FOR HEARING

21. For each case and upon request by the chairman of the Tribunal or a judge designated by him, the clerk of the Tribunal shall indicate on the roll for hearing the time allotted for the argument of each party.

22. At least 30 days before the date of the hearing, the clerk of the Tribunal shall forward copies of the roll to the parties' advocates or to the parties themselves if they are not represented, at the address indicated in the proceedings or, failing that, in the record, as well as to the secretary.

Those formalities constitute notice of the date fixed for the hearing.

23. Immediately upon any discontinuance of suit, the interested parties shall so inform the clerk in writing.

DIVISION VIII HEARING

24. The hearings of the Tribunal shall begin at 10:00 a.m. or at any other time fixed by the Tribunal.

25. In each term, cases shall be pleaded in the order in which they appear on the roll, unless the Tribunal decides otherwise.

26. If no party is ready to plead when a case is called, the Tribunal shall strike the case from the roll, postpone it or dismiss the appeal.

If only the appellant is ready to plead, the Tribunal shall hear the pleadings or postpone the case.

If only the respondent is ready to plead, the Tribunal shall strike the case from the roll, postpone it or dismiss the appeal.

27. In matters contested on the merits, no member of the Bar is authorized to address the Tribunal unless wearing either a black gown with a black jacket, dark trousers and white shirt, collar and bands, or a black gown closed in front with a raised neck opening, long sleeves and a white band.

Instead of the foregoing, a female advocate may wear a black gown and white bands with a black long-sleeved dress or a dark skirt or dark trousers and a white long-sleeved blouse.

28. In matters contested on the merits, no articulated student is authorized to address the Tribunal unless wearing 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.

Instead of the foregoing, a female articulated student may wear a black gown with a dark skirt or dark trousers and a long-sleeved white blouse or dark clothes.

29. The reading of newspapers, the taking of photographs, cinematography, radio and television broadcasting are prohibited during the hearing. Sound recording of the proceedings is also prohibited, except for the recording made by the Tribunal.

DIVISION IX RETURN OF RECORD

30. Within 30 days of the final decision of the Tribunal, the clerk of the Tribunal shall return to the secretary the original of the record referred to in section 164 or 182.2 of the Professional Code.

31. These Rules replace the Rules of practice of the Professions Tribunal (R.R.Q., 1981, c. C-26, r. 6).

32. These Rules come into force on 1 September 1996.

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Gouvernement du Québec

O.C. 969-96, 7 August 1996

An Act respecting the Ministère de la Métropole (1996, c. 13)

Signing of certain documents

Rules respecting the signing of certain documents of the Ministère de la Métropole

WHEREAS the Act respecting the Ministère de la Métropole (1996, c. 13) was assented to on 20 June 1996 and came into force on 20 June 1996;

WHEREAS under the second paragraph of section 16 of the Act respecting the Ministère de la Métropole (1996, c. 13), no deed, document or writing is binding on the Minister or may be attributed to him unless it is signed by him, the Deputy Minister, a member of the personnel of the department or the holder of a position and, in the latter two cases, only so far as determined by the Government;

IT IS ORDERED, therefore, on the recommendation of the Minister of State for Metropolitan Montréal:

THAT the Rules respecting the signing of certain documents of the Ministère de la Métropole, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif