

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 31 January 1997, in accordance with article 47 of the Code of Civil Procedure (R.S.Q., c. C-25).

Montréal, 25 February 1997

LYSE LEMIEUX,
Chief Justice

Rules to amend the Rules of practice of the Superior Court of Québec in civil matters

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

1. The rules of practice of the Superior Court of Québec in civil matters (R.R.Q., 1981, c. C-25, r. 8), amended by the decisions dated 29 February 1984, 19 October 1984, 12 March 1986, 22 December 1986, 8 May 1987, 7 March 1988, 3 May 1989, 11 December 1989, 18 June 1990, 21 June 1991, 1 June 1992, 23 June 1994, 20 September 1995 and 7 August 1996, are further amended by adding the following paragraph after the first paragraph of Rule 3:

“All proceedings relating to the simplified procedure and the backings therefor shall contain the words “Simplified Procedure” immediately above the designation of “Superior Court”.”.

2. The word “application” is substituted for the word “writ” in subparagraph *iii* of paragraph *d* of Rule 14.

3. Rule 15 is amended

(1) by substituting the following for the first paragraph:

“No proceeding introduced by a declaration and contested on the merits shall be placed on the roll for hearing unless a certificate complying with Form I and issued by the clerk is filed in the record. As soon as the certificate is filed, notice thereof shall be given by the clerk to the parties and their attorneys.”; and

(2) by substituting the following for the fourth paragraph:

“The party upon whom the declaration of inscription on the roll is served has 60 days to serve and file its own declaration of inscription on the roll; when the simplified procedure is used, the 60-day period is reduced to 30 days. Failing that, the party is foreclosed from doing so. Upon the expiry of the period, the clerk shall issue the certificate of readiness. The foreclosed party may not file its declaration after such issuance without the Court’s authorization.”.

4. The following paragraph is added at the end of Rule 16:

“In matters governed by the simplified procedure, the one-year period is reduced to 3 months and the 90-day period is reduced to 30 days.”.

5. The following is substituted for Rule 27:

“**27.** A case shall be inscribed on the roll for urgent matters where it must be heard and decided by preference by reason of a provision of law or of a decision of the Chief Justice or a judge designated by him for such purpose (article 275), particularly the following matters:

(1) those incidental to the compulsory execution of judgments (article 576);

(2) those to contest a claim filed by a creditor in a seizure by garnishment (article 646);

(3) those to contest a claim filed in the case of voluntary deposits (article 659); and

(4) those relating to applications for seizure before judgment (article 740).”.

6. The following is substituted for paragraph 1 of Form I:

“1. The first declaration of inscription on the roll was served more than

60 days
30 days

before the issuance of this certificate and was filed in the record with the list of exhibits.

The following parties are foreclosed from filing their declaration:

—
—
—

and the other parties have filed their duly completed declaration of inscription on the roll for hearing and the list of exhibits.”.

7. Form V is amended

(1) by deleting the words “writ and of” in paragraph 1; and

(2) by substituting the word “declaration” for the word “writ” in paragraph 3.

8. Section 12 of the Rules to amend the Rules of practice of the Superior Court of Québec in civil matters, published on 2 October 1996 in Part 2 of the *Gazette officielle du Québec*, is revoked.

9. These Rules come into force 10 days after their publication in the *Gazette officielle du Québec*.

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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 31 January 1997, in accordance with article 47 of the Code of Civil Procedure (R.S.Q., c. C-25).

Montréal, 25 February 1997

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, s. 47)

1. The Rules of practice of the Superior Court of Québec in family matters (R.R.Q., 1981, c. C-25, r. 9), amended by the decisions of the judges of the Superior Court of Québec dated 29 October 1982, 19 October 1984, 28 February 1986, 23 October 1986, 7 March 1988, 15 April 1989, 18 June 1990, 21 June 1991, 1 June 1992, 23 June 1994 and 7 August 1996, are further

amended by substituting the following for the first paragraph of Rule 23.2:

“The judge may only issue a psycho-social evaluation order with the consent of the parties, after having ascertained that such evaluation is expedient.”.

2. The following is substituted for Rule 23.3:

“**23.3** At the interim stage, a judge who orders such evaluation shall mention whether the report must be forwarded to the Chief Justice or to the judge designated by the Chief Justice, unless he remains seized of the matter personally.

In any other case, the judge shall remain seized of the matter.”.

3. Rule 23.4 is amended

(1) by substituting the following for the first paragraph:

“The order shall be issued from the bench, in the presence of the parties. The judge may give reasons for his decision later.”;

(2) by deleting the words “If no liaison officer is available” in the second paragraph.

4. The following is substituted for Rule 23.5:

“**23.5** The order, drawn up as closely as possible to Form VII, shall indicate the specific object of the evaluation. Where expedient, the Court may issue an order under section 19 of the Act respecting health services and social services (R.S.Q., c. S-4.2) in compliance with Form VIII.”.

5. The words “mentioned in it” are substituted for the words “who ordered it” in Rule 24.

6. The following is substituted for section 25 of the Rules to amend the Rules of practice of the Superior Court of Québec in family matters, published on 2 October 1996 in Part 2 of the *Gazette officielle du Québec*:

“**25.** Sections 8, 9, 12, 13 and 20 of these Rules do not apply to cases before the Court on 30 September 1995.”.

7. Form VI is amended

(1) by deleting the words “as a result of an application for custody or access” at the end of the first paragraph; and