

Regulations and other acts

Notice of amendment to the Rules of practice of the Court of Appeal of Québec in civil matters

At a meeting held for that purpose in North Hatley on 27, 28 and 29 October 1999, a majority of the judges of the Court of Appeal adopted, under article 47 of the Code of Civil Procedure, amendments to the rules of practice of that Court in civil matters adopted on 22, 23 and 24 October 1997 (*G.O.* 2, 3655).

At the said meeting, the judges of the Court of Appeal ordered that those amendments be observed in all civil matters brought before the Court of Appeal from their coming into force, in accordance with article 48 of the Code of Civil Procedure, ten days after their publication in the *Gazette officielle du Québec*.

Montréal, 5 January 2000

PIERRE A. MICHAUD,
Chief Justice of Québec

Rules to amend the Rules of practice of the Court of Appeal in civil matters

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

1. The Rules of practice of the Court of Appeal of Québec are further amended by substituting the following paragraph for the first paragraph of Rule 8:

“8. Every motion intended for a single judge, or for the clerk according to article 509.1 of the Code of Civil Procedure, shall be served and filed at the office of the court, with its schedules, at least one clear day before the day fixed for its presentation.”.

2. Rule 9 is amended by substituting the following for the first paragraph:

“9. The contents of the factum shall be divided into five parts, identified by Roman numerals. Unless a judge on motion permits otherwise, the first four parts together must not exceed thirty pages.”.

3. Rule 13 is amended by inserting, in the English text, the words “her or” after the word “by” in paragraph 5.

4. Rule 14 is amended by substituting the following for the second paragraph:

“They shall be presented on white paper of good quality, size 21.5 cm x 28 cm. Each page shall contain approximately fifty lines, numbered in the left margin every ten lines. Each volume must not include more than two hundred and twenty-five pages.”.

5. Rule 15 is amended by inserting, in the English text, the words “or her” after the word “in”.

6. Rule 25 is amended by inserting, in the French text, the words “qu’il ou” after the words “ou d’un juge”.

7. Rule 27a is amended

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

“In the case of an appeal from a judgment taxing a bill of costs, from a judgment dismissing a motion in revocation of judgment at the stage of reception and from a judgment dismissing an action based on article 75.1 of the Code of Civil Procedure, a judge may, having examined the inscription in appeal, conclude that the appeal may be presented through accelerated procedure.”; and

(2) by inserting, in the French text, the words “la greffière ou” after the word “accord,” in the second sentence of the sixth paragraph.

8. The following is inserted after Rule 27a:

“27b. In family matters, the appellant must file, in addition to the documents that ordinarily constitute Schedules I and II to the factum, within the time fixed in accordance with article 507.0.1 of the Code of Civil Procedure, an argument of no more than 5 pages unless the judge has decided, after having examined the inscription in appeal, on a different number of pages; the respondent must do the same, his or her argument being also limited to a maximum of 5 pages unless the judge has decided, after having examined the inscription in appeal, on a different number of pages.”.

Where the argument and the documents replacing appellant’s factum are not served and filed within the time fixed according to article 507.0.1 of the Code of Civil Procedure, the appeal is deemed to be abandoned

and the provisions of article 503.1 of the Code of Civil Procedure apply *mutatis mutandis*.

Where the argument and the documents replacing respondent's factum are not served and filed within the time fixed according to article 507.0.1 of the Code of Civil Procedure, the respondent is foreclosed from filing them and the provisions of article 505 of the Code of Civil Procedure apply *mutatis mutandis*."

9. Rule 31*b* is amended, in the English text, by inserting the words "rooms and the" after the words "renting the video" in the sixth paragraph.

10. Rule 36*a* is amended by adding the following paragraphs at the end:

"A party may apply to the Chief Justice or a judge designated by him or her to request directions in relation to an appeal.

The Chief Justice or a judge designated by him or her may make any order or take any measure to accelerate the appeal procedure."

11. The following is substituted for the table of contents:

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