

9. Tourist accommodation establishments of the classes “educational institution”, if the accommodation units are rented only to their students and those of the classes “resorts”, “rugged furnished lodging” and “hospitality villages” are not subject to the requirement to post the accommodation rates prescribed in section 30 of that Act.

DIVISION IV
APPLICATION FOR A CLASSIFICATION
CERTIFICATE

10. Any application for a classification certificate must be submitted to the Minister in writing; it shall indicate the name, address and telephone number of the person who is submitting it and, if applicable, those of the person’s representative and it shall be duly signed by them.

11. Any application for the renewal of a classification certificate shall be made at least two months before the expiry date of the certificate.

DIVISION V
CLASSIFICATION CERTIFICATE

12. The classification certificate shall take the form of a sign indicating the name of the accommodation establishment, its class and the results of the classification.

DIVISION VI
TERM OF CERTAIN CLASSIFICATION
CERTIFICATES

13. The term of a classification certificate fixed at 24 months in section 9 of the Act may be extended to 48 months by the Minister for educational institutions.

DIVISION VII
POSTING

14. The sign attesting to the classification of a tourist accommodation establishment shall be permanently posted in a conspicuous place outside the establishment.

15. The accommodation rate of a tourist accommodation establishment shall be permanently posted conspicuously in a location used to welcome and register guests.

16. Any sign or poster bearing the expression “tourist information” or the pictograms “?” or “I” shall be posted in a conspicuous place outside the tourist information office.

DIVISION VIII
COMING INTO FORCE

17. This Regulation replaces the Regulation respecting tourist establishments, made by Order in Council 747-91 dated 29 May 1991.

18. This Regulation comes into force on 1 December 2001.

4569

Gouvernement du Québec

O.C. 1112-2001, 19 September 2001

Code of Penal Procedure
(R.S.Q., c. C-25.1)

Superior Court of Québec
— Rules of practice in penal matters

Rules of Practice of the Superior Court of Québec in Penal Matters

WHEREAS article 368 of the Code of Penal Procedure (R.S.Q., c. C-25.1) provides in the first paragraph that the judges of the Court of Appeal, the Superior Court or the Court of Québec may adopt, for the exercise of their respective jurisdictions, the rules of practice judged necessary for the proper carrying out of this Code;

WHEREAS that article provides in the second paragraph that the rules of practice of the Superior Court must be adopted by a majority of the judges concerned, either at a meeting convened for the purpose by the chief justice or upon consultation held with the judges at the request of the chief justice by certified or registered mail;

WHEREAS that article provides in the third paragraph that the rules of practice are subject to approval by the Government and come into force on the fifteenth day following the date of their publication in the *Gazette officielle du Québec*;

WHEREAS during a consultation with the judges held by registered mail on 16 February 2001, as requested by the chief justice, the judges of the Superior Court adopted by a majority the Rules of Practice of the Superior Court of Québec in Penal Matters;

WHEREAS it is expedient to approve the Rules of Practice of the Superior Court of Québec in Penal Matters attached to this Order in Council;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Justice :

THAT the Rules of Practice of the Superior Court of Québec in Penal Matters, attached to this Order in Council, be approved ;

THAT the Rules of Practice come into force on the fifteenth day following the date of their publication in the *Gazette officielle du Québec*.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Rules of practice of the Québec Superior Court in Penal Matters

Code of Penal Procedure
(R. S. Q., c. C-25.1, s. 368)

I. PRELIMINARY PROVISIONS

1. These rules shall apply to all the judicial districts of Quebec.

2. Unless otherwise stated, the word or expression :

(a) “Code” means the Code of Penal Procedure ;

(b) “application” means any written application contemplated by Articles 31 and 32 of the Code of Penal Procedure ;

(c) “clerk” means the clerk of the Superior Court, Criminal Division, for the district where the appeal is filed ;

(d) “clerk of the court of first instance” means the functionary having the legal custody of the proceedings which comprise the record of the court which rendered the decision appealed from.

II. GENERAL PROVISIONS

(A) Hearing

3. Sessions of the court shall commence at 9:30 A.M. or at such other time as the court may set.

4. All persons present shall rise when the judge enters the court room and remain standing until the judge is seated. At the adjournment, they shall rise again, and remain standing until the judge has retired.

5. 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”.

Once the judge is seated, the court usher shall invite those present also to be seated.

6. During session of the court, the following attire is obligatory :

(a) for members of the bar : black gown, bands, white collar and dark clothing ;

(b) for articulated students : black gown and dark clothing ;

(c) for the court clerk and usher : black gown and dark clothing.

The wearing of the gown is not required during the months of July and August.

7. Every person appearing before the court shall be suitably attired.

Anyone addressing the court shall stand, unless the judge permits otherwise.

8. Any conduct or demeanour which interferes with the dignity and good order of the court is forbidden.

In particular it is forbidden to read newspapers, to take photographs, practice cinematography, or to utilise radio or television equipment, or cellular telephones and pagettes during sessions of the court.

The media may nevertheless record proceedings before the court on audiotape, including any decision rendered, unless the judge orders otherwise. The broadcasting of any such recording, is prohibited.

(B) Applications and Motions

9. All written applications are presented by way of motion, served upon the opposing party with a notice of presentation of at least one clear juridical day except in cases where the law expressly provides for another delay.

10. All applications or motions must set out precisely and concisely the factual and legal grounds upon which the petitioner intends to rely together with the conclusions sought.

(C) Jurisprudence and Doctrine

11. A party wishing to plead in writing as contemplated by Article 284 of the Code, must file a memorandum within 30 days of the deposit of the complete record at the office of the clerk of the Superior Court. The memorandum must summarize the facts of the case with cross references to the relevant pages of transcript and must set out the arguments invoked together with the supporting authorities.

12. A party who refers to jurisprudence or doctrine or upon regulatory or statutory provisions other than those set out in the Canadian Charter of Rights and Freedoms, the Charter of Human Rights and Freedoms or the Highway Safety Code must file in the court record a copy of the relevant provisions of the applicable regulation or statute appropriately highlighted.

(D) Inscription on the Roll

13. Only those applications and motions filed in the office of the clerk of the court in conformity with these rules shall be placed on the roll for hearing, unless specific provisions provide otherwise.

(E) Hearing By Video Conferencing

14. All motions, applications or appeals may be presented by way of videolink in districts where the necessary equipment is available.

Any party wishing to proceed in this manner must present a written application to the Judge Administrator of the Criminal Division with a copy to the other parties involved. In cases of urgency, such applications may be made by telephone.

After examining the matter, the judge shall forward his decision to the parties or to their attorneys.

The parties may plead from any video facility available in the territory where they respectively reside or either party may, at its option, address the court in the court room where the receiving apparatus is located and where the court is sitting.

(F) Judgment

15. The court may make any order which it deems necessary in the interest of justice and may include therein such conditions as it deems just.

16. The clerk shall forward every written judgment or, as the case may be, the conclusions of any judgment

rendered in open court and noted in the court record, to the parties or their counsel, to the judge who rendered the decision in first instance, and to the clerk of the court of first instance.

III. PARTICULAR PROVISIONS

(A) Extraordinary remedies

17. The judge may issue any directions deemed appropriate with a view to accelerating the hearing and may also limit the proof provided that such a direction entails no prejudice for any party. In particular the judge may require the measures contemplated in rule 24.

(B) Appeals pursuant to Articles 266 et sq. of the Code

18. The notice of appeal from any decision must be signed by the appellant or by his counsel and must contain the following information:

- (a) the offence charged;
- (b) the sentence imposed, where applicable;
- (c) the date of the decision and/or the sentence, as the case may be;
- (d) the place where the trial was held;
- (e) the name of the Court of first instance and the number of the court record;
- (f) the grounds of appeal and the conclusions sought, stated precisely and concisely;
- (g) the address of the appellant and his counsel;
- (h) the names and addresses of the respondent and, where applicable, of all other parties, and of their respective counsel at first instance.

19. Any appellant wishing to urge grounds of appeal other than those set out in the notice of appeal, must deposit with the clerk, no later than 15 days before the hearing of the appeal, a notice setting out precisely and concisely such additional grounds, together with proof of service upon the other party or his attorney.

20. An appeal is commenced by the filing of a notice of appeal in the office of the clerk within the delays contemplated in Article 271 of the Code or within such extended delay as may have been authorized pursuant to the second paragraph of Article 271.

Upon receipt of the notice of appeal the clerk shall transmit copies of same to counsel who acted in first instance as well as to the judge who rendered the decision appealed from and to the clerk of the court of first instance.

(C) Appearance

21. Any attorney who has signed a notice of appeal or who has filed an Appearance in virtue of the provisions of Article 274 of the Code, is deemed to have appeared for the party whom he purportedly represents. An un-represented respondent must appear personally within the delays contemplated in the Code.

22. An attorney who wishes to cease representing a party, must so advise his client, together with the other party or his attorney if he is represented.

Furthermore, any attorney who wishes to cease representing a party within the 10 days preceding the date fixed for the hearing of the appeal must obtain the authorization of a judge to do so, and to this end must serve upon his client, upon the opposing party or his attorney if he is represented, and the upon the clerk an application setting out the reasons, with one clear day's notice of presentation.

(D) Applications for Security or Dismissal of the Appeal

23. The applications contemplated by Articles 278 and 279 of the Code must be presented within 10 days of the expiry of the delay fixed to appear, unless a judge, for reasons deemed sufficient, authorizes the presentation of any such applications at a later date.

Compilation of the Record

24. Upon receipt of the notice of appeal or where granted, of the motion for extension of the delays to appeal, the clerk shall:

(a) call for the record of the court of the first instance;

(b) place the case *pro forma* on the practice roll, within 30 days of the deposit of the notice of appeal or within such other delay as may be directed by the judge, and give notice in writing of the date to the parties.

At the calling of the practice roll or in the course of a preparatory conference which, at the option of the judge, may be held by telephone the latter, after examining the

questions in issue and discussing with the parties the evidence as it relates to the grounds of appeal may prescribe whatever steps are deemed appropriate to complete the record, settle questions relating to the written submissions and shorten the hearing. After establishing a timetable for the completion of the record the judge may continue the matter to a subsequent calling of the practice roll, fix a date for a further preparatory conference, or set a date forthwith for the hearing.

25. Notwithstanding Article 281 of the Code, unless the appellant has indicated an intention to present an application in virtue of article 282 of the Code, the record is compiled in the following manner:

(a) upon being so ordered by the judge, the clerk of the court of first instance orders a complete or partial transcription of the evidence and of the judgment appealed from;

(b) as soon as the transcript is complete, the clerk of the court of first instance shall so inform the clerk in writing. He shall also so inform the appellant and the respondent by priority post or by facsimile;

(c) upon receipt of said notice the appellant shall, without delay, acquit the costs, if any, of the transcription. The clerk of the court of first instance shall thereupon forward the original of the transcription to the clerk with copies to the parties or to their counsel.

26. In conformity with Article 284 of the Code the parties, unless exempted from doing so by the judge, file, within the delay fixed by the latter, a written memorandum supported by appropriate references to the transcript, setting out the facts of the case, the arguments upon which they intend to rely and the case law and doctrine which they propose to invoke.

Powers of the Court

27. The Court may:

(a) dismiss the appeal where the appellant is not ready to proceed when called upon to do so;

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

(c) upon motion or *proprio motu*, dismiss the appeal of an appellant who is in default to conform to the requirements prescribed by law or set out in these rules.

IV. TRANSITORY PROVISIONS

28. (a) The present rules shall come into force on the fifteenth day after their publication in the *Gazette officielle du Québec* and, subject to paragraph b, below, supersede the rules in force prior to that date.

(b) The former rules of practice continue to apply to cases commenced before the coming into force of these rules.

4570

Gouvernement du Québec

O.C. 1117-2001, 19 September 2001

An Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5)

An Act respecting health services and social services (R.S.Q., c. S-4.2)

Regulation
— **Amendments**

Regulation to amend the Regulation respecting the application of the Act respecting health services and social services

WHEREAS under the first paragraph of section 159 of the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5), the Government shall determine, by regulation, the contribution that may be required for the beneficiaries who are sheltered in an institution or taken in charge by a foster family;

WHEREAS under the second paragraph of that section, the amount of the contribution may vary according to the circumstances or the needs identified by regulation;

WHEREAS under section 512 of the Act respecting health services and social services (R.S.Q., c. S-4.2), amended by section 160 of Chapter 39 of the Statutes of 1998, the Government shall determine, by regulation, the contribution that may be required of users lodged in a facility maintained by a public or private institution under agreement, including any intermediate resource of a public institution, or taken in charge by a family-type resource;

WHEREAS under section 513 of that Act, the amount of the contribution may vary according to the circumstances or needs identified by regulation;

WHEREAS under the first paragraph of section 619.41 of the Act respecting health services and social services (R.S.Q., c. S-4.2), subject to any special provisions enacted by the Act, all orders in councils, orders or regulations made or decisions rendered by the Government, the Minister, or by another competent authority, pursuant to any provision of the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5), which are applicable to persons or bodies subject to the Act respecting health services and social services (R.S.Q., c. S-4.2), shall remain applicable to those persons and bodies to the extent that they are compatible with that Act, until new orders in council, orders or regulations are made or new decisions are rendered pursuant to the corresponding provisions of that Act;

WHEREAS the Government made statutory provisions concerning the contribution of beneficiaries in the Regulation respecting the application of the Act respecting health services and social services (R.R.Q., 1981, c. S-5, r. 1);

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and the third paragraph of section 173 of the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5), a draft Regulation to amend the Regulation respecting the application of the Act respecting health services and social services was published in Part 2 of the *Gazette officielle du Québec* of 3 January 2001, on pages 17 and 18 with a notice that it could be made by the Government upon the expiry of 60 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Health and Social Services and Minister of Health and Social Services:

THAT the Regulation to amend the Regulation respecting the application of the Act respecting health services and social services, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif