

Make	Model	Serial No.
HAENNI	WL-101	25169
HAENNI	WL-101	25170
HAENNI	WL-101	25171
HAENNI	WL-101	25172
HAENNI	WL-101	25173
HAENNI	WL-101	25174
HAENNI	WL-101	25175
HAENNI	WL-101	25176
HAENNI	WL-101	25177
HAENNI	WL-101	25178
HAENNI	WL-101	25179
HAENNI	WL-101	25180
HAENNI	WL-101	25181
HAENNI	WL-101	25182

**2.** Schedule V of the Minister of Transport's Order dated May 22, 1990, published on March 29, 1995, in the *Gazette officielle du Québec*, amended by the Orders published on April 26, 1995, November 22, 1995, March 13, 1996, May 8, 1996, January 22, 1997, February 26, 1997, June 4, 1997, February 18, 1998, December 30, 1998, February 17, 1999, February 7, 2001, January 23, 2002, August 28, 2002 and November 13, 2002, in the *Gazette officielle de Québec*, and by the other, is further amended by inserting, after HAENNI wheel-load scale, model WL-101, serial number 24213, the following:

Make	Model	Serial No.
HAENNI	WL-101	25159
HAENNI	WL-101	25160
HAENNI	WL-101	25161
HAENNI	WL-101	25162
HAENNI	WL-101	25163
HAENNI	WL-101	25164
HAENNI	WL-101	25165
HAENNI	WL-101	25166
HAENNI	WL-101	25167
HAENNI	WL-101	25168
HAENNI	WL-101	25169
HAENNI	WL-101	25170
HAENNI	WL-101	25171
HAENNI	WL-101	25172
HAENNI	WL-101	25173
HAENNI	WL-101	25174
HAENNI	WL-101	25175
HAENNI	WL-101	25176
HAENNI	WL-101	25177
HAENNI	WL-101	25178
HAENNI	WL-101	25179
HAENNI	WL-101	25180
HAENNI	WL-101	25181
HAENNI	WL-101	25182

**3.** This Order takes effect on the date of its signature.

Québec, 13 August 2003

YVON MARCOUX,  
*Minister of Transport*

5872

### 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 June 30, 2003, in accordance with article 47 of the Code of Civil Procedure (R.S.Q., c. C-25).

Montréal, 15 August 2003

LYSE LEMIEUX,  
*Chief Justice*

### Rules<sup>1</sup> to amend the Rules of Practice in Civil Matters

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

**1.** The title in French "Règles de pratique en matière civile" is replaced by the title: "Règlement de procédure civile".\*

\* May be cited in French as: "R.p.c. (C.S.);" or, if the context permits, "R.p.c.", and in English, these Rules may be cited as "R.C.P. (S.C.);" or, if the context permits, "R.C.P.".

**2.** The following articles are added after Article 18:

**"18.1. Joint expert.** The parties may at any time jointly request the Court to appoint a joint expert.

<sup>1</sup> Adopted pursuant to the Court's inherent powers and Article 47 of the Code of Civil Procedure.

**18.2. Curriculum vitae and costs of expertise.** The party who produces an expert report must at the same time produce its author's curriculum vitae, a statement of account to date and the expert's current fee schedule for the expert's presence at a trial on the merits."

**3.** Articles 41 and 42 are repealed.

**4.** Article 44 is amended by striking out the second sentence of the first paragraph and the entire second paragraph.

**5.** The following article is added after Article 45:

**"45.1 Respect of witnesses.** The respect due witnesses requires that any examination out of court be conducted in the same manner as if it was before the Court. If there is indecorous or disorderly conduct, the stenographer may suspend the examination in order to obtain directions from a judge for its continuation."

**6.** Article 50.1 is repealed.

**7.** The text of Chapter XIII is replaced by the following text:

#### **"CHAPTER XIII NEW CASES**

**70. Transitional provision.** These rules apply to cases begun after January 1, 2003; however, the parties may agree to have them apply to cases begun before then.

**71. Plaintiff's expert reports.** The plaintiff must communicate its expert reports on the day of presentation of its action or application or on the day agreed upon by the parties in their timetable or established by the Court.

**72. Preliminary exceptions.** Preliminary exceptions and their conclusions must be disclosed at least two days prior to the date fixed for the presentation of the action or application.

**73. Management of all proceedings.** The Clerk inscribes all actions or applications on a roll for hearing on the day of their presentation with mention of "default to appear" or "filing of an agreement" as the case may be.

**74. Judicial intervention with respect to an agreed timetable.** When the parties have filed an agreement pursuant to Article 151.1 C.C.P., the Court may convene them to discuss its contents.

#### **75. Oral proceedings – with a timetable.**

*(a) Grounds of defence.* If the contestation is oral, the grounds of defence must be mentioned summarily in the agreement between the parties on the conduct of the case or in the minutes of the hearing when the action or application is presented.

*(b) Date of hearing.* When the contestation is oral and the parties have an agreement as to the conduct of the case, at the expiry of the timetable a party may convene the other parties before the Court for the purpose of verifying the status of the file; if it is complete and ready for trial on the merits, and once the estimated duration of the trial has been determined, the judge refers it by order pursuant to Article 110.1 C.C.P. for the establishment of a date of hearing.

A duly completed summary declaration that the file is complete in the format suggested in Form III A must be attached to the notice of convocation.

Each party so convened must file a similar summary declaration no later than the date of the convocation.

#### **76. Oral proceedings – without a timetable.**

**Hearing:** If the file is complete and ready for trial on the merits, the Court may dispose of the motion or application on the day of its presentation or refer it to the Clerk for the establishment of a date of hearing after having estimated the duration of the trial.

#### **77. Written proceedings**

*(a) Declaration that a file is complete (DFC).* The declaration pursuant to Article 274.1 C.C.P., as with that under Article 274.2 C.C.P., must include, in addition, a summary statement of the questions in dispute, the object of the testimony of each witness and whether the witness will testify in English or in French, or whether an interpreter will be required, and a confirmation that the party's file is complete and ready for trial on the merits.

(b) **Attestation that a file is complete (AFC).** After 30 days from the inscription contemplated by Article 274 C.C.P., the Clerk verifies if the file is complete and ready for trial on the merits. If appropriate, the Clerk signs an attestation specifying the estimated duration of the trial on the merits, and so informs the parties.

(c) **Notice that a file is incomplete (NFI).** If the Clerk ascertains that the file is incomplete after verification, the Clerk sends a notice to the parties, and the party in default has 30 days to remedy the omission.

(d) **Defaults of a party.** If a party fails to produce the declaration pursuant to Article 274.2 C.C.P. (DFC), or fails to correct a default in accordance with a notice that a file is incomplete, the Clerk so records in the attestation that the file is complete (AFC).”.

**8.** The following chapters are added after Chapter XIII:

“**CHAPTER XIV**  
**THE COMMERCIAL DIVISION**

**78. Commercial cases.** All cases where the initial application is based principally, in whole or in part, on any of the following legislative provisions is a commercial case and is tried in the Commercial Division:

Statutes of Canada

— The Bankruptcy and Insolvency Act, R.S.C. 1985, c. B-3;

— The Companies and Creditors’ Arrangement Act, R.S.C. 1985, c. C-36;

— The Winding-Up and Restructuring Act, R.S.C. 1985, c. W-11;

— The Canada Business Corporations Act, R.S.C. 1985, c. C-44;

— The Bank Act, S.C. 1991, c. 46, R.S.C. 1985, c. B-1.01;

— The Farm Debt Mediation Act, S.C. 1997, c. 21;

— The Commercial Arbitration Act, R.S.C. 1985, c. 17 (2nd Supp.);

Statutes of Quebec

— Code of Civil Procedure, R.S.Q., c. C-25;

— Article 946.1 (homologation of an arbitration award);

— Article 949.1 (recognition and execution of an arbitration award rendered outside Quebec);

— The Companies Act, R.S.Q. c. C-38;

— The Winding-Up Act, R.S.Q. c. L-14;

— The Securities Act, R.S.Q. c. V-1;

The Chief Justice or a judge designated by the Chief Justice, whether on application or on his or her own initiative, may also declare any other case to be a commercial one to be tried in the Commercial Division.

**79. Registry and jurisdictional numeration.** The Commercial Division has its own Registry and a distinct jurisdictional numeration.

**80. Obligatory mentions.** Any proceeding in the Commercial Division must mention the words “Commercial Division” on the front page and on the backing, as well as reference to the law that governs the proceeding.

**81. Multiple cases within the same file.** Whenever there are multiple cases within the same file, each new application must bear the mention “New Case”. In subsequent proceedings relative to the new application, the sequential number given to the new case must be mentioned in the heading “Case sequence number \_\_\_\_” under the court number of the file.

**82. Pagination.** The party who produces a document must ensure it is paginated, unless it is already paginated.

**83. Exception.** If the volume of commercial cases in any judicial district is limited, the coordinating judge of the district may have commercial cases treated in the general Office of the Court and tried in the civil practice division.

## CHAPTER XV QUARRELSOME CONDUCT

**84. Necessity to obtain prior authorization.** If a person acts in a quarrelsome manner, that is if that person exercises litigious rights in an excessive or unreasonable manner, the Court may prohibit that person from instituting an action or an application without having first obtained prior judicial authorization.

**85. The order.** The order of prohibition is general or is limited to one or more judicial districts, or with respect to one or more persons. In an extreme case, the order of prohibition may include an order preventing the person from having access to the courthouse.

**86. Application for authorization.** The application to institute or to continue an action or application is presented to the Chief Justice or the judge designated by the Chief Justice, and is filed in the Office of the Court for the District of Quebec or the District of Montreal depending on the division in which the order of prohibition was issued. The application may be adjudicated on the basis of the record, without a hearing.

**87. Exhibits.** The application to institute an action must be accompanied by the order of prohibition and the proceeding the applicant seeks to institute.

**88. Presentation.** The Chief Justice or the judge designated by the Chief Justice may refer the application to institute an action to the Court, in which case the applicant must serve it on the parties contemplated by the proposed proceeding, with a ten-day notice of presentation.

**89. Nullity.** An unauthorized proceeding is deemed never to have existed. When informed of an order of prohibition, the Clerk must refuse the acceptance of an unauthorized proceeding, except for an application to institute or continue proceedings or an inscription in appeal.

**90. Registry.** The Clerk transmits a copy of an order of prohibition filed at the Office of the Clerk to the Chief Justice of the division, or if the latter requires it, for inclusion in the public registry of persons subject to orders of prohibition.”.

**9.** The Table of Contents is amended accordingly to take account of the articles added to the Rules of Practice.

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

**Form III A**

No. (of the record, and nothing more)

Summary Declaration That the Record is Complete  
In Accordance With Section 75 R.P.S.C.

1. Questions in dispute :

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2. Examinations out of court, transcript of notes filed .

3. Documentary evidence communicated .

4. Affidavit evidence communicated .

5. Testimonial evidence by someone other than the party : name, subject matter of the deposition, in French (F), in English (E) or with an interpreter (I)

(a) F , E , I  \_\_\_\_\_

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(b) F , E , I  \_\_\_\_\_

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6. Duration of my proof and argument : \_\_\_\_\_ hours.

7. Particular difficulties and measures for simplifying the hearing, avoiding a deposition :

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*I confirm that my record is complete and ready for proof and hearing.*

Signed on \_\_\_\_\_  
Attorney for the applicant , defendant , or other