



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 40

(2004, chapter 14)

An Act to amend the Code of Civil Procedure with respect to the time limit for inscription

**Introduced 16 March 2004
Passage in principle 8 April 2004
Passage 17 June 2004
Assented to 17 June 2004**

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EXPLANATORY NOTES

This bill amends the Code of Civil Procedure so as to relax the 180-day time limit imposed on the parties for scheduling the hearing of a case or inscribing a case. It provides that they may present a request to the court for an extension of the peremptory time limit sooner during the preliminary stage of a proceeding, and not just in the 30 days before the time limit expires.

In family matters, the bill extends the 180-day time limit to one year from service of the motion to institute proceedings.

LEGISLATION AMENDED BY THIS BILL :

- Code of Civil Procedure (R.S.Q., chapter C-25);
- Act to reform the Code of Civil Procedure (2002, chapter 7).

Bill 40

AN ACT TO AMEND THE CODE OF CIVIL PROCEDURE WITH RESPECT TO THE TIME LIMIT FOR INSCRIPTION

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Article 110.1 of the Code of Civil Procedure (R.S.Q., chapter C-25) is amended

(1) by adding the following sentence at the end of the first paragraph: “In family matters, however, the peremptory time limit is one year.”;

(2) by replacing the second paragraph by the following paragraph:

“The court may extend the peremptory time limits, if warranted by the complexity of the matter or special circumstances, upon a request submitted at the time of presentation of the motion to institute proceedings. If, on the day the motion to institute proceedings is presented, the parties are unable to assess the time needed to allow the scheduling of the hearing or the inscription of the case, they may request an extension on the same grounds at any time before the expiry of the peremptory time limit.”

2. Article 151.1 of the said Code is amended by inserting “or, in family matters, the one-year” after “180-day” in the fifth line of the first paragraph.

3. Article 151.2 of the said Code is amended by inserting “or, in family matters, the one-year” after “180-day” in the third line.

4. Article 151.11 of the said Code is amended by inserting “or, in family matters, the one-year” after “180-day” in the second line.

5. Article 274.3 of the said Code is amended by inserting “or, in family matters, one year” after “180 days” in the second line of the first paragraph.

6. Section 180 of the Act to reform the Code of Civil Procedure (2002, chapter 7) is amended

(1) by replacing “of the 180-day peremptory time limit prescribed” in the second line of the first paragraph by “of the peremptory time limits prescribed”;

(2) by replacing “of the 180-day peremptory time limit” in the second line of the second paragraph by “of the peremptory time limits”.

7. This Act comes into force on 17 June 2004.