

## Notice

Notice is hereby given, to be published in the *Gazette officielle du Québec*, that the judges of the Superior Court have established, by way of a consultation by mail, in virtue of the inherent power of the Court and of section 47 of the Code of Civil Procedure (R.S.Q., c. C-25), the Regulation (2004) amending the Rules of practice in civil matters (c. C-25, r. 8) and the Rules of practice in family matters (c. C-25, r.9), the text of which appears below.

Montréal, 31 August 2004

LYSE LEMIEUX,  
*Chief Justice*

### Regulation (2004) amending the Rules of practice in civil matters (c. C.-25, r.8) and the Rules of practice in family matters (c. C-25, r.9)

**1.** The Rules of practice of the Superior Court of Québec in civil matters are amended as follows:

**1.1** Section 5 of the Rules is amended by replacing the words “Every proceeding shall be legibly written on one side only of a good quality paper measuring 21,25 cm x 35 cm (8 1/2 x 14 inches);” with:

“Proceedings shall be legibly written on one side of a good quality paper measuring 21.25 cm x 28 cm (8 1/2 x 11 inches) — use of the traditional format shall be tolerated until 1 September 2006;”.

**1.2** The Rules are amended by inserting the following after section 30:

“**30.1 Taxation of the witness.** The summons to appear shall include the contact information of the party summoning the witness and state that taxation is equivalent to an enforceable judgment, with a reference to article 322 C.C.P.”.

**1.3** Section 36 of the Rules is amended by deleting the third paragraph.

**1.4** The Rules are amended by inserting the following after section 45.1:

“**45.2 Videoconferencing.** The Court may authorize an examination on discovery, an examination on an affidavit or an examination of a witness out of court to be held by way of videoconference or by any other means of communication, in the manner proposed for proceed-

ing appears to the Court to be reliable and proportional to the circumstances of the case and taking into account the available facilities.”.

**1.5** Sections 54, 56 and 57 of the Rules are repealed.

**1.6** Section 58 of the Rules is amended:

(1) by deleting subparagraphs *a, b, c, e, f, g* and *h* from the first paragraph;

(2) by adding the following after subparagraph *h* of the first paragraph: “(*i*) a copy of all other motions for the authorization to bring a class action dealing in whole or in part with the same subject matter;”

**1.7** Sections 59 to 62 of the Rules are repealed.

**1.8** Section 63 of the Rules is amended by deleting subparagraphs *a* to *d, f* and *g*.

**1.9** Section 64 of the Rules is repealed.

**1.10** Section 65 of the Rules is amended by deleting the words: “the other parties and”.

**1.11** Section 66 of the Rules is repealed.

**1.12** Section 68 of the Rules is amended by replacing the words “, the Fonds and the other parties to the action” by the words “and the Fonds.”.

**1.13** The Rules are amended by inserting the following after section 77:

“**77.1 Failure to file declaration.** An inscription not accompanied by a declaration in accordance with article 274.1 C.C.P. shall be refused by the Clerk or returned to the party having filed it.

A party who fails to file the declaration required by article 274.2 C.C.P. shall be presumed not to have any witnesses to call nor any exhibits to communicate or file and, accordingly, the defendant may request that the action or application be dismissed or the plaintiff may proceed *ex parte* in accordance with the Code of Civil Procedure (articles 9, 192 and 193).”.

**1.14** Section 90 of the Rules is replaced with the following:

“**90. Public registry.** The Clerk shall transmit a copy of an order of prohibition filed at the Office of the Clerk to the Clerks of all the judicial districts and to the Chief Justice in Montreal for inclusion in the public registry of persons subject to orders of prohibition.”.

**1.15** Forms V and VII of the Rules are repealed.

**1.16** The Rules are further amended in order to harmonize the versions and complete them:

(a) the French text of section 45.1 is amended by inserting the word “de” between the words “hors” and “cour”;

(b) the French text of paragraph *b* of section 75 is amended by replacing the words “date d’audition” with “date d’audience” in the title and the words “réfère” with “dèfère” and “audition” with “audience”;

(c) the French text of section 76 is amended by replacing the word “Audition” with the word “Audience” “disposer de” with “instruire”, “référer” with “dèférer” and “pour ce faire” with “à cet effet” and the English text is amended by replacing the words “dispose of” with the word “hear” and by replacing everything that follows the words “its presentation or” with the words, “after having estimated the duration of the hearing, establish a date of hearing or refer the motion or application to the Clerk for such purpose”;

(d) the French text of section 77 is amended by replacing the words “si un interprète sera requis” with the words “si on aura besoin d’un interprète”;

(e) the French text of section 88 is amended by the replacing the word “référer” with the word “dèférer”.

**2.** The Rules of practice of the Superior Court of Québec in family matters are amended as follows:

**2.1** The Rules are amended by inserting the following after section 31:

“**31.1 Renunciation.** A party who renounces the partition of benefits accrued during the marriage or the civil union under a retirement plan or the partition of earnings registered in the name of a spouse pursuant to the Act respecting the Québec Pension Plan or a similar plan shall confirm that he or she knows the extent of the value which may be partitioned and the possibility of being informed of its exact amount.”.

**2.2** The French text of Form I of the Rules “certificate of clerk” is amended by replacing the words “declaration en divorce” with the words “demande en divorce” and the English text is amended by deleting the words “affidavit(s) of the Applicant(s)”.

**2.3** The Rules are amended by replacing the text of Form IX with the following:

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### Form IX

Canada Province of Québec District of No.	<b>SUPERIOR COURT</b>
<b>CERTIFICATE OF DIVORCE</b> (Subsection 12 (7), <i>Divorce Act</i> )	
I hereby certify that the marriage of	
and	
solemnized at _____, on the _____	
has been dissolved by a judgment which took effect on the _____	
Seal*	Issued at _____,
on the _____ .	
_____ Clerk	

\* Upon request.

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**2.4** The Rules are further amended in order to harmonize the versions and complete them:

(a) Form IV of the Rules is amended by adding, in the English text, a subsection to section “B” as follows:

“(c) reinvestment during the marriage” and by replacing the note “For greater detail, see the schedule” with “If necessary, provide details in a schedule”;

(b) the English text of the said form is amended in section “F” by adding “I am claiming a compensatory allowance for the followings reasons (art. 421 C.C.P.)” and by relettering the following sections accordingly.

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## M.O., 2004

### Order number AM 2004-035 of the Minister of Natural Resources, Wildlife and Parks and the Minister for Forests, Wildlife and Parks dated 3 September 2004

An Act respecting the conservation and development of wildlife  
(R.S.Q., c. C-61.1)

CONCERNING Regulation to amend the Regulation respecting trapping and the fur trade

THE MINISTER OF NATURAL RESOURCES, WILDLIFE AND PARKS AND THE MINISTER FOR FORESTS, WILDLIFE AND PARKS,

CONSIDERING section 56 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), amended by chapter 11 of the statutes of 2004, which provides that the Minister may make regulations on the matters set forth therein;

CONSIDERING section 164 of the Act, amended by chapter 11 of the statutes of 2004, which provides in particular that a regulation made by the Minister under section 56 is not subject to the publication requirement set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1);

CONSIDERING that the Regulation respecting trapping and the fur trade was made by Minister’s Order 99026 dated 31 August 1999 and that it prescribes, in particular, the conditions for the trapping of any animal or any animal of a class of animals;

CONSIDERING that it is expedient to replace a provision of the Regulation respecting trapping and the fur trade;

ORDER THE FOLLOWING:

The Regulation to amend the Regulation respecting trapping and the fur trade, attached hereto, is hereby made.

Québec, 3 September 2004

PIERRE CORBEIL, <i>Minister for Forests, Wildlife and Parks</i>	SAM HAMAD, <i>Minister of Natural Resources, Wildlife and Parks</i>
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### Regulation to amend the Regulation respecting trapping and the fur trade\*

An Act respecting the conservation and development of wildlife  
(R.S.Q., c. C-61.1, s. 56, 2nd par.)

**1.** The Regulation respecting trapping and the fur trade is amended by replacing Schedule V by Schedule V attached to this Regulation.

**2.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

\* The Regulation respecting trapping and the fur trade made by Minister’s Order 99026 dated 31 August 1999 (1999, *G.O.* 2, 2992) was last amended by the regulations approved by Minister’s Orders 2003-025F dated 19 December 2003 (2004, *G.O.* 2, 103) and 2004-004F dated 14 April 2004 (2004, *G.O.* 2, 1434). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2004, updated to 1 March 2004.