

Draft regulation

Code of Civil Procedure
(chapter C-25.01)

Court of Québec

Notice is hereby given of the publication, pursuant to article 64 of the Code of Civil Procedure (chapter C-25.01), by the chief judge of the Court of Québec after considering the observations of the Minister of Justice, of the draft Regulation of the Court of Québec, appearing below. Considering the consultations that have taken place with the judges of the Court, and also with various stakeholders in the justice system, including the Barreau du Québec, the Chambre des notaires du Québec and the Chambre des huissiers de justice, and to ensure that the Regulation comes into force at the same time as the Act to establish the new Code of Civil Procedure (2014, c. 1), the draft Regulation may be made at any time after 2 November 2015.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the time stated to the Honourable Élizabéth Corte, Chief Judge of the Court of Québec, 300, boulevard Jean Lesage, bureau 5.15, Québec (Québec), G1K 8K6, or by e-mail to: elizabeth.corte@judex.qc.ca

THE HONOURABLE ÉLIZABETH CORTE,
Chief Judge of the Court of Québec

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CHAPTER I

GENERAL PROVISIONS

1. This regulation applies in all judicial districts of Québec, subject to any special rules made for the districts of Québec or Montréal and to the special rules provided for in the second paragraph.

Special rules made under the Northeastern Québec Agreement or the James Bay and Northern Quebec Agreement apply to the itinerant court in the judicial districts of Abitibi and Mingan. Such rules also apply when the court sits in an aboriginal community.

2. The object of this Regulation is to ensure, in keeping with the Code of Civil Procedure, that the procedure established by the Code is properly complied with and to ensure the proper operation of each division of the Court of Québec, and it must be applied so as to ensure proper case management and the efficient processing of cases, as part of the proper administration of justice.

3. Modification of rules and exemption from the application of a rule. In a proceeding, the judge may, in light of the particular circumstances of the case of which the judge is seized, modify a rule or exempt a party or person from the application of a rule.

4. Information technology. The terms pleading, reverse side, exhibit, expert report, transcript, register, record, document, consultation, filing, production and notification refer also, where applicable, to their technology-based versions and to technology-based access.

CHAPTER II PROVISIONS APPLICABLE TO ALL DIVISIONS OF THE COURT OF QUÉBEC

SECTION I ADMINISTRATION

5. Office hours. Court offices are open from Mondays to Fridays, except holidays, from 8:30 a.m. to 4:30 p.m., and at any other times when the court is sitting.

6. Keeping of registers, records, orders and judgments. The registers, records, orders and judgments required for the application of the Code of Civil Procedure (chapter C-25.01), the Criminal Code (R.S.C. 1985, c. C-46) and the Code of Penal Procedure (chapter C-25.1), and those required by specific Acts, must be kept in court offices in accordance with the directives of the chief judge.

The registers, records, orders and judgments required for the application of the Youth Protection Act (chapter P-34.1), the Youth Criminal Justice Act (S.C. 2002, c. 1) and the provisions on adoption in the Civil Code of Québec must be kept in court offices in accordance with the directives of the chief judge and in the manner prescribed in Schedule I.

If there is no permanent court office in a community served by the itinerant court, records are kept in the court office of the itinerant court.

7. Consultation of registers, records, orders and judgments. Subject to a legislative provision or an order made by a judge, any person may have access to the registers, records, orders and judgments of a court during court office hours.

The conditions and procedure governing access to records and the removal of an exhibit from a record are prescribed by the provisions of this Regulation specific to each division of the Court of Québec.

8. Contact information. Parties, and their lawyers or notaries, must inform the court office concerned without delay of any change in their contact information; for lawyers, a change of address made in the master file is sufficient.

Parties who are not represented, including parties involved in a small claim, must give the court office concerned their name, address and postal code, and a telephone number and e-mail address, if available, where they can be contacted. They must ensure that the information is kept up to date and inform the court office without delay of any change.

DIVISION II PLEADINGS AND EXHIBITS

9. Format and typeface. Except if exempted by the judge, all pleadings must be printed on one side only of a letter-format sheet measuring 21.5 x 28 cm (8½ x 11 inches) using Arial 12 point typeface or, in the case of a handwritten pleading, must be legibly written.

10. Reverse side. When required, the reverse side of a pleading must indicate the record number, the name of the parties, the nature of object of the pleading and, if applicable, the amount in dispute.

The lawyer or notary representing a party must indicate on the reverse side his or her name, address, postal code, telephone number, fax number, e-mail address and permanent court number.

A party who is not represented must indicate on the reverse side his or her contact information including his or her name, address, postal code, telephone number, e-mail address and fax number, if available.

11. Signature. Every pleading must be signed by the party, the party's lawyer or the party's notary. The signature may be handwritten or digital.

In proceedings for the recovery of a small claim, every pleading must be signed by the party or the party's mandatary.

12. Designation of the parties. In all pleadings, the parties retain the same order and designation as in the originating application.

13. Exhibits. Exhibits are enumerated and identified in the list of exhibits.

Each exhibit bears a number preceded by an identifying letter attributed to each party, which together constitute the classification code.

Exhibits are identified by the same classification code in all applications made during the proceeding.

The record number and the classification code appear on the front of the exhibit or on the reverse side, if there is one.

14. Expert report. With the exception of proceedings for the recovery of a small claim, a party that produces an expert report must also produce the author's curriculum vitae and, if they are claimed as legal costs, the invoice for expert's fees up to that date and for expert's fees for attending the trial and testifying.

15. Filing of pleadings. A clerk who receives a pleading numbers it, and marks upon it the date and time it was received and, if applicable, enters it in the court register.

16. Medical record. Pursuant to article 16 of the Code of Civil Procedure (chapter C-25.01), a medical record or an expert report prepared by a physician, psychologist or social worker, or any other expert report of a psychosocial nature filed in the record in a sealed envelope, is kept in the envelope and no person, except a person authorized by law, may have access to it without the permission of the court or a judge. The nature of the documents filed in a sealed envelope must be written on the envelope.

Access to such documents includes the right to make copies at the person's expense.

17. Documents in a sealed envelope. The clerk enters in the record the name and title of every person who consults a document in a sealed envelope or who requests the issue of a copy of such a document.

18. Changes to a pleading. Where a change is made to a pleading, all additions or substitutions must be underlined or indicated in the margin with a vertical stroke, and all deletions must be indicated with a dotted line between parentheses.

Where it has been ordered that changes are to be made to a pleading, a new pleading incorporating the changes must be filed in the record within the prescribed time, following the same procedure.

19. Technology-based document. When the technological environment for court business so allows, the court may, on its own initiative or at the request of a party, permit certain documents or testimony to be produced in whole or in part using technology-based media.

The technology-based document must, when the information it contains is in text form, allow key-word searches as an essential function. If there is more than one document in the same file, the documents must be accompanied by an index containing hyperlinks between the index and each document filed.

A party that files or produces a technology-based document must reveal, in addition to its essential functions, all the other functions of the document of which the party is aware, and all the other functions liable to affect the technological environment for court business.

DIVISION III HEARINGS, ORDER AND DECORUM

20. Decorum. The judge may make any order necessary to ensure the proper administration of justice, the serenity of hearings, good order, decorum, and respect for the rights of parties, their lawyers or their notaries.

Court bailiffs and special constables must ensure respect for decorum and good order. They must ensure that silence is maintained and that the people present at a hearing are suitably seated. They assist the judge in the application of this Regulation and the guidelines concerning the use of technology in the courtroom.

21. Dress. Every person present in the courtroom must be suitably dressed.

Except in civil practice, judges wear a black robe either closed in front or with a black jacket, a white shirt, collar and bands, dark clothing and appropriate footwear at all times in the courtroom.

Except in civil practice, lawyers wear a black robe closed in front with a black jacket, a white shirt, collar and bands, dark clothing and appropriate footwear at all times in the courtroom.

Male lawyers and notaries, in cases where the wearing of a robe is not required, wear trousers, a jacket, shirt and tie in plain taste and appropriate footwear, and female lawyers and notaries wear a skirt or trousers with a blouse and jacket or a plain dress with appropriate footwear.

The same rules apply to articulated students, minus the bands.

At all times, clerks, court bailiffs and other officers of the court wear a black robe with plain clothing of a dark hue. Appropriate closed footwear must be worn.

22. Hearing times. Court hearings begin at 9:30 a.m. and 2:00 p.m., unless otherwise indicated by the judge presiding over the hearing or the chief judge.

The hearings of the itinerant court begin at 9:30 a.m. and 2:00 p.m., and end at 6 p.m. from Monday to Thursday and at 12 noon on Fridays, except in exceptional circumstances.

All applications may be tried remotely by the itinerant court using any appropriate technological means, with prior authorization from the judge scheduled to preside over the court session. The use of such technology is contingent on the quality of the equipment used and its availability.

23. Calling of the roll. Parties, lawyers and notaries must be present and ready to proceed when the roll is called.

24. Conduct during the hearing. Every person who addresses the court or a witness must, unless the judge permits otherwise, rise and remain standing.

The person must show respect, courtesy and restraint towards the judge, the opposing party, and the lawyers or notaries, witnesses and court staff.

In addition, no person may enter into a discussion with anyone else, including the clerk, or consult the court record, unless the judge permits otherwise.

Unless the judge permits otherwise, the accused or a young person referred to in section 2 of the Youth Criminal Justice Act (S.C. 2002, c. 1) must rise and remain standing during the reading of the indictment or information and the pronouncement of the judgment or sentence.

25. Support for a party who is not represented. Before the hearing, a party who is not represented must take the necessary steps to obtain information on ways to assert his or her rights before the court.

A judge who considers it necessary may provide assistance to a party who is not represented, while remaining impartial.

26. Persons with a disability needing assistance. Persons with a disability needing assistance must inform the clerk as soon as possible so that appropriate measures may be taken.

If the request appears to involve too many constraints, the clerk refers it to the court.

27. Postponement and cancellation of a subpoena or summons. No case set for trial may be postponed solely by the consent of the parties or by reason of their absence. In proceedings for the recovery of a small claim, article 557 of the Code of Civil Procedure (chapter C-25.01) applies.

When a party foresees it will not be able to proceed on the date set by the court or requests the cancellation of a subpoena or summons, it must immediately notify the opposing party and the coordinating judge, associate coordinating judge or a judge designated by one of the former and present an application for that purpose.

Except with permission from one of the above judges, any application for the postponement of a case set for trial must be presented in writing, with reasons, ten days before the date set for the trial.

Prior notice of the application of three working days, excepting Saturdays, must be given to all the parties.

Notwithstanding the time limit provided for in the third paragraph, if the reasons for the postponement are known less than 10 days before the date set for the trial, the coordinating judge, the associate coordinating judge or a judge designated by one of the former may receive a written application for postponement and make a decision, ensuring that the best interests of justice are served.

When the postponement is granted, the reasons for the decision are entered in the record.

28. Opening and closing of the hearing. The persons present at a hearing must rise when the judge enters the room and remain standing until the judge is seated.

At the opening of the hearing, the court bailiff or clerk says aloud, as the case may be, "Silence. Please rise. The Court of Québec, presided over by the Honourable Judge ... is now in session" or "Silence. Please rise. The Court of Québec, presided over by the presiding justice of the peace... is now in session".

At the opening of a hearing of the itinerant court, the court bailiff or clerk says aloud, in English, "Silence. Please rise. The Court of Québec, presided over by the Honourable Judge... is now in session" or in French as set out in the second paragraph.

Once the judge is seated, the court bailiff or clerk asks those present to be seated. At hearings of the itinerant court, the invitation to sit is made in French or in English.

When the judge leaves, the court bailiff or clerk asks those present to rise, and no person may leave his or her seat until the judge has left the room.

29. Swearing in. The clerk, in the presence of the judge, swears witnesses in by asking them to take an oath or make a solemn affirmation.

30. Interpreter. A party relying on the services of an interpreter must notify the court office without delay.

In civil cases, a party requiring the assistance of an interpreter must retain and pay for the interpreter's services, unless otherwise decided by the court.

When the court sits in an aboriginal community, an interpretation service must be available at all times in the native language of the local populations and able to ensure that their linguistic and constitutional rights are respected. The interpreters are in the exclusive service of the court and cannot act as interpreters between a lawyer or notary and a client or witness.

31. Technological devices. The use of personal technological devices is permitted in accordance with guidelines issued by the chief judge on the use of technology in courtrooms.

32. Security in courtrooms. During hearings, the security of the persons present and responsibility for the persons for whom detention or confinement in an institution has been ordered are ensured by a special constable, according to the terms and conditions agreed upon with the Ministère de la Sécurité publique.

Hearings begin when the judge considers that security is ensured.

DIVISION IV SOUND RECORDINGS, STENOGRAPHIC NOTES AND MINUTES

33. Sound recording. The clerk is required to make a sound recording of the trial. When requested by the court, the clerk sees to the operation of any other technological communications device.

When the services of a stenographer are required, the stenographer proceeds to the courtroom at the time the hearing begins and remains there until released by the judge, the parties or their lawyer or notary.

The stenographer is required to record the whole trial, including the addresses, except if exempted by the judge.

34. Testimony outside court. Any testimony given outside court is recorded in a way that allows it to be stored and reproduced.

In the event of a failure to observe decorum or good order, the stenographer may suspend the taking of testimony in order to obtain from the judge, as soon as possible, a decision on whether to continue.

Stenographic notes may be filed in "four in one" format, with an alphabetical index.

35. Transcript or copy of sound recording. When a transcript of the evidence is required by the judge, the clerk must forward it within 30 days unless the judge decides otherwise.

When a judge renders judgment at the hearing, any request for a transcript or a copy of the sound recording must be sent to the judge in order to check its accuracy.

Unless otherwise provided for or otherwise ordered by the judge, every person may obtain from the clerk, on payment of a fee, a copy of the sound recording of a trial.

In youth protection and adoption cases, except if an appeal has been filed, the sound recording of the trial and the stenographic notes cannot be copied or transcribed without authorization from the court, which sets the conditions for access and disclosure. In such cases, the clerk stores the transcript of the hearing separately from the record.

In youth criminal justice cases, the original transcript of the hearing must be filed in the record.

36. Minutes of hearing. The clerk draws up the minutes of the hearing using the form prescribed for that purpose, on which the clerk enters:

- (1) in all matters,
 - (a) the record number;
 - (b) the names of the parties;
 - (c) the presence or absence of any party;
 - (d) the names of the lawyers or notaries, their permanent court number in the case of lawyers, and the party they are representing or, if applicable, the fact that a party has declined to be represented;
 - (e) the name of the judge presiding over the hearing;

- (f) the names of the clerk and stenographer, if any;
 - (g) the courtroom number, the date and time of the beginning and end of the hearing and the tape position numbers;
 - (h) the names of the interpreters;
 - (i) the names and addresses of the witnesses, and the name of the party calling them to testify;
 - (j) the code and description of all the exhibits produced;
 - (k) any admissions;
 - (l) objections to evidence;
 - (m) the grounds for any decision made on an application for postponement;
 - (n) the conclusions of any judgment, decision or measures rendered at the hearing by the judge;
 - (o) the different stages of the proceedings with the time and, if applicable, the tape position numbers;
- (2) in the Civil Division, the minutes must also indicate the nature of the case and the amount of the claim, if any;
- (3) in the Criminal and Penal Division, the following information must also be entered:
- (a) in addition to the conclusions of any decision or order rendered at the hearing by the judge, the sentence imposed by the judge;
 - (b) any waiver of language rights and the notice concerning language rights;
- (4) in the Youth Division, the minutes of a protection case must also indicate:
- (a) the child's date of birth;
 - (b) a reference to the section of the Youth Protection Act (chapter P-34.1) on which the case is based, and the nature of the case;
- (5) In the Youth Division, the minutes of a youth criminal justice case must also indicate:
- (a) the young person's date of birth;
 - (b) a reference to the statute containing the offence the young person is alleged to have committed;

(c) a decision by the young person not to be represented, or the counsel appointed for a young person and the filing of a document of appointment;

(d) the fact that the information or indictment was read or, where applicable, the fact that the represented young person waived the right to a reading;

(e) the explanations prescribed by law concerning the possibility that the young person will be sentenced to an adult sentence or, where applicable, a statement by the young person's lawyer that the explanation has been provided;

(f) the reading of the text prescribed by law concerning the mode of trial, when the option is offered;

(g) the young person's election concerning the mode of trial;

(h) the fact that the prosecutor or young person has requested the holding of a preliminary inquiry;

(i) a statement as to whether or not an application for an adult sentence has been received;

(j) a statement as to whether or not the prosecutor has waived the option of applying for an adult sentence;

(k) the name and quality of a person who consults and, if applicable, receives copies of the exhibits and pleadings; on request, the clerk issues a certified copy;

(l) a waiver of language rights and the notice on language rights.

DIVISION V AUTHORITIES

37. Authorities. Any party may produce a book of authorities containing doctrine and case law. The relevant passages must be identified.

It is permitted to produce only the relevant excerpts of doctrine and case law, in which case the pages immediately preceding and following the excerpts or, for case law, the reference and summary of the decision or order, must be included.

Double-sided printing is permitted.

38. List of authorities. In a given matter, a list of authorities for doctrine and case law may be established by a directive of the chief judge, or agreed on by the parties with the assent of the judge. These authorities are deemed to have been produced and the parties are exempted from reproducing them.

39. Regulatory and legislative provisions. In civil cases, a represented party that invokes regulatory or legislative provisions other than those of the Civil Code of Québec, the Code of Civil Procedure (chapter C-25.01), the Constitution Act, 1982 (R.S.C., 1985, App. II, No. 44), the Charter of human rights and freedoms (chapter C-12) and the Consumer Protection Act (chapter P-40.1) must provide a copy for the judge and parties.

In criminal and penal cases, a represented party that invokes regulatory or legislative provisions other than those of the Constitution Act, 1982 (R.S.C., 1985, App. II, No. 44), the Criminal Code (R.S.C. 1985, c. C-46), the Canada Evidence Act (R.S.C., 1985, c. C-5), the Controlled Drugs and Substances Act (L.C., 1996, c. 19), the Charter of human rights and freedoms (chapter C-12), the Code of Penal Procedure (chapter C-25.1) and the Highway Safety Code (chapter C-24.2) must provide a copy for the judge and parties.

In youth protection and adoption cases, a represented party that invokes regulatory or legislative provisions other than those of the Youth Protection Act (chapter P-34.1), the Act respecting health services and social services (chapter S-4.2), the Civil Code of Québec, the Code of Civil Procedure (chapter C-25.01), the Youth Criminal Justice Act (S.C. 2000, c. 1), the Criminal Code (R.S.C. 1985, c. C-46), the Constitution Act, 1982 (R.S.C., 1985, App. II, No. 44) or the Charter of human rights and freedoms (chapter C-12) must provide a copy for the judge and parties.

In youth criminal justice cases, a represented party that invokes regulatory or legislative provisions other than those of the Constitution Act, 1982 (R.S.C., 1985, App. II, No. 44), the Civil Code of Québec, the Code of Civil Procedure (chapter C-25.01), the Youth Criminal Justice Act (S.C. 2000, c. 1), the Young Offenders Act (R.S.C., 1985, c. Y-1), the Youth Protection Act (chapter P-34.1), the Act respecting health services and social services (chapter S-4.2), the Criminal Code (R.S.C., 1985, c. C-46), the Canada Evidence Act (R.S.C., 1970, c. E-10), the Controlled Drugs and Substances Act (S.C. 1996, c. 19), the Charter of human rights and freedoms (chapter C-12), the Code of Penal Procedure (chapter C-25.1), the Highway Safety Code (chapter C-24.2), and the Contraventions Act (S.C. 1992, c. 47) must provide a copy for the judge and parties.

40. Argument plan. The judge may require the parties to produce an argument plan summarizing the arguments raised with references to the supporting evidence and authorities.

DIVISION VI QUARRELSOMENESS

41. Declaration of quarrelsomeness. The clerk must send to the Ministère de la Justice du Québec, for entry in the public register of persons found to be quarrelsome, a copy of any order prohibiting the person from introducing pleadings that have been filed in the court office, while respecting the confidentiality required by law, in particular in youth protection and adoption matters; the clerk then notifies the chief judge.

42. Application for authorization to file an application. The application for authorization to file an application must be addressed to the chief judge or the judge designated by the chief judge and filed in the court office where the order originated, and the application may be decided on the face of the documents, without a hearing.

The application for authorization must be filed with a copy of the order and the planned pleading.

The chief judge or the judge designated by the chief judge may defer the application to the court, in which case the applicant must have the planned pleading served on the parties, giving ten days' notice of presentation.

A pleading that has not received prior authorization is deemed not to exist. The clerk must refuse to receive it, or the judge must reject it, unless it is an application for authorization or a notice of appeal.

CHAPTER III PROVISIONS APPLICABLE TO CIVIL PRACTICE

DIVISION I GENERAL PROVISIONS

§1. Record

43. Consultation of a record. A paper-based record or an exhibit filed with it may be consulted only in the presence of the clerk or a person designated by the clerk.

44. Removal. A record or exhibit may be removed from the court office only at the request of or with authorization from the judge or the clerk. The clerk must require written proof of consent from the parties, which is then filed in the record.

45. Court register. When a record is forwarded to the court or the judge, an updated excerpt from the court register is filed in it and all previous excerpts are destroyed.

§2. Applications presented in civil practice or to a judge acting in chambers

46. Content. A written application presented in civil practice or to a judge acting in chambers must indicate its nature and object and a reference to the legislative or regulatory provision on which it is based.

An application presented as part of a case management conference must indicate its nature, be accompanied by everything needed for its analysis, and refer to the legislative or regulatory provision on which it is based.

§3. Case management and pre-trial conference

47. Examination of the case protocol. The case protocol is examined and the case management conference is held by the court in accordance with the directives of the chief judge.

48. Technological means. The court may, on its own initiative or at the written request of a party, hear an application using any appropriate technological means. The use of such technology is contingent on the quality of the equipment used and its availability. After examination, the judge communicates a decision to the parties.

Where applicable, the parties make representations in the judge's courtroom, in a suitably equipped room, or in the judge's chambers.

The parties and their lawyers or notaries are responsible for providing the judge's office with the contact information to be used and for being available and reachable at the time set.

At all times, a sound recording is required for conservation and reproduction purposes.

49. Examinations. The judge may authorize a pre-trial examination, an examination on an affidavit or the examination of a witness outside the presence of the court using videoconference facilities or any other means of communication, if the means proposed appears to the judge to be reliable and proportionate to the circumstances of the case, taking into account the quality of the equipment used and its availability, and the possibility for the court of apprising itself of and using the content of the examination. The judge must take into consideration, for the court, the technological environment for court business.

50. Application to set a date by priority. Every application to have a date set for a case by priority must be in writing, give reasons, and be submitted to the coordinating judge, associate coordinating judge or a judge designated by one of the former for that purpose.

The application may be made for any case and for any serious reason, including the complexity of the case or the number of witnesses.

§4. Readiness for trial and setting down by default

51. Readiness for trial. After the filing of the joint declaration, the parties must immediately notify the court of any pleading or circumstances which could modify the status of the case.

Similarly, in the event of a discontinuance, transaction or bankruptcy, the parties must notify the court office and file, without delay, a copy of the notice of bankruptcy or the declaration of evidencing the discontinuance or transaction.

52. Setting down by default. A setting down by default after a failure by a party to answer a summons, attend a case management conference without valid reason or defend the application, must indicate the nature of the case and the amount in dispute.

§5. Taking under advisement and judgment

53. Taking under advisement. Before submitting the record to the judge to take under advisement, the clerk ensures that it is complete. If the record is incomplete, the clerk must notify the lawyers or notaries or parties of the fact so that they may remedy the situation within the time set by the judge.

No case may be taken under advisement until the record has been completed, unless the judge decides otherwise.

54. Default judgment. Once evidence adduced pursuant to article 182 of the Code of Civil Procedure (chapter C-25.01) has been filed in the record, the clerk, if the special clerk does not have jurisdiction to render judgment and if the court is not sitting in the district, must forward the record to the judge who authorized the evidence or to any other judge designated by the chief judge.

55. Signed judgment on a pleading. A judgment written out and signed on a pleading presented to the judge does not need to be written out and signed again on a separate sheet, and a certified true copy of it may be issued by the clerk.

56. Incomplete trial or record. If the parties fail to complete the trial or the record within the time set by the judge when trying a case, whether contested or not, the judge may remove himself or herself from the case or render judgment on the basis of the record as constituted, or make any other order the judge considers appropriate, and notify the chief judge accordingly.

DIVISION II**PROVISIONS APPLICABLE TO CASES APPEALED TO THE COURT OF QUÉBEC AND HEARD BY THE ADMINISTRATIVE AND APPEALS DIVISION**

57. Application. This Division applies to appeals made to the Court of Québec, except appeals made under the Act respecting the Régie du logement (chapter R-8.1).

The clerk who receives the pleading forwards it to the associate coordinating judge responsible for the Administrative and Appeals Division or, outside Montréal, to the associate coordinating judge for the Civil Division.

58. Case management. Within 60 days following the filing of the notice of appeal or the judgment granting leave to appeal, the associate coordinating judge responsible for the Administrative and Appeals Division, or the judge designated by the associate coordinating judge for that purpose, contacts the parties and, if necessary, summons them to a calling of the roll and, after hearing the representations of the parties or their lawyers:

(1) decides on an appropriate means to simplify the proceeding and shorten the hearing, including the advisability of admitting some fact or document and supplying the list of authorities the parties intend to submit;

(2) establishes, where applicable, a schedule for the filing of briefs;

(3) sets the date of the hearing.

59. Special case management. When made necessary by the nature, character or complexity of a proceeding, the associate coordinating judge responsible for the Administrative and Appeals Division may, on initiative or on request, order special case management. Where applicable, that judge or a judge designated by such a judge for that purpose sees to the orderly progress of the proceeding.

60. Briefs. If the Act authorizing the appeal contains no specific provisions, the filing of briefs must comply with the provisions of this Regulation.

A paper version of the original brief must be filed at the court office of the Court of Québec, with one other copy. Briefs must be notified to the opposing party and to any impleaded party.

The copy of the brief may be in paper or electronic format. In the latter case, the copy must be sent to the associate coordinating judge responsible for the Administrative and Appeals Division in Word format, and a copy in PDF format must be sent to the other parties.

The time limits for the filing of briefs are set in a schedule submitted by the parties and approved by the associate coordinating judge responsible for the Administrative and Appeals Division or a judge designated by the associate coordinating judge for that purpose. In the absence of a schedule, briefs must be filed and notified by the appellant within three months of the notice of appeal, and within the two months following by the respondent. Any other party must file its brief within three months following notification of the appellant's brief.

61. Extension of and failure to comply with time limits. The associate coordinating judge responsible for the Administrative and Appeals Division or a judge designated by the associate coordinating judge for that purpose may extend the time limit for filing a brief if a request is made before the time limit expires.

When the law requires the filing of a brief, and where the appellant has failed to file and notify such a brief within the time limit and there is no pending request for an extension, the clerk of the Court of Québec notes the failure and issues a certificate of lapse of appeal.

62. Content of brief. The appellant's brief must include the appellant's arguments and three schedules; the respondent's brief must include the respondent's arguments and, if necessary, one or more of the appellant's schedules, with complementary information.

63. Argument. Each argument must be divided into five parts:

— Part I (*facts*): the appellant must succinctly recite the facts. The respondent may comment and relate additional facts.

— Part II (*issues in dispute*): the appellant must concisely enumerate the issues in dispute. The respondent may answer and state any other relevant issue.

— Part III (*submissions*): each party must develop its submissions, with specific reference to the content of the schedules.

— Part IV (*conclusions*): each party must state the precise conclusions it seeks.

— Part V (*authorities*): each party must prepare a list of authorities that includes a specific reference to the paragraph(s) at which they are cited.

64. Joint statement. The joint statement, if any, must be reproduced by the appellant at the beginning of Schedule III, referred to in section 66 of this Regulation.

65. Number of pages. The first four parts of the argument cannot exceed 30 pages.

66. Schedules. The appellant's brief must consist of three schedules, reproducing

— in Schedule I: the judgment or decision appealed from, including reasons and, if applicable, the previous judgment or decision submitted for judicial review or appealed to the Court of Appeal, with the minutes of the trial on the merits in first instance;

— in Schedule II:

(a) the notice of appeal (article 352 of the Code of Civil Procedure (chapter C-25.01)) and, if applicable, the application for leave to appeal (article 357 of the Code of Civil Procedure (chapter C-25.01)) and the judgment granting leave;

(b) the proceedings of the joined issue;

(c) all applicable statutory provisions, other than those of the Civil Code of Québec and the Code of Civil Procedure;

— in Schedule III: all and only those exhibits and depositions necessary for the court to decide the issues in dispute (article 372, first paragraph, of the Code of Civil Procedure (chapter C-25.01)).

67. Excerpts. Schedule III may be produced by technological means, in which case only the excerpts to which the arguments refer are produced as a paper version.

Each page of the technological version shall use the same pagination as on the paper version.

68. Final requirements. On the last page of the brief, its author must (article 99, third paragraph, Code of Civil Procedure (chapter C-25.01)):

(1) attest that the brief complies with the requirements of this Regulation;

(2) undertake to make available to any other party, at no cost, the depositions in its possession in paper or electronic format;

(3) indicate the time needed for oral argument, including the reply.

69. Incidental appeal. The content of a brief for an incidental appeal is the same as that of a brief for a principal appeal, excluding that which has already been produced in the latter.

The argument of the incidental appellant must be divided into two parts: the first, a response to the principal appellant and the second, the submissions of the incidental appellant.

The title of the brief is “Brief of respondent / incidental appellant».

70. Format. The following rules apply to the format of a brief:

(1) **Colour:** The cover page is yellow for the appellant, green for the respondent and grey for any other party;

(2) **Cover page:** The following are indicated on the cover page:

(a) the record number in appeal;

(b) the name of the court or organization whose decision or judgment is appealed from, the name of the decision maker, the date of the decision or judgment and the record number;

(c) the style of cause;

(d) the title of the brief and the party's status;

(e) the name of the author who signs the attestation;

(3) **Table of contents:** The first volume of the brief contains a general table of contents at the front, and each subsequent volume (and a volume prepared electronically) contains a table of its contents;

(4) **Pagination:** Page numbers are placed at the top of the page in the centre;

(5) **Line spacing, typeface and margins:** The text of the argument has at least one and one half spaces between the lines, except for quotations, which are single spaced and indented. For electronic text, 12-point font must be used, such as Arial 12 point or another font with no more than 12 characters every 2.5 cm, which excludes the use of Times New Roman and Garamond font. Margins must be no less than 2.5 cm;

(6) **Numbering of paragraphs:** The paragraphs of the argument must be numbered;

(7) **Printing:** The argument and Schedule I, referred to in article 66 of this Regulation, are printed on the left hand side of the volume only; the other schedules are printed on both sides;

(8) **Number of sheets:** Each volume has a maximum of 225 sheets;

(9) **Volumes:** Each volume is numbered on the cover page and its bottom edge, and makes mention of the sequence of pages it contains;

(10) **Exhibits:** All exhibits must be legibly reproduced; if illegible, a transcript must be provided. Exhibits must be reproduced in the order of their numbering. Each exhibit must be reproduced beginning on a new page with a title that includes the exhibit number, its date and nature. Photocopies of photographs are permitted only if they are clear;

(11) **Depositions:** Each deposition must begin on a new page with a title that includes the witness's name, in upper-case letters, given name and place of residence, in lower-case letters, and the following information in abbreviate form, in parentheses:

(a) the name of the party that called the witness;

(b) the stage of the trial, such as case in chief, defence, rebuttal, or a pre-trial stage;

(c) the stage of the examination, such as examination, cross-examination or re-examination;

The title of the pages that follow restates the name of the witness and the information in abbreviated form;

(12) **“Four in one” format:** Depositions may be reproduced as a paper version in “four in one” format using Arial 10 point typeface or an equivalent.

The four pages contain a maximum of 25 lines numbered on the left hand side of the page and are in vertical sequence. Each full page has only one title, corresponding to the commencement of the text.

71. Copies and notification. Seven paper versions of each brief must be produced at the court office, along with an electronic copy, if available.

The parties are notified (article 373, Code of Civil Procedure (chapter C-25.01)) by the delivery to them of two copies. The proof of notification within the time limit must be produced at the court office within two working days.

72. Non-compliance. If a brief does not comply with the foregoing requirements, the clerk, following the instructions of the judge, advises its author of the elements requiring correction and sets a time limit for filing a corrected brief; the clerk advises the other parties accordingly.

If the corrections are not made the production of the brief is refused.

73. Time limit for incidental appeal. If the principal appeal ends prematurely, the incidental appellant has three months to produce a brief.

74. Content of memorandum. The argument consists of 10 pages. Its author must attach all documents necessary for the adjudication of the appeal, such as the decision or judgment appealed from, the pleadings, the exhibits and the excerpts from depositions.

75. Number of copies of the memorandum. Five copies of the memorandum must be filed (articles 370 and 374 of the Code of Civil Procedure (chapter C-25.01)).

76. Format. The memorandum must include a title page and a table of contents and be paginated consecutively.

The provisions relating to briefs, including the final requirements, apply to memoranda, adapted as required.

77. Authorities. The book of authorities must be notified to all the other parties and be filed at the court office of the Court of Québec, in duplicate, at least 30 days before the date set for hearing the appeal or, in case of an application, at least one working day before the hearing.

78. Hearing transcript. When a transcript of the hearing in first instance is not provided by the administrative organization whose decision is appealed, the parties are responsible for providing excerpts from the stenographic notes that are relevant to the dispute.

79. Respondent. Except if a statute grants specific standing to the administrative organization whose decision is appealed, it is designated in the pleadings as the respondent.

80. Copy for administrative organization or administrative tribunal. When leave to appeal is granted or a final judgment is rendered, the court clerk sends a copy, without delay, to the respondent administrative organization or administrative tribunal and to the parties and their lawyers.

81. Access to the record. The records of cases appealed to and heard by the Administrative and Appeals Division that contain exhibits subject to a confidentiality order must be specifically labelled. The parties must notify the court office of the order made by the court of first instance whose decision is appealed to the Court of Québec.

82. Setting down for trial following leave to appeal. When a judgment granting leave to appeal also sets the appeal down for trial, the appellant must pay the applicable judicial fees to regularize the setting down for trial.

83. Placing on the roll. Under the authority of the coordinating judge or associate coordinating judge, the clerk places cases set down for trial on a special roll.

84. Provisions applicable. The provisions applicable to the Civil Division apply to this Division, adapted as required.

DIVISION III PROVISIONS APPLICABLE TO APPEALS FROM DECISIONS OF THE RÉGIE DU LOGEMENT

85. Appeals from decisions of the Régie du logement. This Division applies to appeals under sections 91 to 107 of the Act respecting the Régie du logement (chapter R-8.1).

86. Service or notification. Applications leave to appeal are served. All other pleadings relating to the appeal are notified in the manner provided for in articles 109 to 139 of the Code of Civil Procedure (chapter C-25.01).

87. Content of the application for leave to appeal. In accordance with section 92 of the Act respecting the Régie du logement (chapter R-8.1), the application for leave to appeal must set out the conclusions sought and a summary of the arguments the applicant intends to submit.

88. Judgment granting leave to appeal. The clerk must send to the Régie du logement and to the parties and their lawyers, without delay, a copy of the judgment granting leave to appeal. The Régie must, within 15 days of receiving the judgment, send to the court office a certified copy of the record in its possession.

89. Setting down for trial following leave to appeal. When a judgment granting leave to appeal also sets the appeal down for trial, the appellant must pay the applicable judicial fees to regularize the setting down for trial.

90. Placing on the roll. Under the authority of the coordinating judge or associate coordinating judge, the clerk places cases set down for trial on a special roll.

91. Appeal judgment. As soon as the judgment is filed at the court office, the clerk issues a copy to each party and to the Régie du logement.

92. Provisions applicable. The provisions applicable to the Civil Division apply to this Division, adapted as required.

CHAPTER IV PROVISIONS APPLICABLE TO THE CRIMINAL AND PENAL DIVISION

DIVISION I CRIMINAL PROCEEDINGS

§1. Rules of practice

93. Subjects that may be covered by a rule of practice. The chief judge may establish rules of practice concerning, in particular, the following subjects: judicial authorizations, the treatment of seals, appearances via videoconference facilities, joint hearings and motions under the Canadian Charter of Rights and Freedoms, Part I of the Constitution Act, 1982, Schedule B to the Canada Act 1982 (UK), 1982, c. 11.

§2. Consultation and removal of a record or exhibit

94. Consultation of a record. A record or exhibit may be consulted only in the presence of the clerk or a person designated by the clerk.

95. Removal. A record may be removed from the court office only at the request of or with authorization from a judge.

§3. Rolls and hearings

96. Planning of the roll. The planning of the roll and the distribution of cases based on their nature and number are governed by the rules of practice issued by the chief judge.

97. Content of the hearing roll available in the courtroom. The hearing roll gives the name of the judge presiding over the hearing, the record number, the number of times the case has appeared on the roll since the start of the proceedings, the date of the last appearance on the roll, the number of charges, the names of the parties and their lawyers, whether the presence of the accused is required, whether the accused is in custody, whether there is a designated lawyer in the case, the nature of the proceeding, the nature of the proceeding, the number of the statement of offence, if any, the date, duration and place of the hearing, and the existence of victim statements.

At the itinerant court, the roll also indicates if the accused is in custody and, if applicable, the case or cases for which the accused is in custody and all the other information required by this section.

98. Official version of the roll. Although versions of the roll are available in other media, the only official version of the roll is the version posted in the various courthouses and, in the event of a discrepancy, the official version prevails.

99. Access to the roll. The clerk makes the official version of the roll for each courtroom accessible at the place provided for that purpose in each courthouse.

100. Availability of copies of the roll. On the day before a hearing, the clerk makes copies of the roll available to the parties and gives a copy to the judge who is to preside at the hearing.

At the itinerant court, at least ten days before the date of the start of the court session, the clerk makes copies of the weekly roll available for the parties and for the judge. Updated rolls are forwarded to the parties and to the judge as soon as they become available, and not later than 4:00 p.m. on the Friday preceding the start of the session.

101. Addition of a case to the roll. The clerk cannot add a case to the hearing roll for the same day without authorization from the coordinating judge, the coordinating judge or a judge.

102. Transfer of a case. At the hearing, a party requesting the transfer of a case to another judge must show to the court's satisfaction that the other judge has agreed to be seized of it.

§4. *Motions*

103. Motions. All motions must set out the facts on which they are based, and be accompanied by an affidavit from the applicant attesting to those facts and by a notice of presentation.

The motion contains:

- (1) a concise summary of its object;
- (2) a summary setting out the arguments that will be pleaded;
- (3) a detailed summary of the factual basis for the proceeding.

If the judge needs a transcript in order to rule on the motion, the applicant must serve and file the transcript with the motion.

104. Service. A motion must be served on the opposing party or the opposing party's lawyer when so required, and on the coordinating judge or associate coordinating judge with a notice of presentation of at least ten days, unless otherwise decided by the judge.

Any motion under the Canadian Charter of Rights and Freedoms, Part I of the Constitution Act, 1982, Schedule B to the Canada Act 1982 (UK), 1982, c. 11 must be served within at least 30 days.

The motion must also be filed at the court office as soon as possible after service.

105. Time limit for filing a motion. A judge may refuse the inscription on a roll of any motion that has not been filed with the office of the court one clear juridical day before the date scheduled for its presentation.

106. Service on a lawyer. Any service on a lawyer must be made at the lawyer's office.

§5. *Appearance and withdrawal of a lawyer*

107. Representation of a lawyer by a colleague. A lawyer of record may be represented by an associate or by another lawyer appointed for that purpose.

108. Presence of lawyer. A lawyer whose client is not present in the courtroom when his or her name is called must nonetheless appear before the court.

109. Removal of a lawyer. A lawyer who has appeared for an accused may not withdraw from the record without obtaining permission from the judge upon presentation of a motion for that purpose; the motion must be served on the accused and on the opposing party unless the lawyer is exempted from such service by the judge seized of the motion.

§6. *Filing of a private information*

110. Filing of a private information. A person who wishes to file a private information must proceed to the court office. The court office staff must explain the procedure to be followed to the person and provide the person with a list of documents required to support the information, as well as the form entitled "Private Criminal Prosecution Case Summary Form".

111. Forwarding of information. Once the information has been completed, the clerk forwards it to the coordinating judge or associate coordinating judge as the case may be, who designates, where applicable, a judge to hear the pre-inquiry in accordance with section 507.1 of the Criminal Code (R.S.C. 1985, c. C-46).

112. Pre-inquiry. The pre-inquiry is held *ex parte* and *in camera*. The testimony heard and the judgment rendered may only be transcribed with the authorization of the judge.

§7. Case management conference, preliminary inquiry, pre-hearing conference, and facilitation conference

113. Case management conference. A judge may hold a case management conference in the presence of the accused and the lawyers of record to better define the issues genuinely in dispute and identify appropriate means to simplify the proceeding and reduce the duration of the hearing.

The chief judge may establish rules of practice concerning case management conferences.

114. Preliminary inquiry and preparatory hearing. A party that wishes a preliminary inquiry to be held must complete, to the judge's satisfaction, the form provided for by the rules of practice issued by the chief judge before a hearing date is set.

If a preparatory hearing under section 536.4 of the Criminal Code (R.S.C. 1985, c. C-46) is necessary, it is held on the date and at the time and place set by the judge. The judge presiding over the hearing examines, in particular, any other matter that would promote a fair and expeditious inquiry.

115. Pre-hearing conference. A pre-hearing conference under section 625.1 of the Criminal Code (R.S.C. 1985, c. C-46) is held on the date and at the time and place set by the judge.

The chief judge may establish rules of practice concerning pre-hearing conferences.

116. Facilitation conference. A judge may hold a facilitation conference bringing together the lawyers for the parties to find a partial or definitive resolution to the case.

The chief judge may establish rules of practice concerning facilitation conferences.

117. Designation of a judge responsible for case management. A motion under section 551.1 of the Criminal Code (R.S.C. 1985, c. C-46) is made using the form provided for in the rules of practice issued by the chief judge.

§8. Itinerant court

118. Presence of persons in custody at court. Accused persons who have waived the holding of a release hearing or against whom an interim detention order has been made, are brought into Cree or Inuit territory solely:

(1) for the first appearance following the waiving of the release hearing or the detention order;

(2) for the preliminary inquiry which is to proceed;

(3) for the trial which is to proceed;

(4) to dispose of the case by a plea of guilty;

(5) for the verdict and sentencing;

(6) on the authorization of the judge who is to preside for the presentation of any motion or application.

119. Release hearing. A person who has been arrested and who release is opposed remains in custody in aboriginal territory, where applicable, until the court has ruled on the person's release.

DIVISION II PENAL PROCEEDINGS

120. Applicable provisions. The provisions of Division I of this Chapter apply, adapted as required, to the matters provided for in the Code of Penal Procedure (chapter C-25.1).

121. Time limit for filing. Notwithstanding section 104 of this Regulation, the prior notice, written application and affidavit mentioned in article 32 of the Code of Penal Procedure (chapter C-25.1) must be filed at least one clear day before the date scheduled for their presentation.

CHAPTER V PROVISIONS APPLICABLE TO THE YOUTH DIVISION

DIVISION I IN YOUTH PROTECTION MATTERS

§1. Consultation and removal of a record or exhibit

122. Consultation of a record. A person entitled by law may, after the clerk has verified the person's entitlement and identity, consult a record or obtain a copy of all or part of the record. The record may be consulted only in the presence of the clerk or a person designated by the clerk.

The clerk enters in the record the name and title of the person consulting the record and the nature and identification of the exhibits consulted or provided.

123. Removal. No record may be removed from the court office, except for an appeal or a judicial review under the Code of Civil Procedure (chapter C-25.01), or at the request of or with authorization from a judge.

§2. Records, pleadings and exhibits

124. Opening of record. The clerk opens a record for each case brought before the court, and all pleadings filed in the record must bear the full record number.

When the situation of several children is examined jointly, a copy of all exhibits, minutes, stenographic notes and judgments is filed in the record of each child, unless the court decides otherwise.

125. Court register. When a record is sent to the court or to the judge, an updated extract from the court register is placed in the record on the reverse side of the cover.

126. Name and date of birth. The name and date of birth of the child must be inscribed legibly on each record.

127. Exhibits. In addition to the rules set out in section 13 of this Regulation, the exhibits produced must bear the record number and a code letter specific to each party, be numbered consecutively, and be accompanied by a list.

The consecutive numbering must continue for any application made under sections 38 and 95 of the Youth Protection Act (chapter P-34.1).

In youth protection matters, the code letters are as follows:

D: the director of youth protection;

E: the child;

M: the mother;

P: the father;

PM: the father and mother;

PG: the Attorney General;

I: the intervenor;

C: the Commission des droits de la personne et des droits de la jeunesse;

MC: the impleaded party;

AD: any other applicant.

The code letters are preceded by «Pr-» for provisional applications and by «Ir-» for incidental applications, and are independently numbered.

128. Establishment of a child's identity, date of birth and filiation. A child's identity, date of birth and filiation must be established no later than the beginning of the hearing on the merits of an application for protection, or any other time authorized by the judge. The information is established using a birth certificate, unless the judge decides otherwise.

For this purpose, the production of a copy of the child's birth certificate is permitted after its conformity to the original has been verified.

If the certificate is written in a language other than French or English, it must be translated when filed.

When one or both of the parents are deceased, the production of a photocopy of the death certificate suffices.

129. Written application and accessory application. All applications must be made in writing unless an exemption is granted by the court.

When the accessory application is made at the same time as the principal application, it may appear in the same pleading provided the allegations and conclusions are separately identified.

In addition, any application by the director of youth protection must be translated into the aboriginal language spoken by the parties, if applicable.

130. Knowledge of a judgment, order, promise or agreement concerning the child. The applicant must state if the child is subject to an agreement on voluntary measures between the parties or with the director of youth protection, or to an application, action or judgment and, where applicable, produce a copy of the agreement, pleadings or judgment.

When the grounds for the application include a criminal prosecution, the applicant must produce a copy of the information, promise, undertaking or judgment, unless an exemption is granted by the court.

Any party having knowledge of a judgment, order, promise or agreement affecting the child's right must notify the court of it.

131. Authorized applicant. The pleading must indicate if the applicant is authorized by the director of youth protection to act with respect to the child's situation, in accordance with à la Youth Protection Act (chapter P-34.1).

132. Analyses, reports, studies and expert report. All analyses, reports, studies and expert reports must be concise and relevant to the case.

In addition, the study of the child's social situation by the director of youth protection, including recommendations, is limited to a maximum of 10 pages, unless the judge decides otherwise because of exceptional circumstances. This application must be made in writing.

The documents must be laid out with at least single spacing and Arial 12 point typeface.

At the itinerant court, such documents must be filed in the record and forwarded to the judge at least three working days before the hearing, and a copy must be forwarded, within the same period, to the lawyer for each of the parties and to the parties themselves, unless exempted by the court.

133. Joint inquiry. Where the judge is seized of the situation of more than one child from the same family, or where the parties are proceeding by way of a joint inquiry, the report on the assessment of the child's social situation filed in respect of each child must indicate the passages specific to that child using shaded text.

134. Written statement by witness. Every report filed under article 292 of the Code of Civil Procedure (chapter C-25.01) must be accompanied by a notice setting out with precision the relevant points that the person filing the report wishes to prove and a reference the passages concerned.

135. Extracts from reports by other authors. The study of the child's social situation by the director of youth protection may contain extracts from reports by other authors provided the whole of such reports are made available to the parties on request.

136. Application for an exemption. An application for an exemption under section 84.2 of the Youth Protection Act (chapter P-34.1) and the fourth paragraph of section 133 of this Regulation must be made in writing and give reasons.

137. Handwritten document. Every handwritten document must be legible or accompanied by a legible transcript.

138. Notice of appeal and decision rendered on appeal. A copy of a notice of appeal or of a decision rendered on appeal from a judgment by the court must, as soon as they are received, be forwarded by the clerk to the judge who rendered the judgment in first instance.

§3. *Rolls and hearings*

139. Separate rolls. Separate rolls for the hearing of cases in matters of child protection and adoption must be drawn up by the clerk.

140. Adjournment by the clerk. When the judge is absent or unable to act, the clerk may adjourn any hearing for a set period that may not exceed the next session.

§4. *Taking under advisement and judgment*

141. Advisement. Before submitting a record to the judge for purposes of advisement, the clerk ensures that it is complete. If the record is incomplete, the clerk notifies the parties' lawyers of this fact so that they may complete it within the time limit set by the court.

If a party fails to file an exhibit required by the judge or fails to complete its oral or written arguments within the time limit set at the trial, the judge takes the case under advisement at the stage it has reached on the expiry of that time limit.

142. Order involving disclosure to a third party. When the execution of an order involves disclosure to a third party, the disclosure is made separately by the court and forwarded by the clerk in the form of an extract prepared by the judge.

§5. *Representation by a lawyer*

143. Consultation of a record by a lawyer. A lawyer who wishes to consult a record and has not filed a document confirming his or her mandate must present to the clerk written authorization from the person or organization referred to in section 96 of the Youth Protection Act (chapter P-34.1).

§6. *Destruction des dossiers*

144. Access to a record that is to be destroyed. Access to a record that is to be destroyed under the Youth Protection Act (chapter P-34.1) is prohibited from the time when the child reaches the age of 18, except if the time limit for appeal has not expired.

145. Destruction of the entry in the alphabetical index and register and of sound recordings. When the destruction of a record is provided for under the Youth Protection Act (chapter P-34.1), the entry in the alphabetical index and court register, the sound recording, any transcript of the recording, the stenographic notes and all the related information must be destroyed at the same time as the record.

146. Time limit for destruction. Records referred to in section 96 of the Youth Protection Act (chapter P-34.1) must, within 3 months of the date on which access to the records was prohibited, be transported to an appropriate place for incineration or shredding by two persons designated in writing by the clerk for that purpose.

147. Destruction procedure. The records must be incinerated or shredded in the presence of the two persons and the clerk, who draws up a report of the event.

148. Destruction report. The report of the destruction of the records must contain: the numbers or serial numbers of the records destroyed and the date, the place and the means used to destroy the records.

§7. *Change of district*

149. Change of district. The clerk of the court before which an application is brought in accordance with the second paragraph of section 95.1 of the Youth Protection Act (chapter P-34.1) contacts the clerk of the district where it was originally brought to obtain a copy of the record.

§8. *Itinerant court*

150. Parents and children must be called one hour before the scheduled time of the hearing.

151. The director of youth protection must take the necessary steps to ensure that children aged 5 and over are present in court and assisted by a lawyer.

152. The director of youth protection must add a notice to each youth protection application informing the parties of their rights and of the possibility of retaining the services of a lawyer before the date of the hearing and of contacting a paralegal worker to obtain more information.

153. If the hearing is to be held in a place other than the place of residence of the parents and children, the director of youth protection must take the necessary steps to ensure that the parents and children aged 7 and over are taken to the place of the hearing at least 24 hours before the start of the hearing.

154. A maximum of six hours of hearings per day may be set.

DIVISION II MATTERS OF ADOPTION

§1. *General provision*

155. General provision. Sections 123 to 125, 127 to 129, 130, 132, 135, 136, 138 to 142 and 150 to 154, adapted as required, govern matters of adoption.

§2. *Records, pleadings and exhibits*

156. Establishment of a child's identity, date of birth and filiation. The birth certificate required must have been issued less than one year before it is filed.

157. Conservation of certain applications in the same record. Applications for an order of placement, for the revocation of an order of placement, and for adoption with respect to the same child, as well as any related pleadings, are kept in the same record.

All other applications and the related pleadings are kept in separate records.

158. Name on record. The given name and name proposed for the child must be entered on each record, along with the child's original given name and name between parentheses if they are different.

In cases involving the recognition of a foreign judgment, the record is opened in the name of the child.

159. Conservation and withdrawal of exhibits. In accordance with the directive issued by the chief judge pursuant to article 108 of the Code of Civil Procedure (chapter C-25.01), exhibits are kept in the record beyond the one-year time limit. When a party wishes to withdraw an exhibit it has filed, the clerk returns the exhibit to the party and keeps a certified copy in the record.

160. Copy of judgment or certificate of attestation. Except if the court authorizes the parties to receive a copy of a judgment to be rendered, the clerk forwards to the parties a certificate attesting to any judgment judicially declaring a child eligible for adoption and to any order of placement or adoption judgment.

161. Foreign legislative and regulatory provisions. A party that invokes a foreign statute or regulation must provide a copy for the judge and the parties, and underline the relevant passages.

DIVISION III IN MATTERS OF YOUTH CRIMINAL JUSTICE

§1. *General provision*

162. General provision. Sections 93, 94, 95, 97, 100, 101, 102 and 104 to 120, adapted as required, apply.

§2. *Records, pleadings and exhibits*

163. Opening of record. The clerk opens a record for each information laid against a young person, and all pleadings filed in the record must bear the full record number.

164. Exhibits. In addition to the rules set out in section 13 of this Regulation, the exhibits filed must bear the record number and a description of their nature. They must be identified using a code letter specific to each party, be numbered consecutively, and be accompanied by an inventory.

The code letters are as follows:

P: the prosecution;

D: the defence;

DP: the provincial director;

PM: the parent(s).

The code letters are preceded by “VD-” for a voir dire, “EML-” for a release hearing and “EP-” for a preliminary inquiry.

§3. *Rolls and hearings*

165. Separate roll. A separate roll for the hearing of cases in criminal and penal matters must be drawn up by the clerk. The clerk keeps the roll for each courtroom at the court office.

§4. *Appearance*

166. Appearance. A lawyer appearing for a young person may do so at the hearing or by way of a written designation.

§5. *Applications*

167. Written application. An application based on section 54(10) of the Youth Criminal Justice Act (S.C. 2002, c. 1) is made by way of a notice of inscription on the roll containing a brief summary of the nature of

the application. The notice must be forwarded to the other party, unless it has waived notice, two clear days before it is presented.

An application for review based on section 59 or 94 of the Youth Criminal Justice Act (S.C. 2002, c. 1) must be in writing and give the reasons on which it is based, as well as the conclusions sought.

The court may, however, on grounds it considers justified, authorized a verbal application for a review on the basis of section 59 of the Youth Criminal Justice Act (S.C. 2002, c. 1) if the notice required by that section is sent within the required time or if the recipients have waived notice.

168. Time limit for service. When no time limit is set by law, every application must be served with notice of presentation of at least five clear days, unless an exemption is granted by the judge.

169. Application concerning completion of a sentence. Except in the case of an application made under section 54(10) of the Youth Criminal Justice Act (S.C. 2002, c. 1), every application made in connection with the completion of a sentence is submitted to the judge who imposed the sentence, except if the judge is absent or unable to act.

170. Application concerning custodial sentence. In every application under section 94, 95, 98, 103, 104 or 109 of the Youth Criminal Justice Act (S.C. 2002, c. 1) concerning a young person in custody after receiving custodial sentences in more than one judicial district, the pleading must list all the sentences covered by the application.

The application may be heard in any of the districts.

The party making the application must file in the court record a true copy of all the orders covered by the application.

A certified copy of the decision made following the examination must be filed in every record containing an order affected by the decision. The court office must forward a certified copy of the decision to the court office of all the districts where the orders affected by the decision were made.

§6. *Preparatory hearing and pre-hearing conference*

171. Preparatory hearing and pre-hearing conference. A preparatory hearing under section 536.4 of the Criminal Code (R.S.C. 1985, c. C-46) or a pre-hearing conference under section 625.1 of that Code is held on the date and at the time and place set by the judge.

§7. Reports

172. Reports. Unless an exemption is granted by the judge, the reports required under the Youth Criminal Justice Act (S.C. 2002, c. 1) must be filed in the court record at least five days before the hearing.

The pre-sentence report from the provincial director is limited to a maximum of 10 pages, unless the judge decides otherwise because of exceptional circumstances. This application must be made in writing.

The documents must be laid out with at least single spacing and Arial 12 point typeface.

The clerk forwards a copy of the report to the persons designated by law, as soon as it is filed at the court office.

DIVISION IV IN MATTERS OF CUSTODY, EMANCIPATION, PARENTAL AUTHORITY AND TUTORSHIP

173. Sections 127 to 129, 130, 132, 138 and 142, adapted as required, apply to the matters covered by this Division.

174. Statement concerning a current proceeding. When the court is seized of an application in a matter of adoption or youth protection, a party applying for custody, emancipation, the exercise of an attribute of parental authority or tutorship of the child concerned must, in its statement, mention any current proceedings.

175. Separate case. An application based on the third paragraph of article 37 of the Code of Civil Procedure (chapter C-25.01) must be made in a separate case from the youth protection case or adoption case concerning the child notwithstanding the court's decision to proceed by way of a joint inquiry.

CHAPTER VI FINAL PROVISIONS

176. Coming into force. This Regulation comes into force on the date of coming into force of the Act to establish the new Code of Civil Procedure (2014, chapter 1) and replaces the Regulation of the Court of Québec (chapter C-25, r. 4).

SCHEDULE I

INDEXES AND REGISTERS

The indexes and registers referred to in the second paragraph of section 6 must contain the following information and documents:

(1) For the Youth Division, in civil matters:

(a) In matters of protection:

i. an alphabetical index containing:

(I) the record number;

(II) the name and given name of the child and of the other parties;

(III) the date of birth and sex of the child.

ii. a court register containing:

(I) the record number and the date it was opened;

(II) the name and given name of the child and of the other parties;

(III) the date of birth and sex of the child;

(IV) the address of the residence or domicile of the child and of the other parties;

(V) the names, given names and addresses of the lawyers for the parties;

(VI) a reference to the relevant section of a statute and the nature of the case;

(VII) the nature and date of each of the pleadings in the record;

(VIII) the date of each court sitting;

(IX) the date on which the record is completed and the date on which it is sent to the judge for advisement;

(X) the date of each judgment and a summary of the judgment;

(XI) the date of filing of the notice of appeal;

(XII) the record number of the court sitting in appeal or for judicial review and the date on which the record was transmitted to the office of that court;

(XIII) the date on which the record was returned to the court office.

iii. a register of consultation of the records relating to the Youth Protection Act (chapter P-34.1) indicating, for each consultation:

(I) the record number and the date it was consulted;

(II) the name, given name and capacity of each person consulting the record;

(III) the signature of each person consulting the record;

(IV) the name and given name of the person in whose presence the record was consulted.

iv. the information required under subparagraphs 1 and 2 must be inscribed on the cover of the record consulted.

(b) In matters of adoption:

i. an alphabetical index under the original name and a second alphabetical index under the proposed given name and name of the person who is the subject of a proceeding, containing:

(I) the number of the record(s);

(II) the proposed given name and name of the person, where applicable;

(III) the original given name and name of the person, if they differ from the proposed names;

(IV) the person's date of birth and sex;

ii. a court register containing:

(I) the record number and the date it was opened;

(II) the person's original given name and surname, sex, date of birth, and address of residence or domicile;

(III) the proposed given name and name of the person, if they differ from the original names; if the person is a minor, the name of the director of youth protection;

(IV) if they are known, the given names and surnames of the minor's parents, tutor, guardian or spouse;

(V) the names, given names and addresses of the parents;

(VI) the names, given names and addresses of the parties' lawyers;

(VII) a reference to the relevant section of a statute and the nature of the matter;

(VIII) the nature of each of the pleadings and the date they were filed in the record;

(IX) the date of each court sitting;

(X) the date on which the record is completed and the date it is sent to the judge for advisement;

(XI) the date of each judgment and a summary thereof;

(XII) the date of the filing of the notice of a proceeding in appeal with the office of the court, the number of the record of the Court sitting in appeal, where available, and the date on which the record was transmitted to the office of that court;

(XIII) the date on which the record was returned to the office of the court;

(XIV) the date on which a party retrieves the original of an exhibit that the party filed in the record.

iii. a register of judgments containing:

(I) the original of all judgments rendered in matters of adoption, filed in the same numerical order as the records, with a certified copy of each judgment being added to the record.

(c) For the Youth Division, in criminal or penal matters:

i. an alphabetical index containing:

(I) the record number;

(II) the young person's name, given name, date of birth and sex;

(III) the names and given names of the young person's parents, tutor, guardian or spouse, where applicable.

ii. a court register containing:

(I) the record number and the date it was opened;

(II) the name and given name of the young person;

(III) the young person's date of birth and sex;

(IV) the name and given name of the young person's lawyer;

(V) the names and given names of the young person's parents, tutor, guardian or spouse, where applicable;

(VI) the address of the residence or domicile of the defendant and that of the defendant's parents, tutor, guardian or spouse, if different;

(VII) the name of the plaintiff or the informant, where applicable;

(VIII) a reference to the section of a statute under which the offence is alleged to have been committed by the young person;

(IX) the date and stage of each hearing of the court;

(X) the date of the judgment and of the decision, where applicable;

(XI) the date of the filing of the notice of appeal;

(XII) the number of the record of the court sitting in appeal or judicial review under the Code of Civil Procedure (chapter C-25.01) and the date on which the record was transmitted to the office of that court;

(XIII) the date on which the record was returned to the office of the court.

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