

71. Exhibits. The application for authorization must be accompanied by the order of prohibition and the pleading the applicant seeks to file.

72. Presentation. The Chief Justice or the judge designated by the Chief Justice may refer the application to the court, in which case the applicant must serve it on the parties concerned by the proposed pleading, with a 10-day notice of presentation.

73. Nullity. An unauthorized pleading is deemed never to have existed. When informed of an order of prohibition, the clerk must refuse to accept it, unless it is a notice of appeal or an application for leave to appeal.

74. Forwarding of the order of prohibition. The clerk forwards a copy of any order of prohibition filed in the court office to the Chief Justice or Associate Chief Justice, according to the Chamber involved, and to any other court offices concerned.

75. Public registry. Québec's Ministère de la Justice keeps a public registry of litigants subject to authorization.

The clerk transmits to the Ministère a copy of all orders of prohibition filed at the court office for registration in the public registry.

CHAPTER XIII FINAL PROVISIONS

76. Coming into force. This Regulation replaces the Rules of Practice of the Superior Court of Québec in Civil Matters (chapter C-25.01, r. 4) and comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

102588

Draft regulation

Code of Civil Procedure
(chapter C-25.01)

Superior Court —Regulation of the Superior Court of Québec in civil matters for the district of Québec

Notice is hereby given of the publication by the Associate Chief Justice of the Superior Court, in accordance with article 64 of the Code of Civil Procedure (chapter C-25.01) and after taking the observations of the Minister of Justice into consideration, of the draft "Regulation of the Superior Court of Québec in civil matters for the district of Québec", appearing below. Considering that the Code of Civil Procedure came into force on 1 January, 2016, the draft regulation may be made on or after 20 May 2016.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the same period to the Honourable Claude Bouchard, judge responsible for the civil procedure committee (district of Québec), 300, boulevard Jean-Lesage, Québec (Québec), G1K 8K6; e-mail claudio.bouchard@judex.qc.ca

THE HONOURABLE ROBERT PIDGEON,
Associate Chief Justice of the Superior Court

Regulation of the Superior Court of Québec in civil matters for the district of Québec

Code of Civil Procedure
(chapter C-25.01, a. 63)

DIVISION I APPLICATION

1. This Regulation sets out the practice for the district of Québec to ensure that the procedure established, in particular, by the Code of Civil Procedure (chapter C-25.01) is properly complied with.

DIVISION II ADMINISTRATION

2. The civil section of the Court has four chambers: the civil chamber, the family chamber, the administrative chamber and the commercial chamber.

3. The associate chief justice coordinates, apportions and supervises the work of the judges designated, by the associate chief justice, to sit in each chamber of the civil section.

4. The associate chief justice designates a judge to perform certain duties delegated to that judge as

- the coordinating judge for the district of Québec;
- the judge responsible for the family chamber;
- the judge responsible for the administrative chamber;
- the judge responsible for the commercial chamber;
- the judge responsible for lengthy cases;
- the judge responsible for class actions;
- the judge responsible for settlement conferences.

The judges responsible for lengthy cases, class actions and settlement conferences are also responsible for those activities in the other districts in the division of Québec.

5. The coordinating judge and the judges responsible see to the application of the directives of the associate chief justice.

6. The associate chief justice may designate any other judge to perform the duties that the associate chief justice determines, as the associate chief justice considers necessary for the proper operation of the Court.

DIVISION III GENERAL PROVISIONS

CONFIDENTIAL EXHIBIT

7. A party desiring a medical record or an expert report prepared by a physician, a psychologist or a social worker to be kept confidential must file it at the court office in a sealed envelope, identified like the backing of a pleading, and marked “Confidential”.

A medical record or an expert report prepared by a physician, psychologist or social worker that is filed in the record of the Court is kept in a sealed envelope and no person may have access to it without the permission of the Court or a judge. Access to such a document includes the right to make copies of it at the person’s expense.

ORAL DEFENCE

8. The grounds of an oral defence raised in a case protocol may, where necessary, be completed at a case management conference held within 50 days of the filing of the protocol, or by the filing of a brief statement within 30 days after the date on which the case protocol is accepted or established by the Court.

TRIAL BEGUN

9. A trial which has begun must be terminated without delay.

DIVISION IV CIVIL CHAMBER

JOINDER OF PROCEEDINGS

10. An application for the joinder of proceedings must be notified to all the parties in all the proceedings concerned.

11. If the joinder of proceedings is granted by the Court, the clerk issues a certificate stating that the joined proceeding is ready for trial; the clerk may require each party to file a statement as to the expected duration of the trial.

LENGTHY CASES

12. A case of for which the trial is expected to last more than 5 days, as stated on the certificate that the case is ready for trial, is considered to be a lengthy case.

13. After the certificate that the case is ready for trial has been issued, a copy of any incidental application must be notified to the judge responsible for lengthy cases until the case has been assigned to a judge for trial; the copy must then be notified to the judge assigned to the trial, who then deals with the application.

DIVISION V FAMILY CHAMBER

DATE OF HEARING

14. A party filing a joint application based on a draft agreement for divorce, for separation as to bed and board or for the dissolution of a civil union must immediately contact the clerk to fix a date for the hearing.

EVIDENCE BY WAY OF AFFIDAVIT

15. If evidence is presented by way of affidavit, a judge may decide the joint application on a draft agreement without a trial.

DIVISION VI ADMINISTRATIVE CHAMBER

16. The roll of the administrative chamber is kept by the staff of the office of the associate chief justice, and a request to obtain a date for trial must be addressed to the staff once a case is ready for trial.

DIVISION VII COMMERCIAL CHAMBER

17. A proceeding is a commercial proceeding if:

a) the application is made under:

(Statutes of Canada)

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

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

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

— the Canada Business Corporations Act (R.S.C. 1985, c. C-44);

— the Bank Act (S.C. 1991, c. 46 [R.S.C. 1985, c. B-1.01]);

— the Farm Debt Mediation Act (S.C. 1997, c. 21);

— the Commercial Arbitration Act (R.S.C. 1985, c. 17 (2nd Suppl.) [R.S.C. 1985, c. C-34.6]);

(Statutes of Québec)

— the Code of Civil Procedure:

– articles 527, 645 and 647 (homologation of an arbitration award);

– articles 507 and 508 (recognition and enforcement of an arbitration award made outside Québec);

— the Companies Act (chapter c. C-38);

— the Winding-Up Act (chapter L-4);

— the Securities Act (chapter V-1. 1);

— the Act respecting the Autorité des marchés financiers (chapter A-33.2).

b) The same applies to any other case of a commercial nature, on a decision of the Associate Chief Justice or the judge responsible for the commercial chamber, made on initiative or on application.

18. The commercial chamber has its own office and its own jurisdictional number (number “11”).

19. Any proceeding in the commercial chamber must mention the words “Commercial Chamber” on the front page and on the backing below “Superior Court”, and below that a reference to the law governing the proceeding.

DIVISION VIII APPLICATIONS TO THE ASSOCIATE CHIEF JUSTICE

JURISDICTION

20. An application for a trial by preference or for the joinder of proceedings must be made to the associate chief justice if one of the proceedings is already set down on the roll.

21. When a case has already been set down for trial, it cannot be postponed without authorization from the associate chief justice or, if it is a lengthy case, of the judge responsible for lengthy cases.

HEARINGS

22. Hearings before the associate chief justice are held by telephone conference call from 10 a.m. to 12 noon on Wednesdays and, during judicial vacations, on the day determined by the associate chief justice; if a matter is urgent, a hearing may be requested at any time.

A party or a party’s lawyer who wishes to be present at the hearing must give advance notice to the office of the associate chief justice and inform the other party.

DIVISION IX SETTLEMENT CONFERENCE

REQUEST

23. The use of “Form A, Joint Request to the Associate Chief Justice for a Settlement Conference” is suggested.

TIME LIMIT FOR REQUEST

24. Joint requests for a settlement conference must be presented at least 30 days before the date of the trial, unless authorization has been obtained from the Court. Such requests are accepted only exceptionally.

DIVISION X USE OF TECHNOLOGICAL MEANS

DUTY JUDGE OR JUDGE IN CHAMBERS

25. An application to the duty judge or the judge in chambers not requiring the hearing of witnesses may be heard by telephone conference or videoconference, after 24 hours advance notice to the other party and to the judge concerned.

APPLICATIONS IN PRACTICE CHAMBER

26. The Court may authorize the presentation of an application set down for the civil practice, family, administrative or commercial chamber by telephone conference or videoconference, if the parties agree thereto and after 48 hours advance notice to the judge assigned to the chamber concerned.

HEARING OF WITNESSES

27. With the authorization of the Court, witnesses may be heard by way of videoconference at the hearing of an originating application, after 5 days advance notice to the judge in chambers.

28. The Court may authorize or order a pre-trial examination, an examination under oath or the examination of a witness outside the presence of the court, if the means proposed appears to be reliable and proportional to the circumstances of the case, taking into account the available facilities, after 48 hours advance notice to the judge in chambers.

DIVISION XI FINAL PROVISIONS

29. This Regulation replaces the Rules of practice in civil matters of the Superior Court (District of Québec) (chapter C-25.01, r. 5) and comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

102586

Draft Regulation

Code of Civil Procedure
(chapter C-25.01)

Superior Court —Regulation of the Superior Court of Québec in family matters

Notice is hereby given of the publication by the Chief Justice of the Superior Court, in accordance with article 64 of the Code of Civil Procedure (chapter C-25.01) and after taking the observations of the Minister of Justice into consideration, of the draft “Regulation of the Superior Court of Québec in family matters”, appearing below. Considering that the Code of Civil Procedure came into force on 1 January, 2016, the draft regulation may be made on or after 20 May 2016.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the same period to Mtre. Guillaume Bourgeois, executive assistant to the Chief Justice of the Superior Court of Québec, 1, rue Notre-Dame Est, Bureau 17.60, Montréal (Québec), H2Y 1B6; e-mail: guillaume.bourgeois@judex.qc.ca

THE HONOURABLE JACQUES R. FOURNIER,
Chief Justice of the Superior Court

Regulation of the Superior Court of Québec in family matters

Code of Civil Procedure
(chapter C-25.01, a. 63)

CHAPTER I GENERAL

1. Application: This Regulation applies in all judicial districts of Québec.

CHAPTER II APPEALS FROM DECISIONS OR ORDERS OF THE COURT OF QUÉBEC IN YOUTH PROTECTION AND YOUTH CRIMINAL JUSTICE MATTERS

DIVISION I YOUTH PROTECTION

2. Definitions: In this Chapter, “Court” means the Superior Court of Québec and “Court of Québec” means the Court of Québec, Youth Division.

3. Introduction of appeal: Appeals are heard by the Court in the Family Chamber, unless referred by a judge to the Criminal Chamber.

4. Notice of appeal: In addition to the provisions of section 104 of the Youth Protection Act (chapter P-34.1), the notice of appeal contains the object of the complaint, the conclusions of the decision or order appealed from, and the names of the parties’ lawyers in first instance.

The Court may make any appropriate order under section 112 of the Youth Protection Act.

The notice of appeal is signed by the appellant or the appellant’s lawyer and gives the address to which any communication may be directed.

The appellant may invoke grounds not stated in the notice of appeal by filing with the clerk of the Court a notice stating such grounds precisely and concisely, together with proof of service upon the respondent or the respondent’s lawyer, before the appeal is heard and not later than 15 days after the filing of the complete transcript of the proceedings.

5. Representation statement: A lawyer representing a party before the Court must file a representation statement at the court office within 10 days of the filing of the notice of appeal.