

Notwithstanding subparagraph (2) of the first paragraph, the amount of the contribution exigible from a user of full age is determined in accordance with section 5 from first day of the month following the moment the user is taken in charge by an intermediate resource on a continuous basis for 2 years or more.”

7. Section 5 of the Regulation is replaced with the following section:

“5. The provisions of sections 361 to 370 and 373 to 375 of the Regulation apply, with the necessary modifications and subject to the special rules prescribed by this chapter, to determine the amount of the contribution exigible from a user of full age not referred to in the first paragraph of section 4.

The daily sum applicable for the purposes of the monthly billing referred to in section 361 of the Regulation is \$42.08. That amount is indexed at the beginning of each year on 1 January on the basis of the Pension Index established in accordance with section 117 of the Act respecting the Québec Pension Plan (chapter R-9).”

8. Section 6 of the Regulation is amended by replacing “For the purposes of this Regulation” with “For the purposes of this chapter”.

9. Section 8 of the Regulation is repealed.

10. Section 9 of the Regulation is amended by deleting “and designated for that purpose by the agency responsible for recognizing the intermediate resource”.

11. Section 10 of the Regulation is repealed.

12. On 1 January 2020, the personal expense allowance referred to in subparagraph *b* of the first paragraph of section 375 of the Regulation respecting the application of the Act respecting health services and social services for Cree Native persons (chapter S-5, r. 1) is to be increased by \$10 over the increase resulting from the indexation and rounding off provided for in the second paragraph of this section.

13. This Regulation comes into force on 1 January 2020, except for sections 1 and 12 which come into force on the fifteenth day following the date of publication of this Regulation in the *Gazette officielle du Québec*.

Gouvernement du Québec

O.C. 1186-2019, 27 November 2019

Code of Penal Procedure
(chapter C-25.1)

Court of Appeal of Québec in penal matters

Regulation of the Court of Appeal of Québec in penal matters

WHEREAS, under the first paragraph of article 368 of the Code of Penal Procedure (chapter C-25.1), the judges of the Court of Appeal may adopt, for the exercise of their respective jurisdictions, the regulations judged necessary for the proper carrying out of the Code;

WHEREAS, under the second paragraph of article 368 of the Code, the regulations of the Court of Appeal must be adopted by a majority of the judges concerned, either at a meeting convened for the purpose by the chief justice or upon consultation held with the judges at the request of the chief justice using the most appropriate means of consultation, as determined by the chief justice;

WHEREAS, under the third paragraph of article 368 of the Code, the regulations are subject to approval by the Government and come into force fifteen days after their date of publication in the *Gazette officielle du Québec*.

WHEREAS the judges of the Court of Appeal adopted the Regulation of the Court of Appeal of Québec in penal matters on 9 October 2019;

WHEREAS it is expedient to approve the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice:

THAT the Regulation of the Court of Appeal of Québec in penal matters, attached to this Order in Council, be approved.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation of the Court of Appeal of Québec in penal matters

Code of Penal Procedure
(chapter C-25.1, art. 368)

PRELIMINARY AND DEFINITION

1. Interpretation. This Regulation is supplemental to the Code of Penal Procedure (chapter C-25.1); it is to be interpreted and applied in the same manner.

2. Working days. Working days are from Monday to Friday, excluding the holidays listed in article 18 of the Code of Penal Procedure.

CHAPTER I PUBLIC HEARINGS AND DECORUM

3. Sitting days. The days on which the Court or the judge sits are posted on the Court's website.

4. Court usher. The court usher is present during all hearings, is responsible for the opening and closing of sittings and sees to it that good order at sittings is maintained.

5. Decorum. All persons in attendance at a hearing must respect the decorum.

6. Sound devices. Persons in attendance must ensure that the sound of any device in their possession has been turned off.

7. Dress code. In Court, the following dress code requirements apply:

(1) for counsel: gown, bands, white collar and dark garment;

(2) for articling students: gown and dark garment;

(3) for clerks and court ushers: gown and dark garment.

Before a judge, simple and unadorned attire is sufficient.

The same requirements apply when a hearing is held using technological means.

CHAPTER II CONFIDENTIALITY

8. Express mention. A notice of appeal for an appeal by operation of law under the third paragraph of article 292 and a motion for leave to appeal under article 291 and the second paragraph of article 292 of the Code of

Penal Procedure must include an express mention that the record contains no element of confidential information. If the record does contain such an element, the pleadings must include an express mention to that effect and clearly specify the confidential element and the legislative provision or the order on which the confidentiality is based. The respondent must indicate any correction considered necessary.

Additional mention. Each pleading referring to an element of confidential information must call attention to the confidentiality with the word "CONFIDENTIAL" written beneath the court record number.

9. Restricted access. Where access to records or documents is restricted under an Act or an order of a judge because of the presence of an element of confidential information, the only persons that may consult them or make copies are the parties, their counsel, the persons authorized by law and those who, having established a legitimate interest, have been authorized by the Court or one of its judges in accordance with the conditions and procedure determined.

10. Red binding. To indicate the confidential nature of a volume, the binding (spiral or tape) of the volume must be red. The confidential portion of a brief must be produced in a separate volume.

CHAPTER III TECHNOLOGICAL MEANS

11. Technological version. Unless exempted by the clerk where circumstances so warrant, the parties must attach a technological version on a USB key to each copy of their brief, or if the appeal proceeds on the fast track, to the documents filed in lieu of the brief. That version must permit keyword searches and include hyperlinks from the table of contents to the brief and from the argument to the schedules.

The USB key must be identified in the same manner as a pleading (record number, abbreviated designation of the parties and title, mention of confidentiality in red lettering).

12. Management. If a party has been specifically authorized by a judge or by the Court under articles 186.1, 285 and 312 of the Code of Penal Procedure to file Schedule III of its brief as a technological version, the party is nevertheless required to file one paper copy of the complete Schedule III for archival purposes.

The pagination of the technological version must be identical to that of the paper version.

CHAPTER IV OFFICES OF THE COURT

13. Office hours. The offices of the Court are open Monday to Friday from 8:30 a.m. to 4:30 p.m., local time, unless otherwise specified. The days on which the offices are open are posted on the Court's website.

14. Register. The clerk maintains a computerized register (docket) which contains all relevant information for each record including the contact information of the parties and counsel, receipt of documents and matters arising during the appeal.

15. Contact. The clerk uses the last known contact information of the parties and counsel to contact them. The parties and their counsel must immediately inform the clerk of any change to that information. In each pleading, counsel of record must provide their name, that of their law firm and full contact information including email address, permanent court number and locker number, if any. An unrepresented party must provide contact information in the notice of appeal or the motion for leave to appeal and in each subsequent pleading.

Change of counsel. A party may change counsel by sending the other parties, the clerk and former counsel a notice of change giving the name, address, telephone number and email address of new counsel.

Withdrawal of mandate. A party no longer wishing to be represented by counsel must also send to the other parties, to the party's own counsel and to the clerk a notice to that effect in which the party's full contact information including email, if available, is provided.

A change of counsel or a decision to no longer be represented by counsel has no effect on the hearing date unless a judge decides otherwise after considering the consequences of the decision on timelines.

16. Access to record. Consultation of a record or removal of a document takes place under the authority of the clerk. On payment of the fees under the Tariff of court costs in penal matters (chapter C-25.1, r. 6), the clerk delivers copies of any document.

CHAPTER V PLEADINGS

17. Format. Pleadings are to be drafted on good quality white letter-size paper (21.5 cm by 28 cm). The paper format may be 21.5 cm by 35.5 cm for documents accompanying a motion or filed when an appeal proceeds on the fast track, if the original exhibit is of that size.

The text is to appear on the front of each page and have a minimum 1.5 line spacing, except for citations which are to be single spaced and indented. Arial 12-point font must be used for the entire text. As an exception, Arial 11-point font may be used for citations and Arial 10-point font for footnotes. Margins must be no less than 2.5 cm.

Signature. All pleadings must be signed by the party or the party's counsel.

18. Designation of parties. The following must be indicated beneath the name of each party: the party's status in appeal in upper-case letters, followed by the party's status in first instance and, if applicable, status in Superior Court, in lower-case letters.

An intervenor in first instance or before the Superior Court is designated as APPELLANT, RESPONDENT or IMPEADED PARTY, as the case may be. The designation "INTERVENOR" is reserved solely for the party authorized to intervene in appeal.

The status in appeal of a decision-maker affected by an application for judicial review is that of IMPEADED PARTY.

19. Title. The title to be entered on the backing and on the first page of a pleading must provide the date of the pleading, the party filing it, its nature and, if the pleading includes a request, the provision on which it is based.

20. Amendment. An amendment to a pleading must be identified by a vertical line in the margin, by underlining or by text struck out.

21. Service. Pleadings and attached documents are served in the manner provided in the Code of Penal Procedure. The notice of appeal and the motion for leave to appeal are served by bailiff or peace officer.

CHAPTER VI NOTICE OF APPEAL, MOTION FOR LEAVE TO APPEAL AND PREPARATION OF RECORD

22. Time period. A notice of appeal for an appeal by operation of law under the third paragraph of article 292 of the Code of Penal Procedure must be served and filed within ten days after the judgment under appeal. The time period for serving and filing a motion for leave to appeal is that set out in article 296 of the Code of Penal Procedure.

23. Notice. If the appellant or the applicant is not represented by counsel, the clerk informs the respondent by sending the respondent a copy of the pleading.

In the case of an appeal brought by the prosecutor, the notice of appeal or the motion for leave to appeal must be served on the respondent personally unless a judge, considering the interests of justice, orders otherwise.

24. Content. The notice of appeal and the motion for leave to appeal must set forth:

- (1) the offence;
- (2) the sentence imposed, if applicable;
- (3) the date of the judgment under appeal, of the judgment in first instance and of the sentence, if any;
- (4) the place and duration of the trial;
- (5) the court of first instance and, if applicable, the court having decided the judicial review or the appeal, and the record number(s);
- (6) the facts and the grounds of appeal stated concisely, in a maximum of ten pages (the designation of the parties and the conclusions sought being excluded from the page count);
- (7) the contact information and, if available, email address of the appellant and the appellant's counsel; and
- (8) the name, contact information and, if available, email address of the respondent and, as the case may be, of the other parties and their counsel before the court that rendered the judgment under appeal.

25. Number of copies. The notice of appeal or the motion for leave to appeal and, as applicable, three or four copies including one copy for the clerk, two copies for the office of the court that rendered the judgment under appeal and, if the appellant is not represented by counsel, one copy for the respondent, must be filed at the appropriate office of the Court. The notice given to the Attorney General pursuant to articles 76 to 78 of the Code of Civil Procedure (chapter C-25.01) is delivered in accordance with the procedure set out in those articles.

26. Transcript of record of court that rendered judgment under appeal. At the request of the appellant, the clerk of the court that rendered the judgment under appeal must take the necessary steps to obtain, as soon as possible, the complete transcript of the record and the exhibits, unless the parties waive in whole or in part their right to the transcript and the exhibits, or agree to a joint statement of facts. If the parties agree to a joint statement of facts instead of a transcript, they must, as soon as possible, inform the clerk of the court that rendered the judgment under appeal.

Private stenographer. An appellant requesting a private stenographer to prepare the transcript must so inform the respondent and the clerk of the court that rendered the judgment under appeal. The appellant must also inform them when the transcript is completed.

27. Payment of fees. If fees under the Tariff of fees for the recording and transcription of depositions of witnesses (chapter S-33, r. 1) are incurred for a transcript or a translation, the clerk of the court that rendered the judgment under appeal may require payment in advance and, in any event, the appellant is not entitled to the documents until the fees have been paid. If a portion of the transcript is required only by the prosecutor, the fees are borne by the prosecutor.

CHAPTER VII RELEASE FROM CUSTODY FOR DURATION OF APPEAL

28. Content. An appellant seeking release from custody under article 298 or 314 of the Code of Penal Procedure must attach an affidavit to the application attesting to:

- (1) the appellant's places of residence in the three years before conviction and the place the appellant intends to reside if released;
- (2) if applicable, the appellant's last employment and the name and contact information of the employer, and the employment the appellant intends to hold if released;
- (3) if applicable, the appellant's previous convictions, including convictions outside Canada;
- (4) any charges pending against the appellant in Canada and elsewhere at the time of the application;
- (5) whether or not the appellant holds a Canadian or foreign passport or has a pending passport application; and
- (6) whether or not the appellant is a Canadian citizen.

Exemption from affidavit. The judge to whom the application is made may waive the requirement of an affidavit and rely on a written statement of facts signed by the appellant's counsel and the respondent's counsel.

Release from custody pending appeal to Supreme Court. An application for release from custody for the duration of an appeal to the Supreme Court of Canada under article 314 of the Code of Penal Procedure must be accompanied by a certificate from the registrar of that Court attesting that a motion for leave to appeal or a notice of appeal has been filed.

CHAPTER VIII APPEAL MANAGEMENT

29. Leave to appeal. A judge granting leave to appeal under article 291 or the second paragraph of article 292 of the Code of Penal Procedure may, to ensure efficient conduct of the appeal, decide that the appeal will proceed on the fast track, which is the procedure used in an appeal without briefs within a reduced timeframe. In such a case, the judge manages the proceedings, among other things setting the date and length of the hearing and establishing the timetable for the filing of the documents that are to be produced.

30. Request for management. A party seeking the holding of a management conference to define the issues genuinely in dispute and to establish appropriate means to simplify the proceedings and reduce the duration of the hearing must, as soon as possible, so inform the clerk by letter setting out the grounds for the request. A judge may initiate and preside such a conference or do so at the request of a party.

31. Orders and directives. The Court may make any order to ensure the proper administration of justice.

Directives. A party may apply to the chief justice, or to a judge designated by the chief justice, to request directions as to the conduct of an appeal.

The chief justice or a judge designated by the chief justice may, in the interests of justice, make any order and take any measure to accelerate the appeal process.

32. Remote hearing. A party wishing to have a remote hearing by technological means, including teleconference or videoconference, must make a request to that effect by letter to the clerk. The judge who is to preside the hearing decides the request and informs the parties accordingly.

A party who is in custody and who is represented by counsel is not entitled to be present at the hearing of any appeal proceedings, unless the Court or a judge of the Court gives the party leave to be present, in particular if that presence is essential for the party to assert rights.

A party who is in custody and who is not represented by counsel is entitled to be present at all appeal proceedings. The Court or a judge of the Court may order the party to appear by an available technological means, including by teleconference or videoconference.

The parties must take the necessary steps to enable the remote hearing to be held.

The costs relating to the remote hearing, if any, are borne by the party making the request.

CHAPTER IX BRIEFS

33. Content. The appellant's brief contains its argument and three schedules; that of the respondent contains its argument and, if necessary, elements supplemental to those in any of the appellant's schedules.

34. Argument. Each argument is divided into five parts:

(1) Part I (facts): The appellant succinctly states its position and recites the facts. The respondent may comment on them and relate additional facts.

(2) Part II (issues in dispute): The appellant concisely states the issues in dispute. An appellant wishing to raise questions of law not stated in the notice of appeal must state and describe those questions in clear terms. An appellant wishing to raise questions of law not stated in the notice of appeal or the motion for leave to appeal must first apply for and obtain leave in writing from a judge, unless the judge refers the matter to the panel that will hear the appeal. The respondent responds to the issues raised by the appellant and may add any further issue the respondent intends to argue, including those rejected or not considered by the court that rendered the judgment under appeal.

(3) Part III (submissions): Each party develops its submissions, with precise references to the content of the schedules. A respondent seeking to have the second or third paragraph of article 286 of the Code of Penal Procedure apply must so specify and provide the grounds of fact and law relied on.

(4) Part IV (conclusions): Each party states the precise conclusions it seeks.

(5) Part V (authorities): Each party prepares a list of authorities in the order in which they appear in the argument, with reference to the paragraphs at which they are cited.

35. Joint statement of facts. The parties may agree to a joint statement of facts in lieu of transcripts of the depositions and exhibits or any part of them. The joint statement must be produced by the appellant at the beginning of Schedule III.

36. Number of pages. Parts I to IV of the argument may not exceed 30 pages, except with leave of a judge, in particular when the nature and complexity of the appeal demands a more extensive argument.

37. Schedules. The schedules to the appellant's brief consist of the following:

(1) Schedule I: the judgment under appeal, including reasons, and in the case of an application for judicial review or an appeal from a judgment of the Superior Court sitting in appeal, the impugned decision;

(2) Schedule II:

(a) the notice of appeal and, if applicable, the motion for leave to appeal and the judgment granting leave;

(b) the information laid and the minutes of the hearing on the merits in first instance and in Superior Court, if applicable; and;

(c) all statutory and regulatory provisions relied on, other than those in the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (U.K.), (1982, c. 11), the Code of Penal Procedure, the Criminal Code (R.S.C. 1985, c. C-46) or the Canada Evidence Act (R.S.C. 1985, c. C-5), in both official languages, if available; and

(3) Schedule III: the exhibits and depositions or excerpts of the exhibits and depositions necessary for the Court to adjudicate the issues in dispute.

38. Final requirements. On the last page of the brief, the author

(1) attests that the brief conforms to this Regulation;

(2) undertakes to make available to the other parties, at no cost, any depositions obtained in paper or technological format; and;

(3) indicates the time sought for oral argument including, in the case of the appellant, the reply.

39. Format. The brief must be formatted in compliance with the following rules:

(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 must be indicated on the cover page:

(a) the record number in appeal;

(b) the court that rendered the judgment under appeal, the judicial district, the name of the judge, the date of the judgment and the record number;

(c) the style of cause of a pleading in accordance with section 18;

(d) the title of the brief by reference to the status of the party in accordance with section 19; and;

(e) the name of the attesting author and the author's contact information as well as the names and contact information of counsel for the other parties. If space is insufficient, the information required for the other counsel is indicated on the following page.

(3) **Table of contents.** The first volume of the brief begins with a general table of contents, and each subsequent volume begins with a table of its contents.

(4) **Pagination.** Brief page numbers are consecutive and centered at the top of the page.

(5) **Spacing, font and margins.** The text of the argument is to have at least 1.5 line spacing, except for citations which are to be single-spaced and indented. Arial 12-point font must be used for the entire text. As an exception, Arial 11-point font may be used for citations and Arial 10-point font for footnotes. 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 are printed on the left-hand pages; the other schedules are printed on both sides.

(8) **Number of pages.** Each volume has a maximum of 225 sheets.

(9) **Volumes.** Each volume is numbered on the cover page and its bottom edge. The sequence of pages it contains is also printed thereon.

(10) **Exhibits.** All exhibits must be reproduced legibly. They are reproduced consecutively as they are numbered. Each exhibit is reproduced beginning on a new page titled by the exhibit number and the date and nature of the exhibit. Reproductions of photographs are permitted if they are clear. If a handwritten document is illegible, it must be accompanied by a transcript.

(11) **Depositions.** Reproduction of each deposition begins on a new page titled by the surname of the witness in upper-case letters followed by the given name, age and place of residence of the witness in lower-case letters, if those particulars have been provided, and abbreviated mentions in parentheses of

- (a) the status of the party who called the witness;
- (b) the stage of the hearing (case in chief, defence, rebuttal); and
- (c) the stage of the examination (examination in chief, cross-examination, re-examination).

The title of each following page must restate the name of the witness and the abbreviated mentions

(12) **“Four in one” format.** Depositions may be reproduced in paper form with four pages printed on one page, using Arial 10-point font or its equivalent. The four pages contain a maximum of 25 lines, numbered on the left-hand side of the page, and are in vertical sequence. The full page itself has only one title (corresponding to the commencement of the text).

40. Number of copies. The parties must file their brief referred to in article 304 of the Code of Penal Procedure at the office of the Court in seven copies in paper form; in accordance with section 11, they must also file a technological version for each copy filed in paper form. The parties must serve two other copies in paper form and one technological version on the other parties.

41. Non-compliance. If a brief does not comply with the foregoing requirements, the clerk informs its author of the required corrections and sets a time limit within which they must be made. The clerk informs the other parties accordingly.

Failing correction, the brief is refused. The clerk’s decision may be reviewed by a judge on a motion filed within ten days after the refusal.

CHAPTER X BOOK OF AUTHORITIES

42. Book of authorities. Each party may file a book of authorities containing statutory and regulatory provisions, other than those referred to in subparagraph *c* of paragraph 2 of section 37, in both official languages, if available, and case law or doctrine, printed on both sides of each page and tabbed. The relevant extracts are to be identified by underlining, highlighting or a vertical line in the margin.

The cover page of each volume of the book of authorities must show the record number in appeal, the designation of the parties, the title and the status of the filing party.

The text of judgments of the Supreme Court of Canada is the text published in the Supreme Court’s reports and, failing that, the text available before publication.

Case law or doctrine may be reduced to only relevant extracts, submitted with the preceding and succeeding page and, if available, the headnote.

A technological version of the book of authorities filed on a USB key pursuant to a management decision or as a complement to a paper version must be searchable by keyword.

43. Judgments deemed to be included in book of authorities. The Court publishes a list of judgments that the parties need not reproduce in their book of authorities. The list is available at the office of the Court and on its website.

44. Filing. Four copies of the book of authorities, in one or more volumes, must be filed for a panel; only one copy must be filed for a single decision-maker. The book of authorities must be served and filed 30 days before the appeal hearing and as soon as possible before the hearing of a motion.

CHAPTER XI MOTIONS

45. Motion. A motion must not exceed ten pages, excluding the designation of the parties and the conclusions sought, and must be accompanied by all that is necessary for its adjudication, including pleadings, judgments and reasons, exhibits, depositions, minutes, laws and regulations or extracts of those documents. A motion presented to the Court must be filed in four copies and a motion presented to a judge must be filed in duplicate.

A party may apply to be excused from filing paper copies of the documents that accompany the motion, or certain of those documents, if all the parties to the motion consent to their being filed as a technological version on a USB key. The motion must be in writing and filed at the office of the Court, with a copy to the other parties, and is decided by a judge.

46. Affidavit. Any motion containing allegations based on facts that do not appear in the record must be supported by the affidavit of a person who has personal knowledge of the facts.

47. Presentation date. The clerk posts on the Court’s website the calendar of hearing dates for motions before the Court or a judge. For a motion before the Court, the applicant must reserve a presentation date with the clerk.

48. Service and notice of presentation. A motion must be accompanied by a notice of presentation and its schedules and be served and filed at the office of the Court at least five working days before its presentation date in the case of a motion presented to the Court, and at least two working days before the presentation date in the case of a motion presented to a judge. In addition to the date and time, the notice of presentation must specify the courtroom in which the motion will be presented. An application for release from custody made under article 298 of the Code of Penal Procedure must be served on the prosecutor and filed at the office of the Court with at least one working day's notice before its presentation date.

Motion to dismiss. A motion presented by the prosecutor to dismiss an appeal must be served on the appellant and, if applicable, on the appellant's counsel in the manner provided unless a judge orders otherwise, in particular if the recipient cannot be located.

49. Time of presentation. A motion before the Court or a judge is presented at 9:30 a.m. The parties may, however, be convened at a different time.

50. Incomplete or irregular motion. The clerk informs the applicant if a motion is incomplete. If the applicant does not remedy the default by the deadline preceding the day on which the motion is to be presented, that deadline being either five or two working days, the clerk postpones the motion to a later date and informs the parties accordingly.

Before the hearing, a judge may strike a motion from the roll if it is irregular on its face and in such a case, the clerk informs the parties accordingly.

51. Party excused from attendance. Except in the case of release from custody, a party stating in writing that a motion will not be contested may apply in writing to the judge to be excused from attendance at the hearing.

52. Absence. If a party fails to appear on the day and at the time set for a motion to be presented, the Court or the judge may hear the parties in attendance and adjudicate the matter, if circumstances so warrant, without hearing the duly informed absent party or, alternatively, adjourn the hearing on the conditions determined.

53. Hearing using technological means. Where circumstances permit and the parties so consent, a motion may be heard using technological means, in particular by videoconference or teleconference.

54. Request for adjournment. A party seeking an adjournment must, as soon as possible, so inform the judge presiding the panel, the judge or the clerk, who then grants or dismisses the request or postpones the decision until the beginning of the hearing. The party's request must state the reason the adjournment is sought and whether or not the other party or parties consent to it.

55. Motion to admit new evidence. A party seeking leave to admit new evidence under the second paragraph of article 312 of the Code of Penal Procedure must first present a motion setting forth how the party exercised due diligence in obtaining the evidence and how it is relevant, credible and, if believed, likely to affect the result.

Notice and procedure. A party presenting such a motion must inform the other parties as soon as possible and attempt to secure an agreement on the timetable and procedure for the exchange of relevant documents and for cross-examinations, if applicable. The proposed timetable and procedure must be submitted to the Court.

Two-stage determination. Once seized of the motion, the Court first permits or refuses the gathering of the proposed evidence and determines, if applicable, the procedure and timetable according to which the evidence will be gathered and any cross-examinations undertaken. Once seized of the appeal on the merits, the Court then decides the admissibility of the evidence.

CHAPTER XII

INEFFECTIVE ASSISTANCE OF COUNSEL

56. Allegation of ineffective assistance of counsel. An appellant alleging the ineffective assistance of counsel who represented the appellant in first instance or before the Superior Court must inform that counsel by sending a copy of the written pleadings containing the allegation. The parties must complete the required form, available at the office of the Court and on the Court's website, within the time indicated on the document.

Response from counsel. Counsel wishing to respond must so inform the chief justice and the other parties in writing, describing the means counsel considers appropriate to respond to the allegations.

Management. A judge may, by a management conference, endeavour to bring the parties to an agreement on the procedure by which the evidence will be gathered or, if necessary, impose such a procedure and a timetable.

New evidence. The parties must present the appropriate motions in order to be authorized to admit new evidence under the second paragraph of article 312 of the Code of Penal Procedure.

CHAPTER XIII FACILITATION CONFERENCE IN PENAL MATTERS

57. Request form. Parties represented by counsel and requesting the holding of a facilitation conference in penal matters must do so using the form available at the office of the Court and on the Court's website. The conference is presided by a judge and brings counsel for the parties together for the purpose of seeking partial or full resolution of the appeal. The judge may direct the parties to provide any required documents. Filing the completed form at the office of the Court suspends the time limits applicable to the appeal proceedings, including those set out in articles 304 and 305 of the Code of Penal Procedure.

Participation. Only counsel participate in the conference unless the judge, with the consent of the parties, authorizes another person to participate. The judge facilitates the discussion and encourages dialogue, neither of which is recorded.

Confidentiality. Counsel must undertake in writing to keep the content of the discussions confidential. If the conference results in a resolution, the judge presiding the conference may be a member of the panel that will render judgment. Where no resolution is reached, the judge presiding the conference may not participate in the hearing of the appeal.

CHAPTER XIV ROLLS

58. Declaration of readiness. When a hearing date has not been previously set by the Court or a judge and the appeal is ready to be heard, the clerk issues a declaration of readiness and sends it to counsel and to unrepresented parties.

59. Rolls. The clerk prepares the rolls for hearings following, to the extent possible, the chronological order of declarations of readiness, subject to any preferences set by law or granted by order. On the roll, the clerk indicates the time allocated to each party for oral argument, including the reply.

60. Orders of preference. The chief justice or the judge the chief justice designates may, on his or her own initiative or on a motion, order that a matter be heard by preference. The motion must be presented on the date and at the time agreed with the clerk. It must be served on the other parties and filed at the office of the Court at least two working days before its presentation.

61. Notice of hearing. The clerk informs counsel and unrepresented parties of the date set for the hearing of their appeal by sending them a copy of the roll at least 30 days in advance. The roll is available at the office of the Court and is posted on the Court's website.

CHAPTER XV HEARINGS OF THE COURT

62. Order of hearings. Hearings of the Court begin at 9:30 a.m. The clerk may convene the parties at a different time for the hearing of their appeal. Appeals are heard in the sequence appearing on the roll. If circumstances so warrant, a matter may be heard in a duly informed party's absence.

63. Oral argument. A party's oral argument, excluding the reply, may be divided between and presented by two counsel. At the hearing of a motion, each party may call only one counsel, except with leave.

64. Outline of oral argument. At the beginning of a hearing, a party may produce an outline of its oral argument, not exceeding two pages, and may attach to it, with tabs, the sole extracts from its brief and the authorities to which it intends to refer during oral argument.

65. Recording. The reproduction of oral arguments in a technological format is available on payment of the applicable fees under the Tariff of fees for the recording and transcription of depositions of witnesses; reproduction of a decision must be authorized (the request form is available at the office of the Court).

66. Adjournment. A party seeking an adjournment must, as soon as possible, so inform the judge presiding the panel who then decides the matter or postpones the request to the beginning of the hearing. In the request, the party must state the reason the adjournment is sought and whether or not the other party or parties consent to it.

67. Waiver of hearing. By consent, the parties may request that an appeal be decided on the basis of each brief alone, without a hearing. The Court may require that the accused personally consent to the waiver.

The clerk informs the parties of the date on which the appeal is taken under advisement and the names of the judges assigned to the matter.

If the panel responsible for adjudicating the appeal considers that a hearing is necessary, the parties are informed that the matter is no longer under advisement and that the appeal has been returned to the general roll.

68. Filing of judgment. When a judgment is filed, the clerk sends a copy of it to all the parties or their counsel, to the judge who rendered the judgment under appeal and the office of that court and, if applicable, to the judge who rendered judgment in first instance and the office of that court.

69. Discontinuance. An appellant wishing to discontinue the appeal must file a notice of discontinuance signed personally or by counsel. If signed by the appellant, the signature must be certified by affidavit or countersigned by a lawyer or, if the appellant is detained, certified by an officer of the detention facility. An appellant who has been released under article 298 of the Code of Penal Procedure must surrender to the appropriate custodial authorities within three days after the filing of the notice of discontinuance or, if the appellant is on probation or is serving a suspended sentence, the appellant must send the notice to the probation officer or the supervision officer within that same time.

CHAPTER XVI MISCELLANEOUS

70. Application of Regulation. This Regulation applies, with the necessary modifications, to all proceedings brought before the Court under articles 291 and 292 of the Code of Penal Procedure.

71. Time periods. Any time period set by this Regulation may be extended or abridged by the Court or a judge, before or after its expiry, if so warranted by the ends of justice, in particular to promote access to justice.

72. Exemption. The clerk may exempt a party from complying with a provision of this Regulation dealing with presentation formalities for pleadings if the circumstances so warrant, in particular to promote access to justice. In such a case, the clerk informs the other parties accordingly and makes a note in the court record or mention of it on the document granting the exemption.

73. Directive from clerk. The clerk may publish a directive to explain and facilitate proper understanding of this Regulation.

74. Different application. Where warranted by the circumstances, the chief justice may ask counsel to apply the rules dealing with formalities in a manner that differs from the manner provided in this Regulation.

75. Application of Code of Civil Procedure. The provisions of the Code of Civil Procedure and the Civil Practice Regulation (Court of Appeal) (chapter C-25.01, r. 10) apply to appeals in penal matters, except where they are inconsistent with the Code of Penal Procedure or this Regulation.

CHAPTER XVII COMING INTO FORCE

76. Coming into force. This Regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.

104188

Gouvernement du Québec

O.C. 1197-2019, 4 December 2019

CONCERNING the delegation of the exercise of the function related to the determination of the contribution of users of full age taken in charge by certain intermediate resources

WHEREAS, under section 9.2 of the Act respecting the Ministère de la Santé et des Services sociaux (chapter M-19.2), the Government may authorize the Minister of Health and Social Services to delegate to an organization, by agreement, the exercise of functions assigned to the Minister by the Act or by another Act under the Minister's administration;

WHEREAS, under the eighth paragraph of section 2 of the Act respecting the Régie de l'assurance maladie du Québec (chapter R-5), the Régie de l'assurance maladie du Québec (the "Board") shall exercise any function delegated to it pursuant to an agreement with a minister;

WHEREAS section 9 of the Regulation respecting the contribution of users taken in charge by intermediate resources (chapter S-4.2, r. 7) provides that the contribution that may be required of a user of full age is determined by the Minister of Health and Social Services;

WHEREAS, under Order in Council 341-2001 dated 28 March 2001, the Minister of Health and Social Services has been authorized to delegate to the Board, in accordance with the provisions of the agreement attached thereto, the exercise of the function related to the determination of the contribution of users of full age taken in charge by intermediate resources;

WHEREAS it is expedient to replace the Agreement concerning the delegation of the exercise of the function related to the determination of the contribution of users of full age taken in charge by intermediate resources, attached to Order in Council 341-2001 dated 28 March 2001;

IT IS ORDERED, therefore, on the recommendation of the Minister Responsible for Seniors and Informal Caregivers and the Minister of Health and Social Services: