

Draft Regulation

Code of Civil Procedure
(chapter C-25.01)

Trial by preference of certain judicial applications

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the trial by preference of certain judicial applications, appearing below, may be made by the Minister of Justice on the expiry of 45 days following this publication.

The draft Regulation sets out the conditions that a body must meet to be able to issue a certificate of participation in a private dispute prevention and resolution process under section 7 of the Code of Civil Procedure (chapter C-25.01). It also determines the other cases in which an application by a person who is a victim may be tried by preference and sets out the applicable terms and conditions.

Further information on the draft Regulation may be obtained by contacting Jessica Trottier, Direction du développement de l'accès à la justice, Ministère de la Justice, 1200, route de l'Église, 7^e étage, Québec (Québec) G1V 4M1; email: jessica.trottier@justice.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Justice, 1200, route de l'Église, 9^e étage, Québec (Québec) G1V 4M1.

SIMON JOLIN-BARRETTE
Minister of Justice

Regulation respecting the trial by preference of certain judicial applications

Code of Civil Procedure
(chapter C-25.01, a. 7)

DIVISION 1 CERTIFICATE OF PARTICIPATION IN A PRIVATE DISPUTE PREVENTION AND RESOLUTION PROCESS

1. To be able to issue a certificate of participation in a private dispute prevention and resolution process, a body that is not under the jurisdiction of the Government or a government department or body must meet the following requirements:

- (1) offer civil mediation;

(2) ensure that the mediators whose services are being offered are required to comply with rules of ethics and good practices;

(3) ensure that the mediators whose services are being offered have undergone mediation training and undergo continuing education, in particular on the role of the mediator, the notion of impartiality, ethics and confidentiality;

(4) obtain the written authorization of the Minister of Justice.

2. To obtain the authorization provided for in section 1, the body must send the Minister a statement certifying that it meets the requirements set out in paragraphs 1 to 3 of that section.

The Minister may require the body to provide additional information.

3. Before refusing to grant an authorization or withdrawing an authorization from a body, the Minister must notify the body concerned in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allow the body at least 10 days to submit observations.

4. A body that offers civil mediation and is under the jurisdiction of the Government or a government department or body is authorized to issue a certificate.

5. A body that issues a certificate must ensure that a session has been held.

6. The certificate is free of charge.

DIVISION 2 TRIAL BY PREFERENCE OF AN APPLICATION BY A PERSON WHO IS A VICTIM

7. An application by a party who files with the court office a certificate confirming that they have gone to an assistance organization for persons who are victims that is recognized by the Minister of Justice for help as a senior who is a victim of maltreatment by the other party is tried by preference. The certificate is confidential.

8. The certificate provided for in the second paragraph of section 7 of the Code of Civil Procedure (chapter C-25.01) and the certificate provided for in section 7 of this Regulation are obtained from an assistance organization for persons who are victims that is recognized by the Minister of Justice under section 417 of the Code of Civil Procedure.

DIVISION 3

FINAL

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

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