

Draft Regulations

Draft Regulation

Code of Civil Procedure
(chapter C-25.01)

Code of Penal Procedure
(chapter C-25.1)

Act respecting payment of certain witnesses
(chapter P-2.1)

Indemnities and allowances payable to witnesses summoned before courts of justice — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting indemnities and allowances payable to witnesses summoned before courts of justice, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the provisions relating to the calculation of the indemnity for loss of time and the calculation of the allowances payable to a witness summoned before a court of justice in order to take into account the possibility of testifying remotely.

Further information on the draft Regulation may be obtained by contacting Patrick Naud-Cavion, Direction du soutien juridique aux services de justice, Ministère de la Justice, 1200, route de l'Église, 7^e étage, Québec (Québec) G1V 4M1; email: patrick.naud-cavion@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 to amend the Regulation respecting indemnities and allowances payable to witnesses summoned before courts of justice

Code of Civil Procedure
(chapter C-25.01, s. 273)

Code of Penal Procedure
(chapter C-25.1, s. 367, par. 7)

Act respecting payment of certain witnesses
(chapter P-2.1, s. 2, par.1)

1. The Regulation respecting indemnities and allowances payable to witnesses summoned before courts of justice (chapter C-25.01, r. 0.5) is amended in section 2

(1) in paragraph 1

(a) by replacing “per necessary day of absence from his home” by “per day”;

(b) by replacing “the necessary leave of absence from his home” by “the loss of time of the witness”;

(2) in paragraph 2

(a) by replacing “per necessary day of absence from his home” by “per day”;

(b) by replacing “absence from his home” by “the witness’s loss of time”;

(3) by replacing “necessary day of absence from their home” in the second subparagraph of paragraph 2 by “day of absence”.

2. The following is added after section 2:

“2.1. Calculation of the loss of time:

(1) The loss of time of a witness who appears remotely from his or her home or place of work is calculated from the time the witness is called to attend at court to the time the witness receives permission to leave.

(2) The loss of time of a witness who appears in person at a hearing or of a witness who appears remotely from a place other than his or her home or place of work is calculated from the time the witness leaves his or her home to the time the witness returns to his or her home.

(3) The loss of time of a witness who appears remotely may not exceed the loss of time the witness would have incurred if he or she had appeared in person at the hearing.”.

3. Section 3 is amended

(1) by replacing “(C.T. 202754, 2005-08-30)” by “(C.T. 227502, 2022-12-13) and its subsequent amendments”;

(2) by adding the following paragraph at the end:

“In the case of a witness who appears remotely from a place other than his or her home or place of work, allowances are calculated on the basis of a trip of a distance not greater than that between the home of the witness and the courthouse to which the witness would have been summoned if he or she had appeared in person at the hearing.”.

4. Section 4 is replaced by the following:

“4. A witness who appears remotely from his or her home or place of work receives no allowance.”.

5. 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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