

Draft Regulation

Court of Appeal Reference Act
(chapter R-23)

References to the Court of Appeal of Quebec

Notice is hereby given that the Chief Justice of Quebec is publishing the draft Regulation respecting references to the Court of Appeal of Quebec, whose text appears below.

Any interested person wishing to comment on the draft Regulation is asked to send written comments, before the expiry of the 45-day period following this publication, to Mtre Bertrand Gervais, Director of the Court Office and Clerk of Appeals – Montreal Seat, at the following address: 100 Notre-Dame Street East, Office RC-36, Montreal, Quebec H2Y 4B6, or by email to: bertrand.gervais@judex.qc.ca.

23 September 2024

*The Honourable MANON SAVARD,
Chief Justice of Quebec*

Regulation respecting references to the Court of Appeal of Quebec

Court of Appeal Reference Act
(chapter R-23, r. 1).

I. PRELIMINARY PROVISIONS

1. *Enabling provision.* This regulation is adopted by virtue of the Court of Appeal's powers arising from its administrative independence, and in conformity with section 2 of the Court of Appeal Reference Act (chapter A-23).

2. *Application of the Regulation of the Court of Appeal in Civil Matters.* The Code of Civil Procedure (chapter C-25.01) and the Regulation of the Court of Appeal of Quebec in Civil Matters (chapter C-25.01, r. 0.2.01) apply, with the necessary modifications and subject to the provisions of the Court of Appeal Reference Act and the provisions of this regulation, to references brought before the Court of Appeal.

II. INITIATION OF REFERENCE AND MANAGEMENT

3. *Filing of notice of reference.* A reference to the Court of Appeal shall be initiated by filing with the office of the Court a notice of reference to which shall be attached the order in council setting out the question

referred to the Court of Appeal by the Government as well as proof of notification thereof to the Attorney General of Canada and to the attorneys general of the territories and the other provinces.

The Attorney General of Quebec shall also notify the notice of reference to any interested person identified by the Chief Justice of the Court of Appeal and file proof of such notification with the office of the Court.

The clerk shall publish the notice of reference on the Court of Appeal's website.

4. *Designation of parties.* By the filing of a notice of reference, the Attorney General of Quebec shall ex officio become a party to the proceedings. He shall be designated under his title in any pleadings.

Every other party to the proceedings shall be designated as an intervenor.

5. *Declaration of intervention.* Within two months after the filing of the notice of reference, any attorney general may intervene in the reference by filing, with the office of the Court, a declaration of intervention as well as proof of its notification to the Attorney General of Quebec. From then on, such attorney general shall be a party to the proceedings.

The clerk shall publish the declaration of intervention on the Court of Appeal's website.

6. *Request to intervene.* Any person interested in the reference may request leave to intervene. The request to intervene shall be filed with the office of the Court within two months after the filing of the notice of reference, together with proof of notification thereof to the Attorney General of Quebec and to every intervenor.

The request to intervene shall set out the reasons justifying the intervention.

The request shall be made by means of an application, in accordance with the provisions of the Regulation of the Court of Appeal of Quebec in Civil Matters, and its notice of presentation shall include the words "date to be determined by the Chief Justice". It may be heard, by the Chief Justice or by the judge designated by the Chief Justice, at a case management conference or a hearing.

The clerk shall publish the request to intervene on the Court of Appeal's website.

7. *Statement of the Attorney General of Quebec.* Within two months after the filing of the notice of reference, the Attorney General of Quebec shall file

with the office of the Court a statement containing the following elements, together with proof of its notification to the Attorney General of Canada, the attorneys general of the territories and the other provinces and to the applicants for intervention:

- (a) the nature of the submissions he intends to make;
- (b) the nature of the evidence he intends to file;
- (c) the proposed time frame for the filing of such evidence; and
- (d) all other information useful for establishing a timetable and for the orderly conduct of the proceedings.

8. *Management.* The Chief Justice or the judge designated by the Chief Justice may, at any time, convene the Attorney General of Quebec, the intervenors and the applicants for intervention to a management conference in order to adjudicate the requests to intervene or set their hearing date, to establish a timetable for the filing of briefs and other documents, and to decide any other question or make any order required for the orderly conduct of the proceedings.

At the request of the Chief Justice or the judge designated by the Chief Justice, an intervenor and an applicant for intervention shall file with the office of the Court, within the specified time limit, a statement containing the information referred to in section 7 of this regulation as well as proof of its notification to the Attorney General of Quebec and to every intervenor and applicant for intervention. Where applicable, the clerk shall publish the statement on the Court of Appeal's website.

9. *Hearing.* The Chief Justice shall determine the place and date for the hearing of the reference.

10. *Time limits.* The Chief Justice or the judge designated by the Chief Justice may shorten any time limit set out in this regulation or extend it before or after its expiry.

III. COMING INTO FORCE

11. *Coming into force.* This regulation comes into force on January 1, 2025.

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