

AM 1  
a. 2

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 2

**AMENDMENT:**

Add at the end:

In addition, they are required, in any steps they take and agreements they make, to uphold human rights and freedoms and observe other public order rules.

*Adopte  
RE*

AM 2  
a. 4

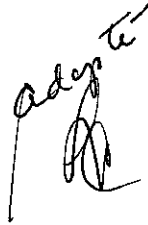
Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 4

**AMENDMENT:**

Replace "subject, to any special provisions of the law or to their own remedies before the courts" by "matter or to any special provisions of the law".

A handwritten signature in black ink, appearing to read "Ady te" with a stylized flourish below it.

AM 3  
a. 2


Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 2

**AMENDMENT:**

Withdrawn and now coded as AM ai.

*adg*  


AM 4  
a. 5

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 5

**AMENDMENT:**

Insert “, teaching” after “research”.

*advised*  
*RR*

AM 5  
a. 7

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 7

**AMENDMENT:**

Replace "two" in the second paragraph by "six".

*Adopte*  
*AR*

AM 6  
a. 8

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 8

**AMENDMENT:**

Strike out the second sentence of the second paragraph.

*Adopte*  
*[Signature]*

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 9

**AMENDMENT:**

Strike out "and, in doing so, to speak the law" in the first paragraph.

*Adopted*  
*MA*

AM 8  
a. 9

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 9

**AMENDMENT:**

Replace “leurs juges” in the third paragraph in the French text by “les juges”.

*Adopté*  
*RA*



Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 11

**AMENDMENT:**

- (1) Insert "to the court records or" after "access" in the second paragraph.
- (2) Insert "set out in this chapter" after "open proceedings" in the third paragraph.

*adopted*  
*AA*

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 16

**AMENDMENT:**

- (1) Replace the first paragraph by:
  16. In family matters, access to the court records is restricted. In all other matters, especially those relating to personal integrity or capacity, access to documents pertaining to a person's health or psychosocial situation is restricted if they have been filed in a sealed envelope.
- (2) Insert "records or" after "Access-restricted" in the second paragraph.
- (3) Replace "their representatives and" in the second paragraph by "by their representatives, by lawyers and notaries, by".
- (4) Insert "or documents" after "to access records" in the second paragraph.

*adopté*  
*AP*

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 20

**AMENDMENT:**

Turn the second sentence into a separate paragraph.

*Adopte*  
*[Signature]*

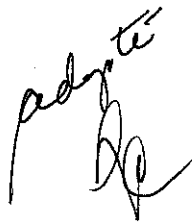
Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 24

**AMENDMENT:**

Replace "The oath may" in the second paragraph by "The oath must".

A handwritten signature in black ink, appearing to be "Ady te" with a stylized flourish below it.

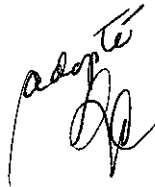
Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 30

**AMENDMENT:**

Replace "\$50,000" in subparagraph 1 of the second paragraph by "\$60,000".

A handwritten signature in black ink, appearing to be "Adopted" written vertically, with a stylized signature below it.

AM 14  
a. 30

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 30

**AMENDMENT:**

Replace "particularly in cases" in the first paragraph by "and judgments or orders".

*Adopte*  
*AP*

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 31

**AMENDMENT:**

- (1) Replace "rules on" in the first paragraph by "disallows".
- (2) Replace "Court of Appeal if it" in the second paragraph by "Court of Appeal if the judge considers that it".

A handwritten signature in black ink, appearing to be "Adante" or similar, written in a cursive style.

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 35

**AMENDMENT:**

Replace "the amount claimed, including rent in lease resiliation matters, or the value of the subject matter of the dispute is less than \$85,000, exclusive of interest, as well as" in the first paragraph by "the value of the subject matter of the dispute or the amount claimed, including in lease resiliation matters, is less than \$85,000, exclusive of interest; it also hears and determines".

*advised  
Ra*



AM 17  
a. 37

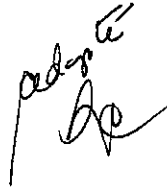
Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 37

**AMENDMENT:**

Insert "emancipation," after "child custody," in the third paragraph.

A handwritten signature in black ink, appearing to be "Adrian" or similar, written in a cursive style.

Bill 28

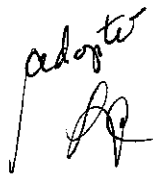
**An Act to establish the new Code of  
Civil Procedure**

Article 48

**AMENDMENT:**

Replace by:

**48.** At any stage of a proceeding, the chief justice or chief judge may, by way of exception, order, even on their own initiative, that a case, a trial or an application relating to the execution of a judgment be transferred to another district in the interests of the parties or of the third persons concerned or if warranted on serious grounds.

A handwritten signature in black ink, appearing to be "Ador" or similar, with a stylized flourish below it.

AM 19  
a. 57

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 57

**AMENDMENT:**

Replace "that puts an end to a dispute" in the second paragraph by "or any other act that puts an end to a dispute".

A handwritten signature in black ink, appearing to be "Pedro" followed by a stylized monogram.

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 62

**AMENDMENT:**

(1) Replace subparagraph 1 of the first paragraph by:

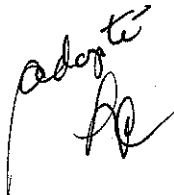
(1) payment of a punitive amount not exceeding \$10,000 for contempt committed by a natural person, or \$100,000 for contempt committed by a legal person, a partnership or an association, in which case the judgment is executed in accordance with Chapter XIII of the Code of Penal Procedure; and

(2) Replace subparagraph 2 of the first paragraph by:

(2) performance, by the person or the person's officers, of compensatory community work the nature, terms and duration of which are determined by the court.

(3) Replace "regularly" in the second paragraph by "periodically".

(4) Strike out the third paragraph.

A handwritten signature in black ink, appearing to be "Adoré" followed by a stylized monogram or initials.

AM 21  
a. 63

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 63

**AMENDMENT:**

Replace both occurrences of "instructions" in the second paragraph by "directives".

*adote*  
*Al*

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 61

**AMENDMENT:**

- (1) Add at the end of the first paragraph: "The person charged with contempt of court cannot be compelled to testify."
- (2) Strike out "and the person charged cannot be compelled to testify" in the second paragraph.

A handwritten signature in black ink, appearing to read "Adepte" with a stylized flourish below it.

AM 23  
a. 65

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 65

**AMENDMENT:**

Replace "instructions" in the second paragraph by "directives".

*adopte*  
*DP*

AM 24  
a. 66

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 66

**AMENDMENT:**

Replace "instructions" in the second paragraph by "directives" and replace "the directives" by "those".

*Adopte*  
*De*




Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 67

**AMENDMENT:**

- (1) Replace the second sentence of the first paragraph by: "They may, with the consent of the Minister of Justice or a person designated by the latter, choose deputy court clerks, who are authorized to exercise those powers."
- (2) Add at the end of the first paragraph: "They may designate a person from among that personnel to perform, in their place or the deputy court clerks' place, acts that do not require the exercise of a jurisdictional or discretionary power."

*Adopte*  


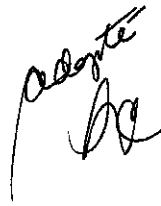
Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 74

**AMENDMENT:**

Insert “, except judgments rendered by default following the defendant’s failure to answer the summons, attend the case management conference or defend on the merits,” after “special clerk” in the first paragraph.

A handwritten signature in black ink, appearing to be "Adante" followed by a stylized flourish.

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 87

**AMENDMENT:**

Replace paragraph 3 by:

- (3) legal persons;

*adapte*  
*AC*

AM 28  
a. 84

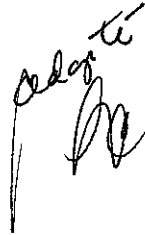
Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 84

**AMENDMENT:**

Strike out “, those with which the parties must comply in the interests of the proper administration of justice” in the second paragraph.

A handwritten signature in black ink, appearing to be "Pedro" followed by a stylized monogram.

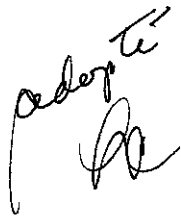
Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 88

**AMENDMENT:**

Strike out “, including partnerships and associations not endowed with juridical personality,” in the first paragraph.

A handwritten signature in cursive script, appearing to read "Adopted" with a large flourish below it.

AM 30  
a. 34

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 34

**AMENDMENT:**

Withdrawn and now coded as AM al.

A handwritten signature or set of initials, possibly 'AC', written in black ink.

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 100

**AMENDMENT:**

Replace the second sentence by: "In addition to the parties' names, it must state their domicile or residence, as applicable, and indicate, if applicable, in what capacity persons are party to the proceeding if otherwise than in their own name."

A handwritten signature in black ink, appearing to be "Adopted" written vertically, with a large, stylized initial "A" below it.

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 101

**AMENDMENT:**

(1) Replace the first paragraph by:

**101.** An application in the course of a proceeding may be in writing or presented orally and without formality at the hearing. If in writing, it must state the date, time and place it will be presented before the court, and must be notified to the other parties at least three days in advance. If presented orally, it must be submitted to the court in the presence of the other parties.

An application in the course of a proceeding may also be set out in a note, a letter or a notice if it concerns a case management measure, if the judge so requires or if the judge and the parties so agree. The note, letter or notice must clearly state the nature of the application and its subject matter, the number of the record to which it relates and any conclusions sought.

(2) Replace "Such an application filed in writing" in the second paragraph by "An application in the course of a proceeding".

(3) Insert "in writing and" after "must be" in the second paragraph.

*adoption  
hd*



Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 105

**AMENDMENT:**

(1) Replace the first paragraph by:

**105.** Whenever the law requires that a pleading be supported by an oath or whenever it requires or allows an affidavit as evidence, the oath must be sworn by a person who can attest to the truth of the facts alleged in the pleading or affidavit.

(2) Replace the third paragraph by:

The person who swore the oath may be examined on the facts whose truth the person attested to; similarly, the affiant may be examined on the facts mentioned in the affidavit if the pleading, attestation or affidavit is deemed by law to be sworn. If the person refuses to submit to such an examination without valid cause, the pleading or affidavit is rejected.

*adopte*  
*AR*

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 108

**AMENDMENT:**

- (1) Strike out "or filed under seal" in the first paragraph.
- (2) Replace "otherwise, the exhibits are destroyed by the court clerk one year after the date on which the judgment becomes final or the date of the pleading terminating the proceeding." in the second paragraph by "otherwise, the court clerk may destroy them one year after the date on which the judgment becomes final or the date of the pleading terminating the proceeding."
- (3) Replace "Exhibits filed in" in the third paragraph by "However, in".
- (4) Insert ", including any child support determination form attached to a judgment," after "judgment" in the third paragraph.

*adv to  
AP*

AM 35  
a. 110

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 110

**AMENDMENT:**

Replace everything after "mail" in the first paragraph by ", by delivery, by technological means and by public notice."

*pedro*  
*AA*


Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 111

**AMENDMENT:**

- (1) Replace "by courier" in the first paragraph by "by delivery of a document".
- (2) Replace "between lawyers, notaries and bailiffs" in the first paragraph by "to lawyers, notaries and bailiffs or between them".
- (3) Insert "before 8 a.m. or" after "on holidays or" in the first paragraph.

*advised*  


Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 112

**AMENDMENT:**

Replace the third paragraph by:

The court clerk may exercise the powers conferred on the court with respect to notification, except as regards the notification of pleadings in personal integrity, status or capacity matters.

AM 38  
a. 115

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 115

**AMENDMENT:**

Insert "de l'ordre" after "judiciaire ou" in the French text.

*Adopté*  
*AP*

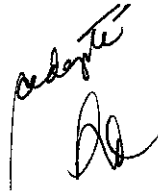
Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 116

**AMENDMENT:**

- (1) Insert "or residence" after "leaving it at the addressee's domicile" in the first paragraph.
- (2) Replace "is not left with the addressee personally or at the addressee's domicile" in the first paragraph by "cannot be so delivered".

A handwritten signature in black ink, appearing to be "Adapté" written vertically, with a large, stylized initial "A" below it.

AM 40  
a. 116

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 116

**AMENDMENT:**

Insert "who appears to be" before "capable" in the first paragraph.

*Adopte*  
*De*



AM 41  
a. 121

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 121

**AMENDMENT:**

Strike out "is summoned to answer a contempt of court charge or".

A handwritten signature in black ink, appearing to be "Adopted" written vertically, with a stylized signature below it.

AM 42  
a. 122

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 122

**AMENDMENT:**

Replace “demeurent” in the French text by “résident”.

A handwritten signature in black ink, appearing to be a stylized name or set of initials, possibly "M. G. H." or similar, written in a cursive style.

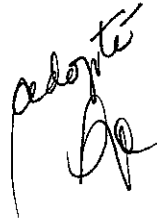
Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 125

**AMENDMENT:**

- (1) Strike out “or an enterprise” in the first paragraph.
- (2) Strike out “or enterprise” in the first paragraph.
- (3) Replace “a group” in the second paragraph by “any other group”.

A handwritten signature in black ink, appearing to read "Adante" with a stylized flourish below it.

AM 44  
a. 124

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 124

**AMENDMENT:**

Strike out “, or by leaving it at the addressee’s elected domicile or with a person designated by the addressee” in the first paragraph.

A handwritten signature in black ink, appearing to be "Adriano" written vertically, with a stylized flourish below it.

AM 45  
a. 124

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 124

**AMENDMENT:**

Insert "that cannot be made personally" after "natural person" in the first paragraph.

A handwritten signature in black ink, appearing to be "Adante" with a stylized flourish below it.

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 132

**AMENDMENT:**

- (1) Replace “by courier or by any other carrier is made by delivering the document” in the first paragraph by “by delivery is made by having the document delivered by a courier or any other carrier”.
- (2) Replace “, to a person capable” in the first paragraph by “or to a person who appears to be capable”.
- (3) Replace “il doit l’être” in the first paragraph in the French text by “le document doit être”.
- (4) Replace “deemed” in the second paragraph by “presumed”.

Handwritten signature and initials in cursive script, appearing to be 'Pedro' and 'R'.

AM 47  
a. 132

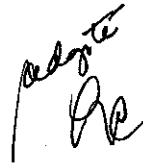
Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 132

**AMENDMENT:**

Replace "or to a person" in the first paragraph by "and".

A handwritten signature in black ink, appearing to be "R. R.", is located in the center of the page.

AM 48  
a. 129

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 129

**AMENDMENT:**

Insert “, such as” after “the bailiff” in the second paragraph.

*adopted*  
*ll*



AM 49  
a. 133

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 133

**AMENDMENT:**

Add "or if ordered by the court" at the end of the second paragraph.

A handwritten signature in black ink, appearing to be "Pedro" or similar, written in a cursive style.

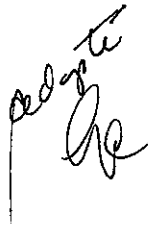
Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 136

**AMENDMENT:**

Replace “the document or a summary of it” in the first paragraph by “a notice or a summary of a document in keeping with the model established by the Minister of Justice”.

A handwritten signature in black ink, appearing to be 'P. G. G.', is written over the text of the amendment.

Bill 28

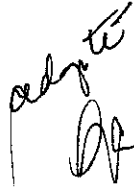
**An Act to establish the new Code of  
Civil Procedure**

Article 136

**AMENDMENT:**

Replace the second paragraph by:

The notice or summary must be published in French on a website for at least 60 days or once only in hard copy in a newspaper. If required by the circumstances, the notice or summary may be published more than once or may also be published in English.

Handwritten signature or initials in black ink, appearing to be 'M. A.' or similar, located below the text of the amendment.

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 146

**AMENDMENT:**

- (1) Insert after the second paragraph:

The summons also sets out the options available to the defendant in answering the summons.

It informs the defendant that, if article 43 applies, the defendant may ask for the referral of the originating demand to the court having territorial jurisdiction by applying to the special clerk in the district concerned after notifying the other parties and the office of the court already seized of the originating demand.

- (2) Replace "As well, the summons mentions that the defendant may" in the third paragraph by "Last, it informs the defendant of the defendant's right to".

- (3) Strike out the last paragraph.

*Adopted*  
*Ra*

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 72

**AMENDMENT:**

Insert "the referral of the originating demand to the court having territorial jurisdiction in a case described in article 43," after "subject matter" in the first paragraph.

A handwritten signature in black ink, appearing to be "pedro te" with a stylized flourish below it.

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 147

**AMENDMENT:**

Replace "to the plaintiff or the plaintiff's lawyer, and" in the second paragraph by "to the plaintiff's lawyer or, if the plaintiff is not represented, to the plaintiff; it is".

*alter  
AC*

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 147

**AMENDMENT:**

- (1) Strike out the second sentence of the second paragraph.
- (2) Add after the second paragraph:

If two or more defendants have been summoned, the plaintiff is required to inform all the parties of the answers received and of the names of the defendants' lawyers.

A handwritten signature in black ink, appearing to be "R. A. [unclear]", is written over the text of the amendment.

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 148

**AMENDMENT:**

- (1) Insert "indicate the consideration given to private dispute prevention and resolution processes," after "issues in dispute," in the first paragraph.
- (2) Add at the end of the second paragraph:
  - (9) the methods of notification the parties intend to use.

*Ad-  
De*



AM 57  
a. 150

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 150

**AMENDMENT:**

Replace "15" in the first paragraph by "20".

*Adopte*  
*[Signature]*

AM 58  
a. 153


Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 153

**AMENDMENT:**

Strike out article.

*Propose*  


Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 157

**AMENDMENT:**

- (1) Replace "By way of exception, if" by "If".
- (2) Insert "and the court is in addition convinced of the seriousness of the steps taken" after "circumstances".

*advisé*  
*AA*

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 158

**AMENDMENT:**

Replace by:

**158.** In order to ensure the orderly progress of a proceeding, the chief justice or chief judge may, on their own initiative, given the nature, character or complexity of the case, order that it be examined and, if warranted, case-managed as soon as the demand is instituted and even before the case protocol is filed.

The chief justice or chief judge may also, for the same reasons, on their own initiative or on request, order special case management at any time and assign a judge as special case management judge. The special case management judge is responsible for deciding all incidental applications, convening a case management conference and a pre-trial conference if warranted, and issuing such orders as are appropriate, unless another judge is temporarily assigned because the special case management judge is unable to act. The special case management judge may also be assigned to preside over the trial and render judgment on the merits of the principal demand.

A handwritten signature in black ink, appearing to be "A. J. ...", is located below the text of section 158.

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 160

**AMENDMENT:**

(1) Replace “an incapable person of full age” in the first paragraph by “a person of full age it considers incapable who is”.

(2) Replace the second paragraph by:

In the case of such a person of full age, the court, on its own initiative, may order that the demand be notified to the person’s spouse, a close relative or a person who shows a special interest in the person or, in their absence, to the Public Curator.

(3) Insert “leur” after “pour” in the third paragraph in the French text.

(4) Strike out “du mineur ou du majeur” in the third paragraph in the French text.

A handwritten signature in black ink, appearing to be "Adolphe" written in a cursive style.

AM 62  
a. 170

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 170

**AMENDMENT:**

Add "attached to the minutes" after "outline" in the second paragraph.

*add to  
1/20*

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 173

**AMENDMENT:**

- (1) Replace the first paragraph by:

173. The plaintiff is required to ready the case for trial within six months, or one year in family matters, after the date on which the case protocol is presumed to be accepted or the case management conference following the filing of the case protocol is held, or after the date the case protocol is established by the court, and, before that strict time limit expires, to file a request with the court office to have the case set down for trial and judgment.

- (2) Replace "at the" in the second paragraph by "at a".

*Adopted*  
*AS*

AM 64  
a. 174

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 174

**AMENDMENT:**

Add "and, if applicable, particulars as to the use of the services of an interpreter or the use of technological means" at the end of subparagraph 6 of the first paragraph.

Handwritten signature or initials, possibly reading "Adriano" or similar, written in cursive.



Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 175

**AMENDMENT:**

- (1) Insert "or to file a defence within the time limit set in the case protocol" after "summons" in the first paragraph.
- (2) Strike out "or to file a defence within the time limit set in the case protocol" in the the first paragraph.

*Adote*  
*AD*

AM 66  
a. 178

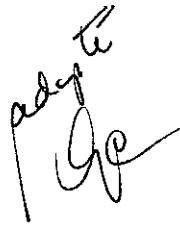
Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 178

**AMENDMENT:**

Replace "court clerk's" in the first paragraph by "court".

A handwritten signature in black ink, appearing to be "A. G. C.", is written in the center of the page.

AM 67  
a. 179

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 179

**AMENDMENT:**

Strike out "by the judge" in the third paragraph.

*Adopted*  
*RA*

AM 68  
a. 179

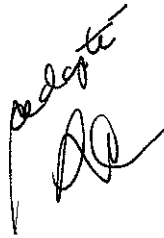
Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 179

**AMENDMENT:**

Strike out "and to determine, if applicable, the order in which the evidence is to be presented and any particulars relating to witness evidence" in the first paragraph.

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke at the top, possibly reading "M. J. [unclear]".

AM 69  
a. 181

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 181

**AMENDMENT:**

Add at the end:

The special clerk may also, after the evidence stage, render judgment on any other matter except family matters.

*add to  
181*

AM 70  
a. 187

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 187

**AMENDMENT:**

Replace "seeking only to participate in argument" in the first paragraph by "who wishes to intervene as a friend of the court".

*Adopted*  
*Ro*

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 182

**AMENDMENT:**

- (1) Replace “ceux-ci l’estiment” in the second paragraph in the French text by “l’un ou l’autre l’estime”.
- (2) Strike out “and the parties consent” in the second paragraph.

*pedro*  
*UR*

AM 72  
a. 173

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 173

**AMENDMENT:**

Replace "the complexity" in the second paragraph by "the high level of complexity".

*adopte*  
*R*



Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 171

**AMENDMENT:**

- (1) Replace the first sentence by: "The defence is to be oral unless the case presents a high level of complexity or special circumstances warrant otherwise."
- (2) Replace "Il en est ainsi" in the second sentence in the French text by "Elle est orale".
- (3) Turn the second sentence into a second paragraph.

*adapte*  
*De*

AM 74  
a. 188

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 188

**AMENDMENT:**

Add at the end:

The declaration of intervention is also notified to the other parties and they and the third person have 10 days to notify their opposition.

A handwritten signature in black ink, appearing to be "de la Torre" written above a stylized "D" or "Dh".

AM 75  
a. 191

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 191

**AMENDMENT:**

Strike out "the lawyer ceases to represent the party," in the third paragraph.

*adopted*  
*AK*

AM 76  
a. 201


Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 201

**AMENDMENT:**

Replace "the party" in the second paragraph by "a party".

*advised*  


AM 77  
a. 193

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 193

**AMENDMENT:**

Replace "called on to disclose" by "likely to disclose".

*Adopte*  
*Ad*

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 206

**AMENDMENT:**

- (1) Replace "Before a case is taken under advisement" in the first paragraph by "At any time before judgment".
- (2) Insert "from the court" after "authorization" in the first paragraph.

A handwritten signature in black ink, appearing to be "Ady" or similar, with a stylized flourish below it.

AM 79  
a. 218

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 218

**AMENDMENT:**

Replace "court clerk" in the first and second paragraphs by "special clerk".

*pedro te*  
*OR*

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 217

**AMENDMENT:**

Replace "acquiesce in all or part of the demand at any stage of the proceeding" in the first paragraph by ", at any stage of the proceeding, acquiesce, in whole or in part, in the demand".

*Adopted*  
*PR*



AM 81  
a. 225

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 225

**AMENDMENT:**

Insert "or person examined" after the first and third occurrence of "party" in the second paragraph and replace "allow the party" by "allow them".

*Adopte*  
*RP*

AM 82  
a. 224

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 224

**AMENDMENT:**

Strike out the comma after “rejetées” in the first paragraph in the French text.

*adopté*  
*AK*

AM 83  
a. 229

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 229

**AMENDMENT:**

Replace both occurrences of "two" in the second paragraph by "three" and the single occurrence of "three" in that paragraph by "four".

*adopte*  
*Ac*

AM 84  
a. 226


Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 226

**AMENDMENT:**

Replace "three" in the first paragraph by "five".

*adopte*  


AM 85  
a. 232

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 232

**AMENDMENT:**

Strike out the third paragraph.

*Adopted*  
*DR*

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 166

**AMENDMENT:**

Replace by:

**166.** A party that has preliminary exceptions to raise must disclose them in writing to the other party in sufficient time and file the written disclosure with the court office.

The party must do so before the time limit for filing the case protocol or on the date specified in the case protocol, or at least three days before the date set by the court for the case management conference on the case protocol, or, if no case protocol is required, at least three days before the originating demand is to be presented before the court.

The disclosure and filing required by the first paragraph may only be effected at another time in cases determined by law or with the authorization of the court if serious reasons so warrant.

*adopte*  
*[Signature]*

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 237

**AMENDMENT:**

Insert “, including” before “at a case management conference”.

*Adopted*  
*DW*

AM 88  
a. 238

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 238

**AMENDMENT:**

Replace “provide sufficient details and reasons to enable the court to make its own assessment of the facts and conclusions” in the first paragraph by “be brief but provide sufficient details to enable the court to make its own assessment of the facts set out in the report and of the reasoning that led to the conclusions drawn by the expert”.

*adp*  
*Dr*



AM 89  
a. 240

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 240

**AMENDMENT:**

Insert "joint or court-appointed" before "expert must" in the first paragraph.

*per Dept*  
*AD*

AM 90  
a. 238

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 238

**AMENDMENT:**

Replace "include the instructions received from the parties or the court and set out" in the first paragraph by "mention".

*Adopte*  
*[Signature]*

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 246

**AMENDMENT:**

Insert "or if no case protocol is required" after "time limit" in the second paragraph.

A handwritten signature in black ink, appearing to be "Adopte" written above a stylized signature.

AM 92  
a. 248

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 248

**AMENDMENT:**

Replace "In the case of an oral defence" in the first paragraph by "In any other case".

*Adopte*  
*[Signature]*

AM 93  
a. 248

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 248

**AMENDMENT:**

Insert "not later than" after "must send it to the other parties" in the first paragraph.

*adopted*  


AM 94  
a. 251

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 251

**AMENDMENT:**

Withdrawn and now coded as AM j.

A handwritten signature in black ink, consisting of stylized, overlapping letters that appear to be 'R' and 'E'.

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 252

**AMENDMENT:**

- (1) Replace "In the course of the proceeding, any" by "The".
- (2) Insert "in support of an application in the course of a proceeding" after "a party".

*adopted*  


Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 251

**AMENDMENT:**

Replace by:

**251.** A party in possession of real evidence is required, on request, to present it to the other parties or, subject to the conditions agreed with them, to submit it to an expert; the party is also required to preserve, until the end of the trial, the real evidence or, if applicable, a suitable representation that shows its current state.

A third person holding a document relating to a dispute or in possession of real evidence is required, if so ordered by the court, to disclose it, present it to the parties, submit it to an expert or preserve it.

Handwritten signature in black ink, appearing to be 'Adypte' with a large flourish below it.



AM 97  
a. 259

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 259

**AMENDMENT:**

Strike out the second sentence of the third paragraph.

*pedagte*  
*QR*

AM 98  
a. 269

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 269

**AMENDMENT:**

Replace "two days" in the second paragraph by "24 hours".

*adopte*  
*OK*

AM 99  
a. 274

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 274

**AMENDMENT:**

Insert “, subject to conditions determined by the court,” after “released”.

*adopte*  
*R*

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 271

**AMENDMENT:**

(1) Replace the first paragraph by:

**271.** A subpoena must state the nature of the demand, specify where and when the witness is to attend at court and mention that witnesses have the right to request an advance on any indemnities and allowances to which they may be entitled.

(2) Replace the third paragraph by:

The subpoena must be in keeping with the model established by the Minister of Justice and provide information on such matters as the role, rights and duties of witnesses and the consequences incurred by witnesses who fail to attend.

*adopté*  
*R*

AM 101  
a. 271

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 271

**AMENDMENT:**

Strike out the second paragraph.

*Adopte*  
*[Signature]*

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 264

**AMENDMENT:**

(1) Replace the first paragraph by:

**264.** A party may give another party a formal notice to admit the origin of a document or the integrity of the information it contains.

(2) Replace the second paragraph by:

The formal notice must be notified at least 30 days before the trial. If the document or other evidence has not already been disclosed, a suitable representation of it or, in the absence of such a representation, particulars on how to access it must be attached.

*adopte*  
*RP*

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 277

**AMENDMENT:**

Add at the end of the first paragraph: "However, if the disclosure of their address gives cause to fear for their safety, the court may dispense them from disclosing it and issue such orders as are appropriate."

*adopted*  
*[Signature]*

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 278

**AMENDMENT:**

Replace by:

**278.** Witnesses are entitled to the protection of the court against any intimidation tactics while they are testifying and against any abusive examination.

*pedgite*  
*DR*



Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 279

**AMENDMENT:**

Replace "identified live, heard live and, to the extent possible, seen live" in the fourth paragraph by "identified, heard and seen live. The court may however decide, after consulting the parties, to hear a witness without the witness being seen".

*adapte*  
*Be*

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 300

**AMENDMENT:**

(1) Replace "to choose an appropriate sound recording method or call on the services of a stenographer" in the second paragraph by "to call on the services of an official stenographer or, if needed, to agree on an appropriate method of recording to ensure the integrity of the deposition".

(2) Replace the third paragraph by:

Any transcript of an examination that is filed with the court must be made by an official stenographer.

*adopte*  
*[Signature]*

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 301

**AMENDMENT:**

- (1) Replace "A stenographer" in the first paragraph by "When the services of an official stenographer are called on, the stenographer".
- (2) Replace "stenographic notes" in the second paragraph by "depositions".

*adgite*  
*GR*

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 303

**AMENDMENT:**

Insert after subparagraph 6 of the first paragraph:

(6.1) a draft agreement that settles the consequences of a separation from bed and board, a divorce or the dissolution of a civil union;

A handwritten signature in black ink, appearing to be "Pedro" or similar, with a stylized flourish below it.

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 73

**AMENDMENT:**

Replace "death," in the second paragraph by "death or, in family matters, joint demands on a draft agreement; nor may the special clerk decide applications".

*adpte*  
*AR*

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 292

**AMENDMENT:**

Replace the first paragraph by:

**292.** A party may produce as testimony, besides a statement admissible under the Book on Evidence in the Civil Code, a written statement, including a bailiff's ascertainment, provided the written statement is only designed to prove a fact that is secondary to the dispute and has been notified to the other parties beforehand.

*adopte*  
*DR*

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 313

**AMENDMENT:**

Replace the last sentence of the second paragraph by: "The notary is required to invite the person concerned to such a conference and all those to whom the application was notified." and replace "leurs" in the third paragraph in the French text by "ses".

*ad apte*  
*De*

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 316

**AMENDMENT:**

- (1) Replace “assisted” in the first paragraph by “represented”.
- (2) Replace “ou, le cas échéant” in the first paragraph in the French text by “, ou”.
- (3) Insert “or assisted by a trusted third person,” after “ad hoc,” in the first paragraph;
- (4) Replace “they may take the appropriate measures” in the first paragraph by “the appropriate measures may be taken”.
- (5) Strike out the second paragraph.

*Adopté*  
*[Signature]*



Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 325

**AMENDMENT:**

Replace by:

**325.** The court clerk sends the chief justice or chief judge, according to the instructions given by the latter, a list of all cases in the judicial district, whatever their nature, that have been under advisement for five months or more if the time limit for rendering a judgment is six months, three months or more if the time limit is four months, 45 days or more if the time limit is two months and 20 days or more if the time limit is one month.

*pedante*  
*CR*

AM 114  
a. 326

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 326

**AMENDMENT:**

Replace “Cependant, le” in the second paragraph in the French text by “Le”.

*adopté*  
*AG*

AM 115  
a. 327

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 327

**AMENDMENT:**

Replace "assumed by the Government" in the second paragraph by "borne by the Minister of Justice".

*adopté*  
*AR*

AM 116  
a. 339

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 339

**AMENDMENT:**

Insert “, including disbursements incurred for the physical preparation of appeal  
briefs and memorandums,” after “court costs and fees,”.

*pdj/te*  
*DR*

AM 117  
a. 341

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 341

**AMENDMENT:**

Strike out "to acquiesce in the demand," in the second paragraph.

*adopte*  
*AP*

AM 118  
a. 342

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 342

**AMENDMENT:**

Replace "serious" by "substantial".

*Adopted*  
*[Signature]*

AM 119  
a. 345

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 345

**AMENDMENT:**

Replace "for serious grounds that could" in the first paragraph by "if letting the judgment stand would tend to"

*adopted*  
*BR*

AM 120  
a. 347

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 347

**AMENDMENT:**

Replace "notified to" in the first paragraph by "served on".

*adopted*  
*[Signature]*



AM 121  
a. 347

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 347

**AMENDMENT:**

Replace "notification" in the second paragraph by "service".

*pedroste*  
*DR*

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 349

**AMENDMENT:**

Replace “notified to the parties to the judgment whose revocation is sought or, if the application is brought within one year after the judgment, to” in the second paragraph by “served on the parties to the judgment whose revocation is sought or, if the application is brought within one year after the judgment, on”.

*advised*  
*OR*

AM 123  
a. 352

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 352

**AMENDMENT:**

Withdrawn and now coded as AM o

A handwritten signature in black ink, consisting of a large, stylized capital letter 'A' followed by a smaller, cursive letter 'a'.

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 353

**AMENDMENT:**

- (1) Add at the end of the first paragraph: "It must be filed together with a copy of the judgment in first instance."
- (2) Replace "files" in the third paragraph by "must, within 45 days after the date of the judgment under appeal, file".
- (3) Replace "arranged" in the third paragraph by "given instructions to an official stenographer".

A handwritten signature in black ink, appearing to be "adryte" with a stylized flourish below it.

AM 125  
a. 358

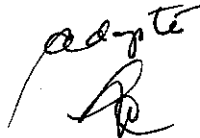
Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 358

**AMENDMENT:**

Insert " or, if they are not represented, a statement indicating as much" after  
"representing them" in the second paragraph.

A handwritten signature in black ink, appearing to be "R. R. R.", is written over the printed text of the amendment.

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 360

**AMENDMENT:**

Replace the first paragraph by:

**360.** A party intending to appeal a judgment is required to file a notice of appeal within 30 days after the date of the notice of judgment or after the date of the judgment if it was rendered at the hearing. If leave to appeal is required, the notice of appeal must be filed together with an application for leave to appeal.

A handwritten signature in black ink, appearing to read "pedagte" with a stylized flourish below it.

AM 127  
a. 352

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 352

**AMENDMENT:**

Replace "either the office of the Court of Appeal or that of the court of first instance and notifying the notice to the office of the other court" by "the office of the Court of Appeal, together with proof of service on the respondent".

*adopte*  
*RD*

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 354

**AMENDMENT:**

Replace the first sentence of the first paragraph by: "The notice of appeal is notified to the office of the court of first instance. The court clerk informs the judge who rendered the judgment of the appeal and, on the appellate clerk's request, sends the case record without delay to the Court of Appeal."

*adopte*  
*AE*



AM 129  
a. 364

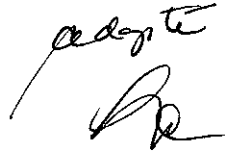
Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 364

**AMENDMENT:**

Strike out “, under pain of dismissal of the appeal” in the second paragraph.

Handwritten signature and initials in black ink, appearing to be "A. D. T." and "R." respectively.

AM 130  
a. 365

Bill 28

**An Act to establish the new Code of  
Civil Procedure**

Article 365

**AMENDMENT:**

Insert "the surety is not furnished within the time limit determined," after  
"dismiss an appeal if" in the first paragraph.

*adg*  
*PR*