



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 54

An Act to reform the Code of Civil Procedure

Introduction

**Introduced by
Mr Paul Bégin
Minister of Justice**

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EXPLANATORY NOTES

This bill amending the Code of Civil Procedure reforms the rules governing such matters as the institution of proceedings, proceedings in appeal, the recovery of small claims and class action suits.

A single mode is introduced for the institution before the courts of any type of action or application, namely the motion to institute proceedings. This integrated procedural approach will replace the present provisions governing the declaration as a means to commence an action, the simplified procedure by way of a declaration, special proceedings concerning certain personal and property matters and family law proceedings.

Various measures are also proposed to speed up court proceedings and facilitate their orderly conduct. Notable among these is the introduction of a 180-day peremptory time limit for the inscription of a case for proof and hearing. Moreover, the bill increases the role of the court as regards the management of proceedings, encourages recourse to conciliation and settlement conferences, gives preference to oral contestation, simplifies the procedure for opposing incidental proceedings and relaxes certain evidentiary rules.

In another connection, the threshold amount for an appeal as of right from a judgment is increased to \$50,000 or \$100,000, depending on whether questions of law or a purely pecuniary claim are at issue. The Court of Appeal is given the authority to hold a proceeding management conference or, with the consent of the parties, a settlement conference.

Furthermore, the jurisdictional limit of the Court of Québec is increased to \$70,000. As regards the recovery of small claims, claims of up to \$7,000 will now be admissible, the role of the clerk in assisting parties is widened particularly in the area of execution of judgments, a mediation service for small claims is set up and the procedure is simplified.

In addition, certain provisions regarding class action suits are amended, principally to reduce the costs associated with obtaining leave to proceed and the costs resulting from the complexity of the notices that must be given to the members of the group and the

publication of such notices, and to facilitate the liquidation and distribution of the amounts awarded.

Finally, the bill contains transitional measures and consequential amendments.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Code of Civil Procedure (R.S.Q., chapter C-25);
- Professional Code (R.S.Q., chapter C-26);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting municipal courts (R.S.Q., chapter C-72.01);
- Act respecting school elections (R.S.Q., chapter E-2.3);
- Act respecting the protection of personal information in the private sector (R.S.Q., chapter P-39.1);
- Act respecting the Régie du logement (R.S.Q., chapter R-8.1).

Bill 54

AN ACT TO REFORM THE CODE OF CIVIL PROCEDURE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Article 9 of the Code of Civil Procedure (R.S.Q., chapter C-25) is replaced by the following article :

“9. A time limit not declared to be imperative or peremptory by this Code may be extended by agreement between the parties or, failing that, by the court.

A time limit declared to be imperative or peremptory may only be extended by the court; moreover, a time limit declared to be peremptory may only be extended if the court is satisfied that it was absolutely impossible for one of the parties to act.”

2. Article 26 of the said Code is amended

(1) by replacing subparagraph 1 of the first paragraph by the following subparagraph :

“(1) from any final judgment of the Superior Court or the Court of Québec, except where the value of the subject matter of the dispute in appeal is less than \$100,000 in a purely pecuniary matter or less than \$50,000 where questions of law are also at issue;”;

(2) by replacing “when the matter at issue is one which ought to be submitted to the Court of Appeal” in the second paragraph by “where the matter at issue is a question of principle, a new issue or a question of law that has given rise to conflicting judicial precedents or where the judgment in first instance appears to contain a manifest error of law or fact that is significant to the point of invalidating the judgment”;

(3) by replacing subparagraph 4 of the second paragraph by the following subparagraph :

“(4) from any judgment rendered under article 846;”;

(4) by striking out the third paragraph.

3. The said Code is amended by inserting the following article after article 29 :

“29.1. Where leave to appeal has already been given by a judge or an appeal has already been brought by a party to the proceeding under one of the provisions of this section, any other party may bring an appeal as of right.”

4. Article 34 of the said Code is amended by replacing “\$30,000” in subparagraphs 1, 2 and 3 of the first paragraph by “\$70,000”.

5. Article 44.1 of the said Code is amended by replacing the second paragraph by the following paragraph :

“The special clerk may, in the case of applications relating to child custody or obligations of support, homologate any agreement effecting a complete settlement of the matter.”

6. Article 46 of the said Code is replaced by the following article :

“46. The courts and judges have all the powers necessary for the exercise of their jurisdiction.

They may, at any time and in all matters, whether in first instance or in appeal, issue orders to safeguard the rights of the parties, on such conditions as they consider just in view of the circumstances of each case. As well, they may, in the matters brought before them, even on their own initiative, issue injunctions or reprimands, suppress writings or declare them libellous, and make such orders as are appropriate to deal with cases for which no specific remedy is provided by law.

Moreover, they may attempt to reconcile the parties if they consent, in any matter except a matter relating to personal status or capacity or involving public policy issues, or a matter relating to the superintending and reforming power of the Superior Court.”

7. Article 65 of the said Code is amended by inserting “or an appellant” after “plaintiff” and “or appeal” after “suit”.

8. Article 82.1 of the said Code is amended

(1) by replacing “for the purposes of filing at the office of the court, service and evidence” in the first paragraph by “for the purposes of notification, service, filing at the office of the court or evidence” and by adding the following sentence at the end of that paragraph : “The signature of the advocate, notary or court bailiff under his or her oath of office is sufficient to certify the authenticity of the document.” ;

(2) by replacing “The attestation of authenticity” in the second paragraph by “If the document is sent by a party, the attestation of authenticity required”.

9. Article 94.5 of the said Code is repealed.

10. Article 94.6 of the said Code is amended by replacing “after the expiry of the period prescribed in article 94.5” by “after the date indicated in the notice to the defendant for presentation of the motion to institute proceedings before the court”.

11. The headings of Title I, Chapter I and Section I which precede article 110 and articles 110 and 111 of the said Code are replaced by the following :

“TITLE I

“INTRODUCTION OF ACTIONS AND APPLICATIONS, APPEARANCE AND CASE MANAGEMENT

“CHAPTER I

“PRELIMINARY PROVISIONS

“SECTION I

“PROCEDURE APPLICABLE TO ACTIONS AND APPLICATIONS

“110. Actions and applications are introduced by a motion in accordance with the procedure set out in this Title, unless special rules are prescribed. Matters for which special rules are prescribed include non-contentious matters, the recovery of small claims, *habeas corpus* and contempt of court.

“110.1. Actions and applications that are to be contested orally must be heard or scheduled for proof and hearing, and those that are to be contested in writing inscribed for proof and hearing, within a time limit of 180 days after service of the motion.

Such time limit may only be extended by the court, for a maximum of 90 days and upon proof that it was absolutely impossible for the party to act. The decision to extend the time limit must be reasoned.

A shorter time limit than that prescribed by the first paragraph may in all cases be fixed by law.

“SECTION I.1

“PRINCIPLES GOVERNING PROCEEDING

“110.2. The parties to a proceeding have control of their case and of the conduct of the proceeding ; they are however required to comply with the rules of procedure and the time limits prescribed by this Code, and to refrain from acting with the intent of causing prejudice to another person or behaving in an excessive or unreasonable manner, contrary to the requirements of good faith.

The court sees to the orderly progress of the proceeding and intervenes to ensure proper management of the case, especially in the event of disagreement between the parties.

“110.3. In any proceeding, the parties must ensure that the proceedings they choose are proportionate, in terms of the cost, time and effort required, to the nature, complexity and ultimate purpose of the action or application; the same applies to the court as regards the proceedings authorized or ordered by the court.

“CHAPTER I.1

“SUMMONS

“SECTION I

“CONTENT AND FORM OF MOTION

“111. A motion to institute proceedings is a concise written statement of the facts on which the action or application is based and the conclusions sought. It may relate to more than one cause of action, subject to the power of the court to split the proceeding.

The motion is prepared and signed by the plaintiff or the attorney for the plaintiff.

Except where prohibited by law or by circumstances, a motion may be made jointly, in which case no appearance is necessary.

“111.1. The motion to institute proceedings indicates the jurisdiction before which the action or application is brought and states the name, domicile and place of residence of the plaintiff and the name and last known place of residence of the defendant. It also indicates in what capacity a party is named in the motion if not in the party’s personal capacity.”

12. Article 119 of the said Code is replaced by the following article :

“119. The motion to institute proceedings must be accompanied by a notice to the defendant to appear within the time limit indicated in order to file an answer to the action or application. The time limit is ten days of service of the notice, except where otherwise prescribed by this Code.

In addition, the notice to the defendant must state

(1) that the defendant is required to appear within the time limit indicated, failing which a judgment by default may be rendered against the defendant without further notice or extension;

(2) that if the defendant appears, the action or application will be presented before the court on the date indicated unless a written agreement is made by the parties before that date to determine a timetable for the orderly progress of the proceeding;

(3) that on the date indicated for presentation, the court may exercise such powers as are necessary to ensure the orderly progress of the proceeding;

(4) that the exhibits referred to in the motion are available on request; and

(5) that if the amount claimed does not exceed \$7,000, the defendant may make a request to the clerk for the action to be disposed of pursuant to the rules of Book VIII and that if the defendant does not make such a request, the defendant will be liable for costs according to the rules applicable under the other Books of this Code.

The notice to the defendant must reproduce the text determined by government regulation.”

13. Article 139 of the said Code is amended

(1) by striking out “of a declaration” in the first line of the first paragraph;

(2) by replacing “declaration” in the fourth line of the first paragraph and in the last paragraph by “motion to institute proceedings”.

14. Article 148 of the said Code is amended

(1) by replacing the first paragraph by the following paragraph:

“**148.** The original of the motion to institute proceedings and of the notice to the defendant and the return of service must be filed by the plaintiff at the office of the court at least 48 hours before the date fixed for presentation of the action or application or within the time limit prescribed by the rules of practice.”;

(2) by replacing “declaration” in the second paragraph by “motion”.

15. The said Code is amended by inserting the following after article 151 and before Title II:

“CHAPTER IV

“CASE MANAGEMENT

“SECTION I

“AGREEMENT BETWEEN PARTIES AS TO CONDUCT OF PROCEEDING

“**151.1.** Before the date indicated in the notice to the defendant for presentation of the action or application, the parties must negotiate an agreement as to the conduct of the proceeding, specifying the arrangements between them and the timetable with which they are to comply within the 180-day peremptory time limit for inscription prescribed by this Code.

The agreement must cover, among other things, the presentation of preliminary exceptions and safeguard measures, the procedure and time limit for the communication of exhibits, written statements in lieu of testimony and detailed affidavits, the number and length of and other conditions relating to examinations on discovery before contestation, expert appraisals, any planned or foreseeable incidental proceedings, the oral or written form of the contestation and the time when it is to be presented and the reserving or waiving of the right to file an answer. The agreement must be filed without delay at the office of the court, no later than the date fixed for presentation of the action or application.

“151.2. The agreement is binding on the parties as to the conduct of the proceeding. The parties may modify the agreement, insofar as the modification does not contravene the 180-day peremptory time limit for inscription. If there is a disagreement between the parties, the court may, on request, authorize any modification it considers appropriate.

“151.3. The parties must comply with the timetable they have set on pain of dismissal of the action or application, striking of the allegations involved or foreclosure, as appropriate. However, the judge may, on request, relieve a foreclosed party from default if required in the interest of justice; the costs resulting from the default are borne by the party concerned, unless the judge decides otherwise.

“SECTION II

“PRESENTATION OF ACTION OR APPLICATION

“151.4. The action or application is presented before the court on the date indicated in the notice to the defendant, unless an agreement was made by the parties before that date as to the conduct of the proceeding.

The date of presentation may not be less than 30 days from the date of service, except where mutually agreed by the parties or where otherwise prescribed by law or decided by the court in an urgent situation.

If the action or application is to be presented jointly, the date of presentation is set in agreement with the clerk.

“151.5. Subject to any agreement between the parties, all preliminary exceptions must be raised orally at the time of presentation of the action or application. The exceptions may only be contested orally, although the court may allow the parties to present the necessary evidence.

Moreover, the defendant must present an oral summary of the grounds on which the merits of the action or application are to be contested, unless the hearing is being held on the same day.

“151.6. At the time of presentation of the action or application, the court may, after examining the questions of law or fact at issue, intervene

(1) if the action or application is to be contested orally and the parties are ready to proceed, to hear the merits of the case, or otherwise to determine the date of the hearing or order that the case be placed on the roll ;

(2) to hear the contested preliminary exceptions, or to defer the hearing of exceptions to a date determined by the court ;

(3) to determine the number and length of and other conditions relating to examinations on discovery before contestation ;

(4) in the absence of an agreement filed by the parties at the office of the court, to determine a timetable that will ensure the orderly progress of the proceeding ;

(5) to determine how the conduct of the proceeding may be simplified or accelerated and the hearing shortened, by ruling among other things on the possibility of splitting the proceeding, better defining the questions at issue, amending the pleadings or admitting any fact or document, or to invite the parties to a settlement conference or to recommend mediation ;

(6) to authorize or order that the action or application be contested orally or in writing on the conditions determined by the court, where not permitted as of right ;

(7) to dispose of specific requests made by the parties ;

(8) to order service of the motion to institute proceedings on any person, identified by the court, whose rights may be affected by the judgment ; and

(9) to order provisional measures and issue orders to safeguard the rights of the parties, for the time and on the conditions determined by the court.

“151.7. The decisions made by the court are recorded in the minutes of the hearing and govern the parties as to the conduct of the proceeding and, where applicable, the hearing, unless the court decides otherwise.

The parties must comply with the timetable determined by the court on pain of dismissal of the action or application, striking of the allegations involved or foreclosure, as appropriate. However, the judge may, on request, relieve a foreclosed party from default if required in the interest of justice ; the costs resulting from the default are borne by the party concerned, unless the judge decides otherwise.

“151.8. If the defendant does not attend the presentation of the action or application, the court records the default and hears the plaintiff, if the latter is ready to proceed ; if not, the court fixes a new hearing date and issues such orders as are necessary.

“151.9. If the hearing is held on the same day, the parties prove their cases either by means of detailed affidavits, or by means of oral evidence,

unless otherwise specified by law. Moreover, the court may prescribe any measure to accelerate the proceedings and limit the proof if necessary in the interest of justice and provided no prejudice is caused to any party.

“151.10. In the case of a joint motion, if one of the parties withdraws from the action or application, either of those parties may continue the proceeding alone. In that case, the motion is amended, served on the other party and continued pursuant to the rules applicable to any action or application.

“151.11. If, during the course of a proceeding, a transaction, a discontinuance of the action or a total acquiescence in the demand occurs, the parties must notify the clerk without delay.

“SECTION III

“SPECIAL CASE MANAGEMENT CONFERENCE

“151.12. Where required by the nature or complexity of the proceeding and in cases where the 180-day peremptory time limit for inscription is extended, the chief judge or chief justice may, at any stage of the proceeding, on his or her own initiative or on request, order special case management. In that case, the chief judge or chief justice designates a judge to see to the orderly conduct of the proceeding.

“151.13. The judge may convene the parties and their attorneys to a case management conference to negotiate an agreement as to the conduct of the proceeding, specifying the arrangements between them and determining the timetable with which they are to comply within the time limit fixed for inscription. If the parties fail to agree, the designated judge shall determine a timetable for the proceeding, which is binding on the parties.

“151.14. The judge disposes of all incidental proceedings and other applications during the course of the proceeding. The designated judge holds a pre-trial conference, where applicable, and issues any appropriate orders. The designated judge presides the hearing and renders judgment on the merits.

“SECTION IV

“SETTLEMENT CONFERENCE

“151.15. In the exercise of judicial conciliation powers, a judge may preside a settlement conference. A judge enjoys judicial immunity while presiding such a conference.

“151.16. After receiving a request from the parties summarizing their dispute or on his or her own initiative with the consent of the parties, the chief judge or chief justice designates a judge to preside a settlement conference. With the consent of the parties, the judge in charge of special case management may preside the settlement conference.

“151.17. The purpose of a settlement conference is to facilitate dialogue between the parties and help them to identify their interests, assess their positions and explore mutually satisfactory solutions.

“151.18. A settlement conference may be held at any time after the institution of the proceedings ; it is held in private, at no cost to the parties and without formality and requires no prior written documents.

“151.19. A settlement conference is held in the presence of the parties, and their attorneys if they wish to attend. With the consent of the parties, the presiding judge may meet with the parties separately. Other persons may also take part in the conference if the judge and the parties consider that their presence would be helpful in resolving the dispute.

“151.20. In agreement with the parties, the judge defines the rules of the settlement conference and any measure to facilitate its conduct, and determines the schedule of meetings.

“151.21. The settlement conference does not suspend the proceeding. However, the judge presiding the conference may, if necessary, modify the timetable or even extend the peremptory time limit for inscription, in accordance with article 110.1.

“151.22. The parties must ensure that the persons who have authority to conclude an agreement are present at the settlement conference, or that they may be reached at all times to give their consent.

“151.23. Anything said or written during a settlement conference not otherwise admissible as evidence is confidential and may not be disclosed in any judicial proceeding except with the consent of the parties.

“151.24. If a settlement is reached, the judge may homologate the transaction, at the request of the parties.

“151.25. If no settlement is reached, the judge may not preside any subsequent hearing relating to the dispute except with the consent of the parties.

The judge may convert the settlement conference into a case management conference or, with the consent of the parties, into a pre-trial conference.

“SECTION V

“VENUE

“151.26. The chief judge or chief justice or the judge designated by the chief judge or chief justice may, at any stage of a proceeding, order that the merits of a case or any application relating to the execution of a judgment be heard in another district.

The parties may proceed in that other district, as though the case were pending in that district, as soon as the clerk in that district is in possession of the case record.”

16. Articles 152 to 154 of the said Code are replaced by the following article:

“152. At the time of presentation of the motion to institute proceedings, the defendant may request that the plaintiff be required to give security for the costs that may be incurred in consequence of the action within the time determined by the court, on pain of dismissal of the action.”

17. Articles 159 to 162 of the said Code are replaced by the following article:

“159. Unless otherwise agreed by the parties in accordance with article 151.1, preliminary exceptions must be disclosed in writing to the opposite party before the date of presentation of the action or application, failing which the court may refuse that they be presented.”

18. Article 168 of the said Code is amended

(1) by replacing “declaration” in subparagraph 6 of the first paragraph by “motion to institute proceedings”;

(2) by replacing “defence” in subparagraph 7 of the first paragraph by “contestation”.

19. Article 170 of the said Code is repealed.

20. Article 171 of the said Code is replaced by the following article:

“171. At any stage of the proceeding, the judge may authorize the impleading of a third party or oblige the plaintiff to choose between actions which cannot be joined, on such conditions as are determined by the judge.”

21. Articles 173 and 174 of the said Code are repealed.

22. The said Code is amended by inserting the following articles after article 175:

“175.1. An action or application is contested in writing if its subject matter is

(1) civil liability, except matters relating to personal reputation or privacy;

(2) the existence, scope, nullity, cancellation, rescission or unenforceability of a juridical act;

- (3) the reduction of an obligation ;
- (4) failure to fulfil an obligation, except any matter covered by article 175.2 ;
- (5) any of the following family, successions or property law matters :
 - (a) divorce, separation from bed and board or marriage annulment ;
 - (b) the establishment of filiation ;
 - (c) the right of a surviving spouse to a compensatory allowance ;
 - (d) the right to inherit or the validity or contestation of a will ;
 - (e) the recognition of ownership rights, including rights arising out of a succession and dismembered rights ;
- (6) a permanent injunction ;
- (7) a matter relating to a legal person pursued under any of articles 828 to 830 ; or
- (8) any other matter governed by the Civil Code or affecting the future rights of a party, except any matter covered by article 175.2.

“175.2. An action or application is contested orally if its subject matter is

- (1) any of the following matters concerning natural persons :
 - (a) physical integrity ;
 - (b) reputation and privacy ;
 - (c) respect for the body after death ;
- (2) any of the following matters concerning legal persons :
 - (a) retroactive conferral of juridical personality ;
 - (b) the designation of a liquidator ;
 - (c) a disqualification from serving as a director or the lifting of such a disqualification ;
 - (d) an authorization to be obtained under article 341 of the Civil Code ;
- (3) any of the following family, successions or property law matters :

(a) any matter governed by Book Two of the Civil Code or the Divorce Act (Revised Statutes of Canada, 1985, chapter 3, 2nd Supplement) not covered by article 175.1, including, as concerns filiation, any adoption matter;

(b) changes to a trust or to the property of a trust, termination of a trust, revocation or modification of a legacy or of a charge imposed on a donee;

(c) building against a common wall;

(d) the protection of the rights of a substitute;

(e) the determination of boundaries;

(f) divided co-ownership of an immovable;

(g) partition of a succession or partition or administration of property held in indivision;

(4) any of the following matters relating to obligations:

(a) a claim relating to the sale price of movable property that has been delivered or the price of a contract for services that have been provided, a leasing contract or a contract of carriage, a claim relating to a contract of employment, of deposit or of loan of money or a claim relating to the remuneration of a mandatary, a surety or an office holder;

(b) the price of a contract of enterprise, other than a contract pertaining to an immovable work, if the value of the subject matter of the dispute exceeds the jurisdictional limit of the Court of Québec;

(c) rights and obligations under a lease;

(d) the determination of the term of an obligation, the contestation of the distribution statement for the sale of an enterprise, the sufficiency of the surety's property or of the security offered in a suretyship matter;

(e) the determination of the seizable portion of an annuity under article 2378 of the Civil Code;

(f) the awarding of additional damages for bodily injury;

(g) a bill of exchange, cheque, promissory note or acknowledgement of debt;

(5) any of the following matters relating to prior claims, hypothecs or the publication of rights:

(a) any application under Book Six of the Civil Code, including an application relating to the exercise of hypothecary rights;

- (b) the land register or the register of personal and movable real rights ;
- (6) in private international law, the recognition and execution of a foreign judgment or of an arbitration award made outside Québec ;
- (7) any of the following procedural matters :
 - (a) an application for a determination on a question of law ;
 - (b) an application for a declaratory judgment ;
 - (c) the exercise of an extraordinary recourse ;
 - (d) the homologation or annulment of an arbitration award ; or
- (8) any of the following other matters :
 - (a) a tax, contribution or assessment imposed by or under any provision of a statute of Québec ;
 - (b) any other matter provided for by law where contestation in writing is not prescribed by law.

“175.3. Where contestation in writing is prescribed by law, the parties may by agreement opt for oral contestation or the court may authorize or order oral contestation if the court considers that this will not cause prejudice to the parties.

Where oral contestation is prescribed by law, the parties may by agreement opt for contestation in writing ; in the absence of such an agreement, the court may authorize contestation in writing on such conditions as it determines if, in the opinion of the court, the absence of a writing may cause serious prejudice to a party.”

23. Article 176 of the said Code is repealed.

24. Article 182 of the said Code is amended

(1) by replacing “the defence” in the first paragraph by “a written contestation” ;

(2) by striking out the second paragraph.

25. Articles 184 to 186 of the said Code are repealed.

26. Article 192 of the said Code is amended by replacing the first paragraph by the following paragraphs :

“192. If the defendant fails to appear within ten days of service of the motion to institute proceedings, the plaintiff may inscribe the case for judgment by default.

If the defendant fails to produce a contestation within the time limit agreed between the parties or determined by the court, the plaintiff may inscribe the case for judgment by the clerk or for proof and hearing before the court or the special clerk.”

27. Article 194 of the said Code is amended by adding the following at the end of the third paragraph: “The clerk may also validate a seizure before judgment of the debtor’s property authorized pursuant to article 733.”

28. The said Code is amended

(1) by inserting the following after the heading of Title IV of Book II:

“CHAPTER I

“GENERAL PROVISION

“198.2. Where an opposition procedure is provided for with respect to any proceeding under this Title, the party concerned must, without delay, notify the opposition to the other party and file a copy at the office of the court.”;

(2) by replacing **“CHAPTER I”** by **“CHAPTER I.1”**.

29. Articles 199 to 203 of the said Code are replaced by the following articles:

“199. At any time before judgment, the parties may amend their pleadings without leave and as often as necessary provided the amendment is not useless or contrary to the ends of justice and does not result in an entirely new action or application having no connection with the original one.

An amendment may be made, for instance, to modify, correct or complete allegations or conclusions, to invoke new facts or to assert a right accrued since service of the motion to institute proceedings.

“200. A party who intends to amend a pleading must notify the amended pleading to the other party, and the latter has ten days to file an opposition in writing.

If no opposition is filed, the amended pleading may be filed ; if an opposition is filed, the party who intends to amend the pleading applies to the court for a determination.”

30. Article 205 of the said Code is amended

(1) by replacing “Notwithstanding the provisions of article 200, the” by “The”;

(2) by replacing “simple oral motion” in the third line by “an oral request”.

31. Articles 206 and 207 of the said Code are amended by replacing “declaration” by “motion to institute proceedings”.

32. Articles 210 to 213 of the said Code are replaced by the following articles :

“210. A third party who intends to intervene in a proceeding must notify a declaration to all the parties, specifying the party’s interest in the case and the conclusions sought and stating the facts justifying such conclusions ; in addition, the third party’s declaration must propose an intervention procedure which must be consistent with any agreements between the parties and with the timetable agreed between them or determined by the court.

The parties have ten days to file their opposition in writing. If no opposition is filed, the third party’s interest is presumed sufficient and the intervention procedure accepted upon the filing of the declaration of intervention at the office of the court. If an opposition is filed, the third party shall apply to the court for a determination ; if it authorizes the intervention, the court determines the intervention procedure.

“211. An intervening third party becomes a party to the proceeding and may be heard at the hearing according to the procedure determined by the parties and the intervenor or, in case of disagreement, by the court.”

33. Article 217 of the said Code is amended by replacing the second paragraph by the following paragraph :

“The application must state the grounds for the impleading and be accompanied by a copy of the motion to institute proceedings.”

34. Article 218 of the said Code is replaced by the following article :

“218. The proceedings on the principal action are stayed and the time limits suspended until the expiry of the time granted to the third party to appear or, if the third party appears, until the date fixed for presentation before the court of the claim against the third party, unless an agreement is made between the parties and the third party on the conduct of the proceeding.”

35. Article 221 of the said Code is repealed.

36. The said Code is amended by inserting the following article after article 223 :

“223.1. A party who intends to impropate a document must, before proceeding, issue a notice requiring the opposite party to declare whether or not that party intends to use the contested document.

If the opposite party does not respond within five days of receipt of the notice, or declares that the party does not intend to use the document, the document may not be produced at the hearing on the principal action or, if it is already filed, the document is removed from the record.

If the opposite party declares that the party intends to use the document, the issue is determined by the court.”

37. Article 224 of the said Code is amended by replacing the first paragraph by the following paragraph :

“224. Incidental improbation is begun by a motion setting out the grounds of improbation and served on all parties and on the public officer who is in possession of the original of the document. The motion must be accompanied by an affidavit and a notice of presentation indicating the date on which the court will be asked to rule on the motion.”

38. Articles 226 and 227 of the said Code are repealed.

39. Article 228 of the said Code is amended by striking out “, and the time limit prescribed by article 227 runs only from the date of such deposit”.

40. Article 231 of the said Code is repealed.

41. Article 234 of the said Code is amended

(1) by inserting “in particular” after “recused” in the first line ;

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

“(10) if there is reasonable cause to fear that the judge will not be impartial.”

42. Article 236 of the said Code is replaced by the following article :

“236. A judge who is aware of a ground of recusation to which he or she is liable must, without waiting until it is invoked, declare it in a writing filed in the record and so inform the chief judge or chief justice. If, in the opinion of the latter, recusation is warranted, he or she designates another judge to continue the matter and informs the parties by means of a writing, which must also be filed in the record.

Likewise, a party who is aware of a ground of recusation against the judge must declare it without delay in a writing filed in the record and notify a copy to the judge.”

43. Article 237 of the said Code is amended

(1) by adding the following after “236” at the end of the first paragraph :
“, subject to the decision of the chief judge or chief justice”;

(2) by adding the following paragraph :

“A recusation motion must be in writing if it is presented before the hearing, but may be presented orally during the course of the hearing, in which case the grounds for the motion are recorded in the minutes.”

44. Article 238 of the said Code is replaced by the following article :

“238. A recusation motion is disposed of by the judge seized of the case. The judge’s decision is subject to appeal in accordance with the rules applicable to appeals from an interlocutory judgment.”

45. Article 240 of the said Code is replaced by the following article :

“240. The clerk must inform the chief judge or chief justice of any case the hearing of which is postponed because of the judge’s decision to recuse himself or herself.”

46. Article 245 of the said Code is replaced by the following article :

“245. A disavowal is taken by motion. The motion is served on the attorney disavowed and notified to all parties in the case and to any other interested person ; it is heard and contested in accordance with the ordinary rules.”

47. Article 246 of the said Code is repealed.

48. Article 249 of the said Code is replaced by the following article :

“249. An attorney who wishes to cease representing a party must, if the date of the hearing has yet to be determined, notify a declaration to the party concerned and to the opposite party, who each have ten days to file their opposition in writing.

If no opposition is filed, the declaration is filed at the office of the court and the party is presumed from that moment to be no longer represented. If an opposition is filed, the attorney applies to the court for a determination.

If the date of the hearing has been determined, an attorney may not cease to represent a party without leave of the court.”

49. Article 253 of the said Code is amended by replacing “unless all the parties consent” by “if an opposition is filed in writing by one of the parties”.

50. Articles 259 to 261 of the said Code are replaced by the following article :

“259. If the interested parties fail to continue the suit, the party remaining gives them formal notice to do so. If continuance of suit is not effected within ten days of notification, the plaintiff may proceed by default or the defendant may request the dismissal of the action, unless an interested party is relieved from default in time by the court.”

51. Chapter X of Title IV of Book II of the said Code, comprising articles 265 to 269, is repealed.

52. Article 270 of the said Code is amended by striking out “; where the rules of practice provide for the issue of a certificate of readiness, the certificate must have been issued in each case” in the sixth and seventh lines.

53. Article 271 of the said Code is amended by striking out the second paragraph.

54. Article 272 of the said Code is amended by replacing “under article 270 or article 271” by “under article 270 or 271 may be issued at any stage of a proceeding, but it”.

55. Article 273 of the said Code is amended by adding the following paragraph :

“An order by the Court of Québec suspending the hearing may be revoked if warranted by new circumstances.”

56. Chapter XII of the said Code, comprising articles 273.1 and 273.2, is replaced by the following :

“CHAPTER XII

“SPLITTING OF PROCEEDING

“273.1. The court may, on its own initiative or on request, split a proceeding in any matter at any stage of the proceeding.

The judge seized of the original action or application remains seized of both proceedings so created, unless the chief judge or chief justice decides otherwise.”

57. Article 274 of the said Code is replaced by the following articles :

“274. If the action or application is contested in writing, either party may, as soon as the contestation or the answer is filed, inscribe the case for proof and hearing.

“274.1. The inscription form is filed together with a declaration containing the following information :

- (1) the names and addresses of the parties and, if they are represented by counsel, the names and addresses of their attorneys ;
- (2) a list of the exhibits communicated to the other parties ;
- (3) the expected length of the hearing ; and
- (4) a list of witnesses, except where there is reasonable cause not to disclose their names.

“274.2. Notice of the inscription and the declaration must be notified to the other parties.

Within 30 days of inscription, each of the other parties must file a declaration containing the same information and notify it to the other parties.

“274.3. The inscription form must be filed at the office of the court within a peremptory time limit of 180 days from service of the motion to institute proceedings, unless the court extends the time limit in accordance with article 110.1, in which case the inscription form must be filed before the expiry of the extended time limit, together with a copy of the extension order. A plaintiff who fails to inscribe within the time limit is deemed to have discontinued the action or application.

The clerk must refuse any inscription after expiry of the time limit.

“274.4. Unless required to file at an earlier date or exempted by the judge, each party must file the following information and documents at the latest 15 days before the date fixed for the hearing :

- (1) a summary statement of the questions of fact and law at issue ;
- (2) admissions of fact suggested to the other party ; and
- (3) the judicial precedents and legal doctrine the party intends to cite, and the legislative provisions the party intends to invoke.”

58. Article 275 of the said Code is replaced by the following article :

“275. The clerk keeps such rolls as are determined by the rules of practice of the court.”

59. Article 276 of the said Code is repealed.

60. Article 280 of the said Code is amended

(1) by replacing “five clear days” in the first paragraph by “ten days” and by striking out the second sentence in that paragraph;

(2) by replacing “twelve” in the second paragraph by “24”.

61. Article 281 of the said Code is amended by adding the following paragraph:

“The summons must specify the nature of the case, and invite the witness to contact the attorney whose coordinates appear on the summons.”

62. The said Code is amended by inserting the following article after article 281:

“281.1. A party who summons a witness must advance to the witness, for the first day of attendance at court, the loss of time indemnity and the travel, meal and overnight accommodation allowances prescribed by government regulation; the summons must contain clear information in this regard.”

63. Article 284 of the said Code is amended by striking out “and not later than the eighth day following his arrest” in the second paragraph.

64. Article 294.1 of the said Code, amended by section 315 of chapter 12 of the statutes of 2000, is replaced by the following article:

“294.1. The court may accept a written statement as testimony, provided the statement is communicated to the court and to the opposite party at least ten days before the date fixed for the hearing or earlier if the court shortens the time.

The opposite party may demand that the witness be present at the hearing, but costs in the amount determined by the court may be awarded against that party if, in the opinion of the court, the production of the written statement would have been sufficient.”

65. The heading of Subsection 1 which precedes article 331.2 of the said Code is repealed.

66. Article 331.2 of the said Code is replaced by the following article:

“331.2. The exhibits referred to in the motion to institute proceedings or in any other pleading must be disclosed to the opposite party by means of the notice to the defendant accompanying the motion or by means of a notice appended to the pleading, informing the opposite party that the exhibits are available on request.

If the action or application is to be contested orally, the defendant’s exhibits must be disclosed and made available within the time determined in the timetable agreed between the parties or determined by the court. A party who

contests an application made during the course of a proceeding must, as soon as possible before the hearing, disclose and make available the exhibits the party intends to invoke.

If a party intends to invoke, at the hearing, an exhibit not yet referred to in any pleading, the party must, subject to the timetable agreed between the parties or determined by the court, communicate the exhibit to the opposite party as soon as possible before the hearing.”

67. Article 331.4 of the said Code is repealed.

68. The heading of Subsection 2 which precedes article 331.6 of the said Code is repealed.

69. Article 331.6 of the said Code is repealed.

70. Articles 331.7 and 331.8 of the said Code are replaced by the following article :

“331.7. Exhibits must be disclosed or, where applicable, communicated to the other parties before inscription of the case for proof and hearing. The party who inscribes the case must file exhibits at that time, the other party must file exhibits at the latest 30 days after the inscription.

In proceedings that require no inscription, exhibits must be filed at the office of the court within the time determined by the court or at least three days before the date fixed for the hearing.”

71. The said Code is amended by inserting the following articles before article 397 in Subsection 1 of Section II:

“396.1. No examination on discovery is permitted where the value of the subject matter of the dispute does not exceed \$25,000.

“396.2. Examinations on discovery, whether before or after contestation, may only be held in accordance with the terms provided in the agreement between the parties or determined by the court, particularly as far as their number and length are concerned.

“396.3. Before an examination on discovery is held, the parties may, by mutual consent, submit any foreseeable objection to the judge for a determination or for directions.

“396.4. The court may, on request, limit the number or length of examinations if, in the opinion of the court, they are excessive, vexatious or useless; in such a case, the court rules on the costs.”

72. Article 397 of the said Code is amended

(1) by replacing “before the filing of the defence” in the first paragraph by “before contesting”;

(2) by striking out the last paragraph.

73. Article 404 of the said Code is amended by replacing “filed his defence” in the third paragraph by “contested”.

74. The said Code is amended by inserting the following article after the heading of Subsection 1 of Section V and before article 414:

“413.1. Where the parties have each requested an expert’s appraisal and contradictory expert reports have resulted, the court may, at any stage of the proceeding, even on its own initiative, order the experts concerned to meet and reconcile their opinions, identify the points which divide them and report to the court and to the parties within the time determined by the court in compliance with the time limits prescribed by article 110.1.

The court may also, during the course of the hearing, order that the experts meet in the presence of the parties and attorneys who wish to attend.

“413.2. The court may, by a reasoned decision, reduce the costs relating to an expert’s appraisal requested by a party, particularly if, in the opinion of the court, there was no need for the appraisal, the costs are unreasonable or a single expert’s appraisal would have been sufficient.”

75. Section VII of Chapter III of Title V of Book II of the said Code, comprising article 437.1, is repealed.

76. Article 448 of the said Code is amended by replacing “, by filing in the office of the court a joint motion containing a statement of the question involved and of the facts which give rise to it, and their respective conclusions” by “. The parties must file a joint motion to institute proceedings at the office of the court, stating the question at issue and the facts which give rise to it, and their respective conclusions. The parties must file a draft timetable agreement with the motion”.

77. Article 450 of the said Code is repealed.

78. Article 454 of the said Code is replaced by the following article:

“454. The motion to institute proceedings must state the matter in dispute and specify the interest of the applicant in obtaining an immediate determination.

The motion must be served on the parties and on all interested persons; it must be accompanied by a notice inviting them to appear, inquiring whether they intend to contest the motion and indicating the date on which it is to be presented.”

79. Article 455 of the said Code is repealed.

80. Article 465 of the said Code is amended

(1) by replacing the first paragraph by the following paragraph :

“**465.** A judgment on the merits must be rendered within four months after the case has been taken under advisement; an interlocutory judgment, a judgment on the merits in an adoption matter or a judgment ruling on the custody of a child or the support to be paid for the benefit of a child must be rendered within two months after the case is taken under advisement; a judgment by default must be rendered within 30 days after the record is complete.”;

(2) by replacing “within six months” in the second paragraph by “within the time prescribed”;

(3) by replacing “five” in the last paragraph by “three”.

81. Article 477 of the said Code is amended by replacing “992” in the second paragraph by “987”.

82. Title VIII of the said Code, comprising articles 481.1 to 481.17, is repealed.

83. Article 482 of the said Code is amended

(1) by replacing “filing his defence” in the first paragraph by “contesting”;

(2) by replacing “grounds of defence to the action” in the second paragraph by “grounds on which the party intends to contest the action”.

84. Article 483 of the said Code is amended by replacing “no valid defence has been produced” in paragraph 3 by “no valid contestation was brought forth”.

85. Article 484 of the said Code is amended

(1) by replacing “production of the defence” in the fourth and fifth lines of the first paragraph by “contestation”;

(2) by replacing “peremptory; nevertheless, the” in the third paragraph by “imperative. The”.

86. Article 484.1 of the said Code is amended

(1) by replacing “file a defence” in the fifth line by “contest”;

(2) by replacing “grounds of his defence” in the sixth line by “grounds on which the party intends to contest the action”.

87. Article 494 of the said Code is amended

(1) by replacing “presented to” in the fourth line of the third paragraph by “presented and contested orally before”;

(2) by inserting the following paragraph after the third paragraph :

“The judgment disposing of an application for leave to appeal must contain a summary of the reasons.”

88. Article 497 of the said Code is amended by replacing “However, a judge of the Court of Appeal may, upon motion, when the appeal appears improper or dilatory, or for some other special reason, order the appellant to furnish, within the time he sets” in the second paragraph by “However, the Court of Appeal, when the appeal appears improper or dilatory, or a judge of the Court of Appeal, for some other special reason, may, upon a motion, order the appellant to furnish, within the time specified in the order”.

89. Article 501 of the said Code is amended by inserting the following paragraph after the second paragraph :

“Service of a motion requesting the dismissal of the appeal suspends the 45-day period prescribed in article 495.2 for the provision of a statement certifying that a stenographer has been directed to transcribe the notes, until the decision on the motion.”

90. The said Code is amended by inserting the following articles before article 509 :

“508.1. A judge sitting in appeal may, at any time, in the exercise of his or her conciliation power, hold a settlement conference in accordance with articles 151.16 to 151.23.

“508.2. At any stage of a proceeding, a judge may, on his or her own initiative or at the request of a party, convene the parties to confer with them on the possibility of better defining the matters really at issue and on possible ways of simplifying proceedings and shortening the hearing.

After giving the parties the opportunity to make representations, the judge may, as appropriate, limit the pleadings and other documents to be filed, shorten or extend the time limits prescribed by this Code, determine time limits, including those for the filing of pleadings and other documents, lift the requirement to file a factum and allow the parties to proceed on the basis of an argumentation plan, and determine a hearing date.

“508.3. The judge may, on his or her own initiative or at the request of a party, use any appropriate means of communication to hold a settlement conference, provided all parties consent.

“503.4. A settlement conference is held without formality and requires no prior written documents.

“503.5. At any time during the proceeding, a party may apply to the chief justice, or to a judge designated by the chief justice, for directions in relation to the appeal.”

91. Article 511 of the said Code is amended

(1) by replacing “that the pursuit of justice requires that leave be granted” in the first paragraph by “that the matter at issue is a question of principle, a new issue or a question of law that has given rise to conflicting judicial precedents or that the judgment in first instance appears to contain a manifest error of law or fact that is significant to the point of invalidating the judgment”;

(2) by replacing “the appellant must file his factum with the office of the court and serve it on the respondent within fifteen days of filing the inscription for appeal and the respondent is not required to file a factum” in the third paragraph by “the parties are not required to file a factum, unless the judge decides otherwise”.

92. Article 523 of the said Code is amended by replacing “impossible for him to act sooner” by “absolutely impossible for the party to act sooner”.

93. Article 547 of the said Code is amended by adding the following subparagraph at the end of the first paragraph:

“(j) judgments under article 75.2.”

94. Article 580.1 of the said Code is amended by replacing “appearing in Schedule 2 to the Code” by “determined by government regulation”.

95. Article 700 of the said Code is amended by replacing “peremptory” by “imperative”.

96. Article 740 of the said Code is amended by replacing “the declaration has not been served on the defendant with the writ of seizure” in the first paragraph by “the motion to institute proceedings was not served on the defendant before or at the same time as service of the writ of seizure”.

97. Article 753.1 of the said Code is amended

(1) by replacing “motion for injunction” and “declaration” in the first paragraph by “application for an interlocutory injunction” and “motion to institute proceedings”, respectively;

(2) by replacing “motion is granted, the declaration” in the second paragraph by “application is granted, the motion to institute proceedings”;

(3) by replacing the third paragraph by the following paragraph :

“However, the application may be presented without a motion to institute proceedings if the latter could not be filed in time. In such a case, if the application is granted, the order may be served without the motion to institute proceedings. However, the latter motion must be served within the time determined by the judge.”

98. Chapter I of Title II of Book V of the said Code, comprising articles 762 to 773, is repealed.

99. Article 774 of the said Code is amended

(1) by replacing the first paragraph by the following paragraph :

“774. In the case of an application concerning the physical integrity of a person, the motion to institute proceedings may not be presented before the court less than five days after it is served. No appearance is required.”;

(2) by replacing “These applications” and “applications are” in the second paragraph by “Such an application” and “the application is”, respectively.

100. Article 776 of the said Code is amended by adding the following paragraph :

“The application must be heard, or the date of the hearing determined, within 30 days of the date of presentation.”

101. Article 785 of the said Code is replaced by the following article :

“785. An application for recognition and enforcement of a decision rendered outside Québec may be made incidentally, even by the party contesting, if the application comes within the jurisdiction of the Québec court.

The time limit within which to appear on the motion to institute proceedings is 20 days.”

102. Article 788 of the said Code is amended by striking out “, by motion,” in the second paragraph.

103. Article 790 of the said Code is amended by striking out “by motion and”.

104. Article 795 of the said Code is repealed.

105. Article 801 of the said Code is amended by striking out “is introduced by way of a motion and”.

106. Article 804 of the said code is amended by replacing the first two paragraphs by the following paragraph :

“304. Applications for registration or for the correction, reduction or cancellation of a registration in the land register or in the register of personal and movable real rights are presented before the court of the place where the immovable or corporeal property that is the subject of the registration is situated ; in the case of incorporeal property, applications are presented before the court of the owner, debtor or grantor, as the case may be.”

107. Article 805 of the said Code is amended

(1) by striking out “, by motion,” in the first paragraph ;

(2) by replacing “Cette” in the first line of the French text of the second paragraph by “La”.

108. Article 809 of the said Code is amended by replacing the first two paragraphs by the following paragraph :

“309. Applications for partition or for nullity of partition, other applications relating to the partition of a succession or of other undivided property and applications relating to the administration of undivided property are presented before the court of the place where the property is situated in whole or in part.”

109. Article 812 of the said Code is repealed.

110. The said Code is amended by striking out the heading of Subsection 1 of Section I of Chapter I of Title IV of Book V.

111. Article 813 of the said Code is replaced by the following article :

“813. Except where otherwise provided in this Title, applications based on Book Two of the Civil Code or on the Divorce Act (Revised Statutes of Canada, 1985, chapter 3, 2nd Supplement) follow the general rules applicable to other actions and applications.”

112. Articles 813.1 and 813.2 of the said Code are repealed.

113. Article 813.3 of the said Code is replaced by the following article :

“813.3. The conclusions sought in a motion to institute proceedings may relate to accessory measures and provisional measures as well as to the principal application.

In urgent cases or if, when the motion is presented, the hearing on provisional measures is deferred, the court may, on its own initiative or on request, issue

such orders to safeguard the rights of the parties as are necessary. The orders lapse 30 days after they are issued, unless their valid period is extended by the parties by mutual agreement or, in case of disagreement, by the court, subject to the time limits prescribed in article 110.1.”

114. The said Code is amended by striking out the heading of Subsection 2 of Section I of Chapter I of Title IV of Book V.

115. Article 813.5 of the said Code is replaced by the following article :

“**813.5.** No appearance is required unless the application is contested in writing ; an appearance must be filed within 20 days of service or, if service is effected outside Québec, within 40 days of service.

In urgent cases, the court may shorten a time limit, whether it is prescribed by law or fixed in an agreement or has been determined by the court.”

116. The said Code is amended by striking out the heading of Subsection 3 of Section I of Chapter I of Title IV of Book V.

117. Articles 813.6 to 813.8 of the said Code are repealed.

118. Article 813.9 of the said Code is replaced by the following article :

“**813.9.** In the case of an application concerning the obligation of support or the custody of children, the motion to institute proceedings may not be presented before the court less than ten days after it is served. The motion must be accompanied by an affidavit attesting to the truth of the facts alleged. The application is heard and decided by preference.”

119. Articles 813.11 to 813.15 and 813.17 to 814 of the said Code are repealed.

120. The said Code is amended by striking out the heading of Subsection 4 of Section I of Chapter I of Title IV of Book V.

121. Article 814.1 of the said Code is replaced by the following article :

“**814.1.** Applications which, pursuant to the second paragraph of article 44.1, are within the jurisdiction of the special clerk are presented directly to the special clerk and do not require a hearing.”

122. Article 814.2 of the said Code is repealed.

123. Article 819 of the said Code is amended by striking out “In cases of urgency, the judge may reduce the prescribed time.”

124. Article 826 of the said Code is amended by adding the following paragraph :

“The application may not be presented less than ten days after it is served.”

125. Article 827.1 of the said Code is amended by striking out “is brought by a declaration which”.

126. Article 832 of the said Code is repealed.

127. Article 863.4 of the said Code is amended by adding the following paragraph :

“The same applies to an application relating to the appointment or replacement of an adviser, a tutor or a curator to represent a person of full age.”

128. Article 863.9 of the said Code is amended by replacing “within 10 days of the deposit of the minutes” in the second paragraph by “before the date of the deposit”.

129. Article 863.10 of the said Code is amended

(1) by striking out “within 10 days of the deposit of the minutes” in the second paragraph ;

(2) by adding “by sending them a copy” at the end of the third paragraph.

130. Article 872 of the said Code is amended by inserting “, including a tutorship council made up of one person,” after “establishment of a tutorship council”.

131. Article 878 of the said Code is amended by replacing the last sentence of the third paragraph by the following sentences : “If the person does not have a sufficient understanding of French or English and the notary does not speak the person’s language, the notary may either hire an interpreter for the examination, or entrust the examination to a notary who speaks the person’s language. In all cases, the notary draws up the minutes of the examination, translated into French or English, if necessary. If no examination is conducted, the notary draws up minutes stating the reasons why no examination took place.”

132. Article 884.7 of the said Code is amended by replacing “notified by the notary to the mandatary and, where applicable, to” in the first and second lines of the second paragraph by “, where applicable, notified to the mandatary and to”.

133. Article 890 of the said Code is amended by adding the following paragraph at the end :

“If the notary withdraws from the matter in accordance with article 863.8, the notary must file the original of the will in his or her possession together with the minutes at the office of the court.”

134. Article 946.1 of the said Code is amended

(1) by striking out “, by motion,”;

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

“The application for homologation may not be presented less than ten days after the award is issued. No appearance is required.”

135. Article 947.1 of the said Code is amended by replacing “by opposition to” by “upon the contestation of”.

136. Article 947.2 of the said Code is repealed.

137. Article 949.1 of the said Code is amended by adding the following paragraph:

“The time limit within which to appear is 20 days.”

138. Book VIII of the said Code, comprising articles 953 to 998, is replaced by the following:

“BOOK VIII

“ACTIONS INVOLVING SMALL CLAIMS

“TITLE I

“GENERAL PROVISIONS

“CHAPTER I

“JURISDICTION OVER SMALL CLAIMS

“953. The money claimed in an action involving a small claim, that is,

(a) a claim not exceeding \$7,000,

(b) for a debt owed to a person, partnership or association in the name of and for the account of that person, partnership or association,

may only be recovered before the courts pursuant to this Book.

The same applies to money claimed in an action which also seeks the dissolution, rescission or cancellation of a contract where neither the value of the contract nor the amount claimed exceeds \$7,000.

A legal person, partnership or association may, as creditor, avail itself of the provisions of this Book only if, at all times during the 12-month period preceding the application, not more than five persons bound to it by contract of employment were under its direction or control.

“954. This Book does not apply to actions arising from the lease of a dwelling or land referred to in article 1892 of the Civil Code, to actions for the payment of support or to class actions. Nor does it apply to suits for slander or to actions for the recovery of a claim instituted by a person, partnership or association to whom the claim was assigned in return for payment.

“955. Persons, partnerships or associations may not, even indirectly, divide a claim exceeding \$7,000 into two or more claims that do not exceed that amount in order to avail themselves of this Book, on pain of dismissal of the action.

However, this article shall not operate to prevent the recovery of

(a) a claim voluntarily reduced by the plaintiff to \$7,000 or less;

(b) a claim arising from a credit contract providing for repayment by instalments, or

(c) a claim arising from a contract involving the sequential performance of obligations such as a lease, a work contract, a disability insurance contract or the like.

“956. Two or more plaintiffs may join in the same action if their claims have the same juridical basis or raise the same questions of law or fact. However, the judge may, if he or she is of the opinion that the ends of justice will be better served, order that the actions be heard separately.

If each of the actions of the persons, partnerships or associations joining in the same action involves a small claim, the action is governed by the rules contained in this Book. Otherwise, it is governed by the rules contained in the other Books of this Code.

Despite the preceding paragraph, the execution of a judgment rendered on a small claim is effected pursuant to this Book.

“957. Where a party challenges the validity or constitutionality of a legislative or regulatory provision, an order, an order in council or a proclamation of the Gouvernement du Québec, the Lieutenant Governor, the Governor General or the Governor General in Council, the judge may order that the action be transferred to the court of competent jurisdiction.

“958. An action involving a small claim must be brought before the court of the defendant’s domicile or last known place of residence, the court of the insured’s domicile where the action is against an insurer, the court of the

place where the cause of action arose or the court of the place where the contract was formed. If the defendant is not domiciled in Québec, the action may also be brought before the court of the defendant's place of residence or establishment in Québec.

If the plaintiff resides more than 80 kilometres from the defendant's domicile, the plaintiff may file the statement of claim at the court of the plaintiff's own domicile or, if the plaintiff is not domiciled in Québec, at the court of the plaintiff's place of residence or establishment in Québec. In such a case, the statement of claim is transmitted by the clerk to the office of the court chosen by the plaintiff pursuant to the first paragraph.

“CHAPTER II

“REPRESENTATION OF PARTIES

“959. Natural persons must represent themselves; they may, however, give a mandate to their spouse, a relative, a person connected by marriage or a friend to represent them. The mandate must be gratuitous and be set out in a signed writing stating the reasons why the person is unable to represent himself or herself.

The State, legal persons, partnerships and associations may only be represented by an officer or another person bound exclusively to them under a contract of employment.

Notwithstanding the Charter of human rights and freedoms (chapter C-12), no advocate or collection agent may act as a mandatary. By way of exception, where a case raises a complex legal issue, the judge may, on his or her own initiative or at the request of a party and with the consent of the chief judge of the Court of Québec, allow the parties to be represented by an advocate. Except in the case of parties not admissible as plaintiffs under this Book, the fees and costs of the advocates are borne by the Minister of Justice and may not exceed the fees and costs set out in the tariff of fees prescribed by the Government under the Legal Aid Act (chapter A-14).

“TITLE II

“PROCEDURE

“CHAPTER I

“INSTITUTION OF ACTION AND CONTESTATION

“960. The clerk provides the parties who so request with any information they may need at any stage of the proceeding or the execution of the judgment, particularly as regards the essential elements of procedure and the rules governing the communication of exhibits and the presentation of evidence. Where necessary, the clerk assists the parties in preparing pleadings or

completing the forms placed at their disposal. In no case may the clerk give legal advice to the parties.

“961. The statement of claim must set out the facts on which the action is based, the nature and amount of the claim, the amount of the interest, and the conclusions sought. It must also state the name, domicile and place of residence of the plaintiff and the name and last known place of residence of the defendant.

If the plaintiff is a legal person, partnership or association, the statement of claim must also contain a declaration that not more than five persons bound to it by a contract of employment were under its direction or control at any time in the 12-month period preceding the institution of the action.

“962. The plaintiff or the plaintiff’s mandatary prepares the statement of claim, or explains the facts and the conclusions sought to the clerk and asks the clerk to prepare the statement of claim. The statement of claim must be signed by the plaintiff or the plaintiff’s mandatary and be supported by the signatory’s oath verifying the accuracy of the facts and the existence of the debt; the statement of claim must be presented together with any exhibits supporting the plaintiff’s allegations.

“963. If the action is admissible, the statement of claim is filed at the office of the court and a court record is thereby opened.

If the action is not admissible, the clerk informs the plaintiff, indicating that the decision may be reviewed by a judge at the plaintiff’s request within 15 days of its notification.

“964. The clerk notifies a copy of the statement of claim to the defendant, together with a list of the exhibits filed by the plaintiff and a notice setting out the options available to the defendant.

The notice must reproduce the text determined by government regulation and must state that if the defendant fails to indicate an option to the clerk within 20 days of the notification, judgment may be rendered against the defendant without further notice or extension.

“965. The options available to the defendant are

(1) to pay the amount claimed and the plaintiff’s disbursements, either to the clerk or to the plaintiff, in the latter case forwarding proof of payment or the acquittance obtained from the plaintiff to the clerk ;

(2) to make a settlement with the plaintiff, and send a copy of the agreement to the clerk ;

(3) to request that the dispute be referred to mediation ; or

(4) to contest the merits of the action, and so advise the clerk, specifying the grounds for the contestation.

In addition, a defendant who chooses to contest the action may

(1) apply for the referral of the case to another judicial district, specifying the grounds for the request;

(2) request that another person be impleaded to allow a complete resolution of the dispute, in which case the defendant informs the clerk of the person's name and last known address; and

(3) make a counter-claim against the plaintiff provided it arises out of the same source as the plaintiff's claim or from a related source and is admissible under this Book.

“966. If the action involves a claim for a debt that is liquidated and payable, the clerk requests a bailiff to effect personal service of the statement of claim on the defendant or, in the case of a legal person, a partnership or an association, on an officer of the defendant.

On serving the statement of claim, the bailiff must inform the defendant of the possibility of paying, making a settlement, contesting the action or requesting mediation, and of the consequences of failing to act. The bailiff may accept payment or receive an offer to settle on behalf of the plaintiff, or record the defendant's intention to request mediation or to contest. The bailiff records the payment, the offer to settle or the intention to request mediation or to contest on the certificate of service and files the certificate in the court record without delay.

“967. If the defendant has paid the plaintiff, the clerk closes the record; if the parties have reached a settlement and one of the parties so requests, the clerk confirms the agreement as a judgment.

If the defendant has requested that the case be referred to another judicial district, the clerk so advises the plaintiff and submits the request to the judge. If the judge finds the request well-founded, the clerk refers the case to the clerk of the court of competent jurisdiction and it is continued before that court as though it had originally been brought before that court.

“968. If the defendant chooses to contest the merits of the action, the defendant so advises the clerk and sets out the grounds for contestation in a written contestation. The defendant files the exhibits supporting the defendant's allegations at the office of the court. The clerk notifies a copy of the contestation to the plaintiff, together with a list of the exhibits filed by the defendant.

If the defendant wishes to make a counter-claim against the plaintiff, arising out of the same source as the plaintiff's claim or from a related source and the counter-claim is admissible under this Book, the defendant may

demand payment thereof in the contestation and file the exhibits supporting the related allegations.

“969. If the defendant has requested that another person be impleaded, the defendant presents the grounds for the request to the clerk and files the exhibits supporting the related allegations. The clerk so notifies the plaintiff and serves copies of the statement of claim and the contestation on the impleaded party, together with a list of the exhibits in the clerk’s possession. The clerk also notifies the impleaded party that the party’s presence is required at the request of the defendant.

“970. If the defendant fails to file an answer, the judge or the special clerk, as the case may be, renders judgment after examining the exhibits in the record and, if necessary, after hearing the plaintiff’s evidence.

In the case of an action to which article 194 applies, the clerk renders judgment on the face of the statement of claim and the exhibits in the record.

“971. A defendant sued pursuant to the other Books of this Code who would be admissible as a plaintiff under this Book may request that the case be heard pursuant to this Book.

Such a request may be made to the clerk of the court seized of the case, at any time before inscription for judgment by the clerk or inscription for proof and hearing before the court. If the request is found to be admissible, the clerk immediately notifies the plaintiff and transfers the case so that it may be continued pursuant to this Book.

“CHAPTER II

“SUMMONING OF PARTIES AND WITNESSES

“972. When the case is ready, the clerk summons the parties to the hearing. The summons must indicate that a party may, on request, obtain a copy of the documents, statements and reports filed at the office of the court by the other parties; it must also indicate that any person representing a person, partnership or association must produce a written mandate.

In the summons, the clerk informs the parties that all documents, statements and reports must be filed at least ten days before the date of the hearing. The clerk also informs the parties that they must bring their witnesses to the hearing and identify any witnesses they wish the clerk to summon.

The clerk summons the witnesses requested by the parties. A party who summons a witness may be ordered to pay the costs if the judge considers that the witness was summoned and required to attend unnecessarily.

“CHAPTER III

“MEDIATION

“973. The clerk must inform the parties at the earliest opportunity that they may at no additional cost submit their dispute to mediation. The parties, by mutual agreement, may ask the clerk to refer them to the mediation service. The mediation session is presided by an advocate or a notary who is certified as a mediator by his or her professional order.

The mediator must file a report at the office of the court giving an account of the facts, the positions of the parties, the questions of law raised, the evidence the parties intend to file and the witnesses they propose to call at the hearing. However, no offers tendered or statements made by the parties in an effort to settle the dispute may be put in evidence at a hearing, except with the consent of the parties.

If the parties settle their dispute, they draft an agreement and sign it; they file a copy of the agreement, or a notice that the case has been settled, at the office of the court. At the request of a party, the agreement may be confirmed by the judge or the clerk and thereby becomes equivalent to a judgment.

“CHAPTER IV

“HEARING

“974. In all cases where a hearing is necessary, the clerk, where reasonably practicable, fixes a time and place for the hearing which will allow the parties and their witnesses to attend. The judge may hold a hearing elsewhere than at the place where the action was instituted.

On the day fixed for the hearing, the clerk, in the absence of the judge, may postpone a case at the request of a party if the clerk considers that the ends of justice will be better served; in such a case, the clerk must notify the other party without delay and rule on that party’s costs; the clerk’s decision as to costs may be revised by the judge during the hearing on the merits.

“975. If an action having the same juridical basis or raising the same questions of law as an action brought pursuant to this Book is before the Superior Court or the Court of Québec, the judge suspends the hearing of the case, if one of the parties so requests, until the judgment on the other action has become definitive, provided no serious prejudice may be caused to the opposite party. Such decision may be revised by a judge at the request of one of the parties, if warranted by new circumstances.

“976. At the time fixed for the hearing, the clerk calls the case and ascertains whether the parties are present and the judge presiding judges the case according to the evidence presented.

At any time before the hearing on the merits, a judge may hear any preliminary application and issue any order as appropriate.

“977. The judge instructs the parties summarily as to the applicable rules of evidence and the procedure that appears appropriate. On the invitation of the judge, the parties state their allegations and call their witnesses.

The judge examines the parties and the witnesses and gives them equitable and impartial assistance so as to render effective the substantive law and ensure that it is carried out.

“978. Whenever possible, the judge attempts to reconcile the parties.

If a settlement is reached, the judge instructs the clerk to record the agreement; the agreement, signed by the parties and countersigned by the judge, is equivalent to a judgment.

“979. At the hearing, the defendant or any impleaded party may present any grounds of contestation or propose terms and conditions of payment.

“980. A party may produce a written statement as testimony provided it was filed at the office of the court at least ten days before the hearing and the opposite party was notified by the clerk that the statement was available for examination and reproduction. The opposite party may request that the clerk summon the deponent to the hearing. The judge may award costs against a party having requested a deponent to be summoned if the judge believes the written statement was sufficient and the deponent’s attendance unnecessary.

“981. The judge may accept the filing of a document, statement or report after the expiry of the prescribed time if the judge considers that no prejudice is caused to the opposite party or that the ends of justice will be better served.

“982. The judge may, on his or her own initiative, if it is the judge’s opinion that the ends of justice will be better served, visit the premises or order an expert’s appraisal of the facts related to the case or a certified report by a competent person designated by the judge.

The procedure applicable to the appraisal or report is determined by the judge.

The judge rules on the costs relating to the appraisal or report and determines whether they are to be borne by one of the parties or by both or, if the judge considers it appropriate and that the ends of justice will be better served, by the Minister of Justice.

“CHAPTER V

“JUDGMENT

“983. The judgment, including a summary of the reasons for the decision, is recorded in writing and signed by the judge, special clerk or clerk who rendered it. The judgment in a contested action must be rendered within four months of the hearing; any other judgment must be rendered within 30 days after the record is complete.

Unless the judgment is rendered at the hearing in the presence of the parties, the clerk sends a certified copy of the judgment to each party as soon as it is rendered.

The clerk sends a notice to the debtor, with the copy of the judgment, stating that a judgment has been rendered against the debtor and that upon the failure to pay the debt due, the debtor's property may be seized and, if necessary, sold by judicial sale.

“984. The judgment is final and without appeal.

Actions involving small claims are not subject to the superintending and reforming power of the Superior Court, except where there is want or excess of jurisdiction.

“985. The judgment has the authority of *res judicata* only as to the parties to the action and the amount claimed.

The judgment cannot be invoked in an action based on the same cause and instituted before another court; the court, on its own initiative or at the request of a party, must dismiss any action or proof based on the judgment.

“986. The judgment may be executed on the expiry of 30 days from the day it is rendered, unless the judge has ordered otherwise. A judgment by default may be executed on the expiry of ten days from the day it is rendered. However, if the creditor establishes, in a writing under oath, a fact permitting a seizure before judgment, the creditor may be authorized by the judge to execute the judgment before the expiry of the prescribed time.

If the judgment orders payment of the debt by instalments or confirms a settlement between the creditor and the debtor and the latter fails to pay an instalment when due, the creditor may demand payment of the amount due in writing. If the debtor fails to pay the instalment within ten days of the demand, the entire amount of the debt becomes due and execution is proceeded with.

“987. The judgment determines costs, including the allowances payable to witnesses, but only as regards those it specifies, according to the tariffs in force. In the case of a transfer from another court, the judgment also determines the costs incurred before the transmission of the record so that it may be continued pursuant to this Book.

“988. In any action involving a claim admissible as a small claim which was not instituted pursuant to this Book, a defendant against whom a judgment by default is rendered for failure to appear or contest and who did not exercise the right to have the case transferred is liable for the plaintiff’s costs according to the rules applicable under the other Books of this Code.

“CHAPTER VI

“REVOCATION OF JUDGMENT

“989. If a party against whom a judgment by default is rendered was unable to contest the action or attend the hearing owing to surprise, fraud or any other sufficient cause, the party may apply for the revocation of the judgment.

A party may also apply for the revocation of the judgment in any case described in article 483 that is not inconsistent with the provisions of this Book.

“990. The application for revocation must be in writing and supported by an affidavit. It must be filed at the office of the court within 15 days of knowledge of the judgment.

The judge or the clerk examines the application and determines whether it is admissible; if it is found to be admissible, compulsory execution is suspended. The clerk notifies the parties and summons them to a new hearing on the appointed date to dispose of both the application for revocation and the main issue of the case.

“TITLE III

“COMPULSORY EXECUTION OF JUDGMENTS

“991. Compulsory execution of judgments rendered on small claims is effected pursuant to Title II of Book IV, subject to the provisions of this Book.

“992. The creditor may request a bailiff or an advocate to execute the judgment; alternatively, a creditor who is a natural person may request the clerk of the court, or the person designated by the Minister, to execute the judgment.

“993. The costs of the clerk or the person designated by the Minister or the fees of the bailiff or advocate paid by the creditor for the execution of the judgment may be claimed from the debtor, within the limits set out in the tariffs prescribed for that purpose; the debt is payable immediately.

“994. Incidental applications concerning the execution of a judgment are heard and disposed of pursuant to this Book.

“TITLE IV

“MISCELLANEOUS PROVISIONS

“995. Subject to the provisions of this Book, pleadings, notices and other documents may be notified to or served on the parties and the clerk by any appropriate means.

“996. Pleadings for which a filing fee is prescribed in the tariff of court fees may not be accepted by the clerk unless the fee is paid. The filing date and the amount of the fee and the date of payment must be indicated on the pleading. However, a person who proves that he or she is a recipient under a social welfare program established under the Act respecting income support, employment assistance and social solidarity (chapter S-32.001) is exempted from the payment of such fees.

If institution of the action is refused, the amount sent or deposited with the clerk with the statement of claim is refunded to the plaintiff.

“997. The Government may make regulations establishing

(a) a tariff of court fees payable for the filing or presentation of statements of claim or other pleadings under this Book, as well as a tariff of bailiff and advocate fees that may be claimed from the debtor;

(b) the conditions a mediator must satisfy to be certified;

(c) rules and obligations applicable to the function of certified mediator, as well as the sanctions for non-compliance with those rules and obligations;

(d) a tariff of fees payable to certified mediators by the mediation service and the maximum number of sessions for which a mediator may be paid such fees in relation to the same action.

“998. Any provision of the other Books of this Code consistent with the provisions of this Book applies to the recovery of small claims.”

139. Article 999 of the said Code is amended

(1) by replacing “natural person” in the first line of paragraph *c* by “person, partnership or association”;

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

“Subject to article 1048, a legal person, partnership or association may only be a member of a group if at all times during the 12-month period preceding the application, not more than five persons bound to it by contract of employment were under its direction or control and if it is dealing at arm’s length with the representative of the group. A legal person, partnership or association may in no case be the representative of a group.”

140. Article 1002 of the said Code is amended

(1) by striking out “, obtained on a motion” in the first paragraph ;

(2) by striking out “; the allegations of the motion are supported by an affidavit” in the second paragraph and by adding the following after “action” at the end of that paragraph: “; the motion may only be contested orally and the designated judge may allow relevant evidence to be submitted”.

141. Article 1005 of the said Code is amended by replacing “peremptory” in the second paragraph by “imperative”.

142. Article 1016 of the said Code is amended by replacing “cannot amend a proceeding, or discontinue, in whole or in part, an action, a proceeding or a judgment” by “may not discontinue an action or renounce a judgment, in whole or in part,”.

143. Article 1025 of the said Code is amended by inserting the following paragraph after the first paragraph:

“The notice must indicate

(a) that the transaction will be submitted to the court for approval, specifying the date and place of such proceeding ;

(b) any agreement as to fees between the representative and the representative’s attorney ;

(c) the nature of the transaction and the method of execution ;

(d) the procedure to be followed by the members to prove their claims ; and

(e) that the members have the right to present their arguments to the court as regards the transaction and the distribution of any balance remaining.”

144. Article 1032 of the said Code is amended

(1) by inserting “or with a financial institution operating in Québec,” after “office of the court” in the first paragraph ;

(2) by inserting the following paragraph after the first paragraph:

“Where the court orders that an amount be deposited with a financial institution, the interest on the amount accrues to the members.”

145. The said Code is amended by inserting the following article after article 1033:

“1033.1. The court may designate a third person to liquidate individual claims or to distribute the amounts awarded by a judgment to each member and determine that person’s remuneration.

The distribution of the amounts awarded by the judgment or agreed by way of a homologated transaction is effected under the supervision of the court.”

146. Article 1035 of the said Code is amended by inserting “and the remuneration referred to in article 1033.1” after “notification” in paragraph 1.

147. Article 1046 of the said Code is replaced by the following article :

“1046. Every notice that must be given to the members must be written in plain language that will be easily understood by the persons to whom it is addressed. It must contain the description of the group and indicate the names and addresses of the parties. The court may authorize the publication of a summary of the notice, which must state that the full text of the notice is available at the office of the court and that in the event of a discrepancy between the summary and the full text of the notice, the latter prevails.

When the court orders the publication of a notice, it determines the date, the form and the mode of such publication according to publication costs, the nature of the case, the composition of the group and the geographic distribution of the members ; where applicable, it indicates by name or description the members who are to be notified individually.

Except in the case of a notice under article 1006, 1025 or 1030, the court also determines the information to be included in the notice.”

148. Article 1050.1 of the said Code is amended by replacing the second paragraph by the following paragraph :

“The special fee provided for in the tariff for important cases may only be granted after the final judgment is rendered, on a motion served on the opposite party and on the Fonds d’aide au recours collectif if it has complied with the obligation provided in the first paragraph of section 32 of the Act respecting the class action (chapter R-2.1) ; the court shall not then take into account that the Fonds d’aide au recours collectif may have guaranteed the payment of all or part of the costs.”

149. The said Code is amended by inserting the following article after article 1050.1 :

“1050.2. A central registry of applications for authorization to institute a class action is kept at the office of the Superior Court, under the authority of the chief justice.”

150. Article 1051 of the said Code is amended by striking out “and 382 to 394”.

151. Book X of the said Code is repealed.

OTHER AMENDING PROVISIONS

152. The said Code is amended

(1) by replacing “declaration” in articles 112 to 115, 117, 123, 143, 822 and 822.1 by “motion to institute proceedings”;

(2) by replacing “declaration” in the heading of Chapter II following article 146.3 and in articles 206, 207 and 756 by “motion to institute proceedings”.

153. The said Code is amended

(1) by replacing “defence” in articles 53, 75.1, 183 and 331.3 by “contestation” and by replacing “plead by defence” in article 172 by “contest by pleading”;

(2) by replacing “defence filed” and “the filing of the defence” in articles 398, 402, 403 and 405 by “contestation”.

154. The said Code is amended by replacing “respondent” in articles 53.1 and 813.10 by “defendant”, by replacing “party making the motion” in articles 753.1 and 754.1 by “applicant”, by replacing “party making the motion” in article 835.3 by “plaintiff” and by replacing “requérant” wherever it appears in the French text of articles 399.1, 429, 439, 441, 446, 779, 801, 825.7, 864, 864.2, 865.1, 865.2, 871, 877, 879, 885, 888, 902, 904, 1002, 1010 and 1024 by “demandeur”, with the necessary modifications.

155. Section 146.1 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) is amended by striking out the last paragraph.

156. Section 348.2 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by replacing “articles 762 to 773 of” in the second paragraph by “the rules of ordinary procedure prescribed by”.

157. Section 348.3 of the said Act is amended by replacing “in accordance with the rules contained in articles 762 to 773 of” in the first paragraph by “in accordance with the rules of ordinary procedure prescribed by”.

158. Section 397 of the said Act is amended by replacing “presented according to the particular rules of articles 763 to 773 of” by “, in accordance with the rules of ordinary procedure prescribed by”.

159. Section 3.1 of the Professional Code (R.S.Q., chapter C-26) is amended by replacing “94.5” by “94.6”.

160. Article 437.4 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by replacing “articles 762 to 773 of” in the second paragraph by “the rules of ordinary procedure prescribed by”.

161. Article 437.5 of the said Code is amended by replacing “in accordance with the rules contained in articles 762 to 773 of” in the first paragraph by “in accordance with the rules of ordinary procedure prescribed by”.

162. Article 690 of the said Code is amended by replacing “according to the special rules of articles 763 to 773 of” in the first paragraph by “in accordance with the rules of ordinary procedure prescribed by”.

163. Section 80 of the Act respecting municipal courts (R.S.Q., chapter C-72.01) is amended by replacing “\$1000” by “\$7,000”.

164. Section 179 of the Act respecting school elections (R.S.Q., chapter E-2.3) is amended by replacing “the rules of Chapter I of Title II of Book V of” by “the rules of ordinary procedure prescribed by”.

165. Section 60 of the Act respecting the protection of personal information in the private sector (R.S.Q., chapter P-39.1) is amended by striking out the second paragraph.

166. Section 84 of the Act respecting the Régie du logement (R.S.Q., chapter R-8.1) is amended by replacing “articles 993 and 994” by “articles 991 to 993”.

TRANSITIONAL AND FINAL PROVISIONS

167. The provisions of section 2 apply to cases in first instance pending on (*insert here the date of coming into force of this section*), but not to judgments already rendered on that date even if the time for filing an appeal is not expired.

168. The provisions of section 4 have no effect in respect of cases pending before the Superior Court on (*insert here the date of coming into force of this section*).

169. The provisions of articles 953 to 955 of the Code of Civil Procedure introduced by section 138 do not apply to cases pending before the Court of Québec on (*insert here the date of coming into force of this section*).

170. Actions instituted before (*insert here the date of coming into force of this section*) are governed by the former legislation, unless the parties agree to proceed under the new rules. However, such choice may not be exercised if the case falls within the scope of sections 167 to 169.

171. This Act comes into force on the date or dates to be fixed by the Government.