

AM 1
a. 2

Bill 28

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

Article 2

AMENDMENT:

Add at the end:

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

adopte
RE

AM 2
a. 4

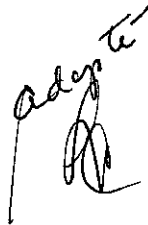
Bill 28

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

Article 4

AMENDMENT:

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

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

AM 3
a. 2

Bill 28

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

Article 2

AMENDMENT:

Withdrawn and now coded as AM ai.

adg
RR

AM 4
a. 5

Bill 28

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

Article 5

AMENDMENT:

Insert “, teaching” after “research”.

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

AM 5
a. 7

Bill 28

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

Article 7

AMENDMENT:

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

Adopted
AR

AM 6
a. 8

Bill 28

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

Article 8

AMENDMENT:

Strike out the second sentence of the second paragraph.

Adopte
RQ

AM 7
a. 9

Bill 28

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

Article 9

AMENDMENT:

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

Adopted
AM

AM 8
a. 9

Bill 28

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

Article 9

AMENDMENT:

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

Adopté
GA

AM 9
a. 11

Bill 28

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

Article 11

AMENDMENT:

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

adopted
AA

Bill 28

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

Article 16

AMENDMENT:

(1) Replace the first paragraph by:

16. In family matters, access to the court records is restricted. In all other matters, especially those relating to personal integrity or capacity, access to documents pertaining to a person's health or psychosocial situation is restricted if they have been filed in a sealed envelope.

(2) Insert "records or" after "Access-restricted" in the second paragraph.

(3) Replace "their representatives and" in the second paragraph by "by their representatives, by lawyers and notaries, by".

(4) Insert "or documents" after "to access records" in the second paragraph.

adopté
RP

AM 11
a. 20

Bill 28

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

Article 20

AMENDMENT:

Turn the second sentence into a separate paragraph.

Adopte
[Signature]

AM 12
a. 24

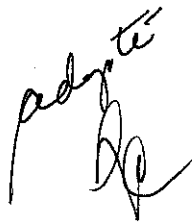
Bill 28

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

Article 24

AMENDMENT:

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

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

AM 13
a. 30

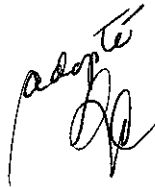
Bill 28

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

Article 30

AMENDMENT:

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

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

AM 14
a. 30

Bill 28

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

Article 30

AMENDMENT:

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

Adopte
PP

AM 15
a. 31

Bill 28

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

Article 31

AMENDMENT:

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

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

AM 16
a. 35

Bill 28

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

Article 35

AMENDMENT:

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

advised
Re

AM 17
a. 37

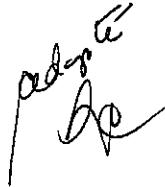
Bill 28

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

Article 37

AMENDMENT:

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

A handwritten signature in black ink, appearing to be "Adrian" or similar, with a stylized flourish at the end.

Bill 28

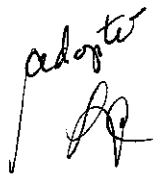
**An Act to establish the new Code of
Civil Procedure**

Article 48

AMENDMENT:

Replace by:

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

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

AM 19
a. 57

Bill 28

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

Article 57

AMENDMENT:

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

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

Bill 28

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

Article 62

AMENDMENT:

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

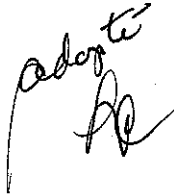
(1) payment of a punitive amount not exceeding \$10,000 for contempt committed by a natural person, or \$100,000 for contempt committed by a legal person, a partnership or an association, in which case the judgment is executed in accordance with Chapter XIII of the Code of Penal Procedure; and

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

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

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

- (4) Strike out the third paragraph.

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

AM 21
a. 63

Bill 28

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

Article 63

AMENDMENT:

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

*adote
Al*

Bill 28

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

Article 61

AMENDMENT:

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

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

AM 23
a. 65

Bill 28

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

Article 65

AMENDMENT:

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

adpte
GP

AM 24
a. 66

Bill 28

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

Article 66

AMENDMENT:

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

adopté
De

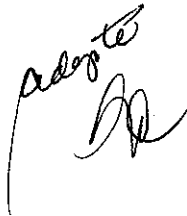
Bill 28

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

Article 67

AMENDMENT:

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

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

AM 26
a. 74

Bill 28

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

Article 74

AMENDMENT:

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

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

AM 27
a. 87

Bill 28

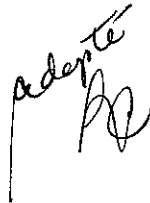
**An Act to establish the new Code of
Civil Procedure**

Article 87

AMENDMENT:

Replace paragraph 3 by:

(3) legal persons;

A handwritten signature in black ink, appearing to read "adapte" followed by a stylized monogram or flourish.

AM 28
a. 84

Bill 28

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

Article 84

AMENDMENT:

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

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

AM 29
a. 88

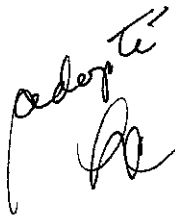
Bill 28

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

Article 88

AMENDMENT:

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

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

AM 30
a. 34

Bill 28

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

Article 34

AMENDMENT:

Withdrawn and now coded as AM al.

A handwritten signature in black ink, consisting of stylized, cursive letters that appear to be 'AC' followed by a flourish.

Bill 28

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

Article 100

AMENDMENT:

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

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

Bill 28

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

Article 101

AMENDMENT:

- (1) Replace the first paragraph by:

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

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

- (2) Replace "Such an application filed in writing" in the second paragraph by "An application in the course of a proceeding".
- (3) Insert "in writing and" after "must be" in the second paragraph.

*adopted
hd*

Bill 28

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

Article 105

AMENDMENT:

(1) Replace the first paragraph by:

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

(2) Replace the third paragraph by:

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

adoption
AR

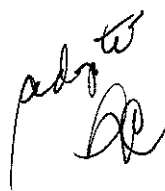
Bill 28

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

Article 108

AMENDMENT:

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

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

AM 35
a. 110

Bill 28

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

Article 110

AMENDMENT:

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

advised
AA

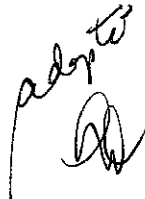
Bill 28

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

Article 111

AMENDMENT:

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

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

AM 37
a. 112

Bill 28

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

Article 112

AMENDMENT:

Replace the third paragraph by:

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

AM 38
a. 115

Bill 28

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

Article 115

AMENDMENT:

Insert “de l’ordre” after “judiciaire ou” in the French text.

Handwritten signature and initials, possibly reading "Adopté" and "RC".

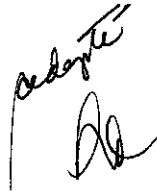
Bill 28

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

Article 116

AMENDMENT:

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

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

AM 40
a. 116

Bill 28

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

Article 116

AMENDMENT:

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

Adopte
Re

AM 41
a. 121

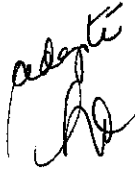
Bill 28

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

Article 121

AMENDMENT:

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

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

AM 42
a. 122

Bill 28

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

Article 122

AMENDMENT:

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

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

Bill 28

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

Article 125

AMENDMENT:

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

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

AM 44
a. 124

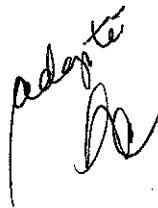
Bill 28

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

Article 124

AMENDMENT:

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

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

AM 45
a. 124

Bill 28

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

Article 124

AMENDMENT:

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

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

Bill 28

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

Article 132

AMENDMENT:

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

Handwritten signature and initials, possibly reading "pedante" and "R".

AM 47
a. 132


Bill 28

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

Article 132

AMENDMENT:

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

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

AM 48
a. 129

Bill 28

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

Article 129

AMENDMENT:

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

adopted
RR

AM 49
a. 133

Bill 28

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

Article 133

AMENDMENT:

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

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

AM 50
a. 136

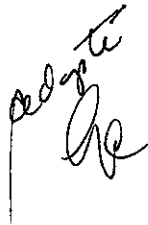
Bill 28

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

Article 136

AMENDMENT:

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

A handwritten signature in black ink, appearing to be "Adriano", written diagonally across the page.

Bill 28

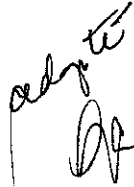
**An Act to establish the new Code of
Civil Procedure**

Article 136

AMENDMENT:

Replace the second paragraph by:

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

A handwritten signature in black ink, appearing to be 'adry' followed by a stylized 'te' and a large 'A'.

Bill 28

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

Article 146

AMENDMENT:

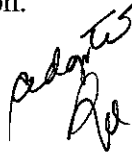
- (1) Insert after the second paragraph:

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

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

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

- (3) Strike out the last paragraph.

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

AM 53
a. 72

Bill 28

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

Article 72

AMENDMENT:

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

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

AM 54
a. 147

Bill 28

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

Article 147

AMENDMENT:

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

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

Bill 28

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

Article 147

AMENDMENT:

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

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

A handwritten signature in black ink, appearing to be 'P. J. R.' or similar, written in a cursive style.

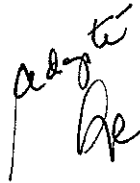
Bill 28

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

Article 148

AMENDMENT:

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

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

AM 57
a. 150

Bill 28

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

Article 150

AMENDMENT:

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

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

AM 58
a. 153

Bill 28

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

Article 153

AMENDMENT:

Strike out article.

page 1
R

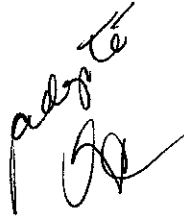
Bill 28

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

Article 157

AMENDMENT:

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

A handwritten signature in black ink, appearing to be "P. J. L." or similar, with a stylized flourish at the end.

Bill 28

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

Article 158

AMENDMENT:

Replace by:

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

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

A handwritten signature in black ink, appearing to be 'P. J. H.' or similar, located below the text of Article 158.

Bill 28

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

Article 160

AMENDMENT:

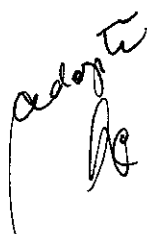
(1) Replace “an incapable person of full age” in the first paragraph by “a person of full age it considers incapable who is”.

(2) Replace the second paragraph by:

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

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

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

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

AM 62
a. 170

Bill 28

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

Article 170

AMENDMENT:

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

*add to
100*

Bill 28

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

Article 173

AMENDMENT:

- (1) Replace the first paragraph by:

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

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

advis
to
Ad

AM 64
a. 174

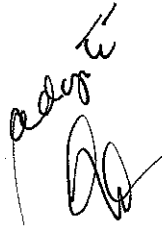
Bill 28

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

Article 174

AMENDMENT:

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

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

Bill 28

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

Article 175

AMENDMENT:

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

adote
AD

AM 66
a. 178

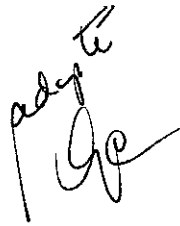
Bill 28

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

Article 178

AMENDMENT:

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

A handwritten signature in black ink, appearing to be "J. G. Smith" or similar, written diagonally.

AM 67
a. 179

Bill 28

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

Article 179

AMENDMENT:

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

Adopted
RR

AM 68
a. 179

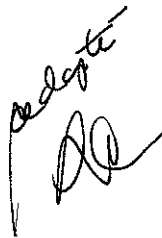
Bill 28

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

Article 179

AMENDMENT:

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

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

AM 69
a. 181

Bill 28

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

Article 181

AMENDMENT:

Add at the end:

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

add to
GA

AM 70
a. 187

Bill 28

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

Article 187

AMENDMENT:

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

adopted
Ro

Bill 28

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

Article 182

AMENDMENT:

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

pedro
UR

AM 72
a. 173

Bill 28

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

Article 173

AMENDMENT:

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

adpte
R

Bill 28

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

Article 171

AMENDMENT:

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



AM 74
a. 188

Bill 28

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

Article 188

AMENDMENT:

Add at the end:

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

adopte
Op

AM 75
a. 191

Bill 28

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

Article 191

AMENDMENT:

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

advis
AK

AM 76
a. 201

Bill 28

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

Article 201

AMENDMENT:

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

adote
De

AM 77
a. 193

Bill 28

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

Article 193

AMENDMENT:

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

Adopte
Re

Bill 28

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

Article 206

AMENDMENT:

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

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

AM 79
a. 218

Bill 28

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

Article 218

AMENDMENT:

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

pedro te
DR

AM 80
a. 217

Bill 28

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

Article 217

AMENDMENT:

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

Adopte
Dr

AM 81
a. 225

Bill 28

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

Article 225

AMENDMENT:

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

adopte
RP

AM 82
a. 224

Bill 28

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

Article 224

AMENDMENT:

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

adopté
OK

AM 83
a. 229

Bill 28

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

Article 229

AMENDMENT:

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

A handwritten signature in cursive script, appearing to read "Ady" or "Ady" followed by a flourish.

AM 84
a. 226

Bill 28

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

Article 226

AMENDMENT:

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

adapte
[Signature]

AM 85
a. 232

Bill 28

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

Article 232

AMENDMENT:

Strike out the third paragraph.

adgto
DP

Bill 28

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

Article 166

AMENDMENT:

Replace by:

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

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

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

adopted


AM 87
a. 237

Bill 28

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

Article 237

AMENDMENT:

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

Adopted
DW

AM 88
a. 238

Bill 28

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

Article 238

AMENDMENT:

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

adpte
De

AM 89
a. 240

Bill 28

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

Article 240

AMENDMENT:

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

per se
GA

AM 90
a. 238

Bill 28

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

Article 238

AMENDMENT:

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

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

AM 91
a. 246

Bill 28

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

Article 246

AMENDMENT:

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

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

AM 92
a. 248

Bill 28

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

Article 248

AMENDMENT:

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

adpte
[Signature]

AM 93
a. 248

Bill 28

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

Article 248

AMENDMENT:

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

ad-pte
[Signature]

AM 94
a. 251

Bill 28

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

Article 251

AMENDMENT:

Withdrawn and now coded as AM j.

A handwritten signature in black ink, consisting of stylized, overlapping loops and a long horizontal stroke at the bottom.

AM 95
a. 252

Bill 28

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

Article 252

AMENDMENT:

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

adoption


Bill 28

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

Article 251

AMENDMENT:

Replace by:

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

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

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

AM 97
a. 259

Bill 28

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

Article 259

AMENDMENT:

Strike out the second sentence of the third paragraph.

adoption
QR

AM 98
a. 269

Bill 28

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

Article 269

AMENDMENT:

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

ad-pte
OK

AM 99
a. 274

Bill 28

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

Article 274

AMENDMENT:

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

adoption
R

Bill 28

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

Article 271

AMENDMENT:

- (1) Replace the first paragraph by:

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

- (2) Replace the third paragraph by:

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

adopté
Re

AM 101
a. 271

Bill 28

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

Article 271

AMENDMENT:

Strike out the second paragraph.

adpte
[Signature]

Bill 28

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

Article 264

AMENDMENT:

(1) Replace the first paragraph by:

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

(2) Replace the second paragraph by:

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

adopte
RP

AM 103
a. 277

Bill 28

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

Article 277

AMENDMENT:

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

adopted
[Signature]

Bill 28

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

Article 278

AMENDMENT:

Replace by:

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

edgite
De

AM 105
a. 279

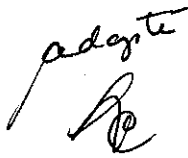
Bill 28

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

Article 279

AMENDMENT:

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

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

Bill 28

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

Article 300

AMENDMENT:

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

(2) Replace the third paragraph by:

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

adapte
GO

Bill 28

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

Article 301

AMENDMENT:

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

adg
GR

Bill 28

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

Article 303

AMENDMENT:

Insert after subparagraph 6 of the first paragraph:

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

adapted
RP

AM 109
a. 73

Bill 28

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

Article 73

AMENDMENT:

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

adpte
RR

Bill 28

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

Article 292

AMENDMENT:

Replace the first paragraph by:

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

adapte
DP

AM 111
a. 313

Bill 28

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

Article 313

AMENDMENT:

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

adapte
Re

Bill 28

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

Article 316

AMENDMENT:

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

Adopté
[Signature]

Bill 28

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

Article 325

AMENDMENT:

Replace by:

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

adante
GR

AM 114
a. 326

Bill 28

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

Article 326

AMENDMENT:

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

adopté
AP

AM 115
a. 327

Bill 28

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

Article 327

AMENDMENT:

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

adopté
AR

AM 116
a. 339

Bill 28

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

Article 339

AMENDMENT:

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

page 116
DR

AM 117
a. 341

Bill 28

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

Article 341

AMENDMENT:

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

adpte
AP

AM 118
a. 342

Bill 28

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

Article 342

AMENDMENT:

Replace "serious" by "substantial".

Adopted
Re

AM 119
a. 345

Bill 28

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

Article 345

AMENDMENT:

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

adapte
BP

AM 120
a. 347

Bill 28

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

Article 347

AMENDMENT:

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

adapte
R

AM 121
a. 347

Bill 28

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

Article 347

AMENDMENT:

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

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

Bill 28

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

Article 349

AMENDMENT:

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

adapte
OR

AM 123
a. 352

Bill 28

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

Article 352

AMENDMENT:

Withdrawn and now coded as AM o

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

Bill 28

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

Article 353

AMENDMENT:

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

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

AM 125
a. 358

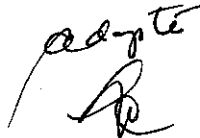
Bill 28

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

Article 358

AMENDMENT:

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

A handwritten signature in black ink, appearing to be "R. R. R." or similar, with a long horizontal stroke extending to the left.

Bill 28

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

Article 360

AMENDMENT:

Replace the first paragraph by:

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

A handwritten signature in cursive script, appearing to read "pedro te" followed by a stylized monogram or initials.

AM 127
a. 352

Bill 28

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

Article 352

AMENDMENT:

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

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

AM 128
a. 354

Bill 28

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

Article 354

AMENDMENT:

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

adopté
AE

AM 129
a. 364

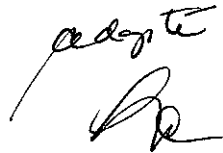
Bill 28

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

Article 364

AMENDMENT:

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

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

AM 130
a. 365

Bill 28

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

Article 365

AMENDMENT:

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

*adgt
PR*

AM 130
SAM 1
a. 365

Bill 28

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

Article 365

AMENDMENT:

Replace “versée” in the portion inserted by AM 130 in the French text by
“fournie”.

adopté
[Signature]

AM 131
a. 366

Bill 28

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

Article 366

AMENDMENT:

Strike out the last sentence.

adopted
[Signature]

Bill 28

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

Article 367

AMENDMENT:

- (1) Strike out "set the time limit for preparing the appeal record and" in the second paragraph.
- (2) Replace "memorandums and" in the second paragraph by "memorandums or may".
- (3) Add "and, if required by the circumstances, refer the matter to the Court so that appropriate measures, including dismissal of the appeal, may be taken" at the end of the second paragraph.

adopted
Re

Bill 28

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

Article 370

AMENDMENT:

Replace by:

370. The contentions of the parties to an appeal are stated in their respective briefs or memorandums, which are governed, as regards their content and physical preparation, by the regulations of the Court of Appeal.

A hard copy transcript of relevant extracts from the evidence must be attached to each brief or memorandum. A full transcript of the depositions and evidence is filed only if available on a technological medium.

adapte
DR

AM 134
a. 373

Bill 28

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

Article 373

AMENDMENT:

Replace "Any impleaded party" in the first paragraph by "Any other party".

adg
R

AM 135
a. 374

Bill 28

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

Article 374

AMENDMENT:

Replace "presents in a concise manner" in the second paragraph by "concisely states the facts,".

advised
Re

AM 136
a. 376

Bill 28

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

Article 376

AMENDMENT:

Replace "impleaded party" in the second paragraph by "any other party".

adgite
BR

AM 137
Book IV, Title IV, Chapter III, heading

Bill 28

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

Book IV, Title IV, Chapter III, heading

AMENDMENT:

Replace by:

APPEAL BRIEF AND MEMORANDUM

page 12
SP

AM 138
a. 392

Bill 28

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

Article 392

AMENDMENT:

Insert “, at the parties’ expense,” before “to a notary” in the first paragraph.

adp to
R

AM 139
a. 313

Bill 28

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

Article 313

AMENDMENT:

Insert “, time” after “date” in the first paragraph.

Handwritten signature and initials in black ink, appearing to be 'adg' and 'R'.

AM 140
a. 384

Bill 28

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

Article 384

AMENDMENT:

Strike out "on their own initiative or" in the first paragraph.

adopte
R

AM 141
a. 364

Bill 28

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

Article 364

AMENDMENT:

Replace "on their own initiative or on an application by the respondent, may" by
"on their own initiative or on an application by the respondent, may, for good
cause,".

A handwritten signature in black ink, appearing to be "ed-pte" with a large "R" below it.

AM 142
a. 30

Bill 28

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

Article 30

AMENDMENT:

Add "awarded to punish a substantial breach" at the end of subparagraph 6 of the second paragraph.

edg te
Rp

Bill 28

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

Article 394

AMENDMENT:

- (1) Insert “et les pièces au soutien de celle-ci” after “inaptitude” in the first paragraph in the French text.
- (2) Replace “an application for the institution or review of protective supervision” in the second paragraph by “any such application”.

ad-pte
De

AM 144
a. 404

Bill 28

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

Article 404

AMENDMENT:

Insert a comma after “du mandant” in the second paragraph in the French text.

adopté
Re

Bill 28

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

Article 405

AMENDMENT:

- (1) Strike out "and notified" in the first paragraph.
- (2) Strike out the last sentence of the first paragraph.
- (3) Replace "informs" in the second paragraph by "is notified to".
- (4) Insert ", informing them" after "friends" in the second paragraph.

adapte
AK

AM 146
a. 409

Bill 28

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

Article 409

AMENDMENT:

Replace by:

409. Applications under Book Two of the Civil Code as well as applications under the Divorce Act (Revised Statutes of Canada, 1985, chapter 3, 2nd Supplement) are governed by the general rules that apply to all judicial demands, subject to the provisions of this chapter.

ad-pte
AR

AM 147
a. 415

Bill 28

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

Article 415

AMENDMENT:

Add "or, as applicable, of the notary presenting the joint demand on a draft agreement" at the end of the second paragraph.

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

AM 148
a. 423

Bill 28

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

Article 423

AMENDMENT:

Strike out "and, within the following three days," in the first paragraph.

adep
Re

Bill 28

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

Article 435

AMENDMENT:

Replace "notified to the child's father and mother, if known, to the child's tutor, if the child has one, and to the child if the child is 14 years of age or older; the judge may order that the application be notified to the child if the child is 10 years of age or older" by "served on the child's father and mother, if known, on the child's tutor, if the child has one, and on the child if the child is 14 years of age or older; the judge may order that the application be served on the child if the child is 10 years of age or older".

adapte
BR

AM 150
a. 438

Bill 28

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

Article 438

AMENDMENT:

Replace "to the adopter and to the child" in the first paragraph by "to those to whom the application for placement was notified".

adopte
AR

AM 151
a. 444

Bill 28

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

Article 444

AMENDMENT:

Withdrawn and now coded as AM q.

A handwritten signature, possibly reading 'Ae', is written in the center of the page.

AM 152
a. 451

Bill 28

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

Article 451

AMENDMENT:

Withdrawn and now coded as AM r.

A handwritten signature in black ink, consisting of a large, stylized capital 'A' followed by a capital 'R' and a horizontal stroke.

AM 153
Book V, Title III, Chapter II, heading

Bill 28

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

Book V, Title III, Chapter II, heading

AMENDMENT:

Add "AND TO ACQUISITIVE PRESCRIPTION OF AN IMMOVABLE" at the
end.

ad-ty
Ne

AM 154
a. 484

Bill 28

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

Article 484

AMENDMENT:

Add "and, at their request, to persons who, in the absence of a will, would have been called to the succession" at the end of the first paragraph.

adpte
✓R

AM 155
a. 22

Bill 28

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

Article 22

AMENDMENT:

Insert "or who has been appointed by the court" after "jointly".

ad pte
Re

Bill 28

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

Article 31

AMENDMENT:

(1) Replace "An appeal against a judgment rendered in the course of a proceeding does not stay the proceeding unless a judge of the Court of Appeal so orders. If" in the third paragraph by "The judgment must be appealed without delay. The appeal does not stay the proceeding unless a judge of the Court of Appeal so orders. If".

(2) Replace the fourth paragraph by:

Any other judgment rendered in the course of a trial, except one that allows an objection to evidence, may only be challenged on an appeal against the judgment on the merits.

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

AM 156
SAM 1
a. 31

Bill 28

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

Article 31

AMENDMENT:

Replace “Celui-ci” in paragraph 1 in the French text of AM 156 by “L’appel”.

adpte
R

Bill 28

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

Article 429

AMENDMENT:

Replace "As provided in section 19 of the Act respecting health services and social services (chapter S-4.2), the court may order an institution" by "The court may order an institution governed by the Act respecting health services and social services (chapter S-4.2)".

adapte-
Dr

AM 158
a. 399

Bill 28

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

Article 399

AMENDMENT:

Add “, which cannot be more than three days later” at the end of the second paragraph.

adopted
RD

AM 159
a. 400

Bill 28

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

Article 400

AMENDMENT:

Replace "require that a suretyship be provided" by "determine conditions".

adopted
Re

AM 160
a. 402

Bill 28

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

Article 402

AMENDMENT:

Strike out “, or acquiesce in the judgment” in the first paragraph.

A handwritten signature in cursive script, appearing to read "page 162" followed by a stylized flourish.

AM 161
a. 407

Bill 28

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

Article 407

AMENDMENT:

Add at the end:

To apply for the annulment of letters patent that are either a legal person's constituting act or an instrument amending a legal person's constituting act, an interested person must be expressly authorized by the Attorney General.

A handwritten signature in cursive script, appearing to read "Adopte" followed by a stylized monogram or initials.

AM 162
a. 408

Bill 28

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

Article 408

AMENDMENT:

Strike out "other" in the second paragraph.

advisory
hr

AM 163
a. 438

Bill 28

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

Article 438

AMENDMENT:

Replace "notified to the adopter and to" in the second paragraph by "served on the adopter and on".

adopte
Re

AM 164
a. 441

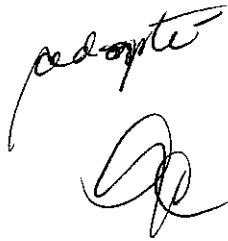
Bill 28

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

Article 441

AMENDMENT:

Replace "being notified to" by "being served on".

Handwritten signature and initials in cursive script.

Bill 28

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

Article 451

AMENDMENT:

- (1) Insert "served on the persons having parental authority and the child's tutor and" after "attribute of parental authority is" in the first paragraph.
- (2) Replace "notified not only to the person having parental authority or, as applicable, to the tutor, but also" in the second paragraph by "served on the person having parental authority or, as applicable, on the tutor and notified".

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

AM 166
a. 458

Bill 28

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

Article 458

AMENDMENT:

Strike out the last sentence of the third paragraph.

advisory
OK

AM 167
a. 491

Bill 28

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

Article 491

AMENDMENT:

Replace “, as with any preliminary exception, no later than at the case management conference” in the first paragraph by “in the same way as any preliminary exception”.

adopted
RR

AM 168
a. 491

Bill 28

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

Article 491

AMENDMENT:

Strike out "of article 3135" in the second paragraph.

adn
He

Bill 28

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

Article 492

AMENDMENT:

Replace the first paragraph by:

492. If a plaintiff is not resident in Québec or, being a legal person, is not domiciled in Québec, the defendant may, at any stage of the proceeding, require that the plaintiff be ordered, under pain of dismissal of the demand, to provide a suretyship, within a specified time, as security for the legal costs the court could award against the plaintiff.

A person acting for another person under the rules of representation before the courts may also be required to provide a suretyship if the representative or one of the representative's mandators is not resident in Québec or, being a legal person, is not domiciled in Québec.

adopté
R

AM 170
a. 495

Bill 28

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

Article 495

AMENDMENT:

Strike out the last sentence of the first paragraph.

adoption
Re

AM 171
a. 496


Bill 28

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

Article 496

AMENDMENT:

Replace "an authenticated" in the second paragraph by "a certified".

Handwritten signature and initials, possibly "Adopted" and "AC".

AM 172
a. 497

Bill 28

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

Article 497

AMENDMENT:

Replace "a special order" in the second paragraph by "an express order".

adote
AP

AM 173
a. 498

Bill 28

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

Article 498

AMENDMENT:

Replace "a special order" by "an express order".

A handwritten signature in black ink, appearing to be "ad-ye" followed by a stylized monogram or flourish.

Bill 28

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

Article 503

AMENDMENT:

Replace “scellé” in the first paragraph in the French text by “cacheté”.

adopté
Re

Bill 28

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

Article 501

AMENDMENT:

Replace "when and where" by "the date, time and place".

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

AM 176
a. 508

Bill 28

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

Article 508

AMENDMENT:

Replace "authenticated" in the third paragraph by "certified".

adg^{te}
as

Bill 28

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

Article 444

AMENDMENT:

Replace by:

444. No ruling on a support obligation may be made unless the parties have each filed a statement containing the information prescribed by regulation with the court office and, in the case of a parental child support obligation, the support determination form duly completed by each party and the other prescribed documents.

If the defendant fails to file those documents, their defence cannot be heard, and the court may make a ruling after hearing, and examining the documents produced by, the plaintiff. Before making a ruling, the court may nevertheless relieve the defendant from the default, subject to the conditions it determines.

The statements filed with the court office are destroyed if no support is granted by the court or if no judgment is rendered within one year after they are filed.

adp
AK

AM 178
a. 471

Bill 28

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

Article 471

AMENDMENT:

- (1) Strike out "the report and".
- (2) Insert "; the report may be attached to the minutes" after "land register".

A handwritten signature in black ink, appearing to be "adgtr" with a large "R" below it.

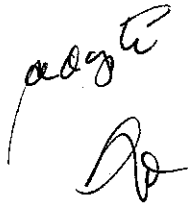
Bill 28

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

Article 472

AMENDMENT:

- (1) Strike out "the boundary determination report and" in the second paragraph.
- (2) Insert "and the judgment" after "the minutes" in the second paragraph.
- (3) Insert "; the boundary determination report may be attached to the minutes" after "land register".

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

Bill 28

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

Article 499

AMENDMENT:

Replace the first paragraph by:

499. The court may, on the parties' application, appoint a commissioner to examine a witness or to gather evidence in a foreign State if the court is convinced that the witness cannot be examined or the evidence gathered using technological means.

A handwritten signature in black ink, appearing to be 'adg' followed by a flourish, with a second signature 'Du' below it.

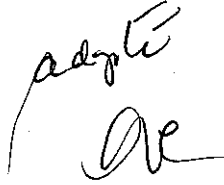
Bill 28

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

Article 510

AMENDMENT:

- (1) Replace "notified to" in the first paragraph by "served on".
- (2) Replace "the date on which it is to be presented" in the first paragraph by "its presentation".
- (3) Replace "notification" in the second paragraph by "service".

A handwritten signature in cursive script, appearing to read "adpte" followed by a stylized "ae" or "re" on a new line.

AM 182
a. 509

Bill 28

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

Article 509

AMENDMENT:

Withdrawn and now coded as AM W.

A handwritten signature in black ink, appearing to be a stylized 'R' or 'B' followed by a flourish.

Bill 28

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

Article 511

AMENDMENT:

- (1) Strike out the last sentence of the first paragraph.
- (2) Insert after the first paragraph:

The court may grant an interlocutory injunction subject to a suretyship being provided to cover the costs and any resulting prejudice.

- (3) Replace "The court" in the third paragraph by "It".

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

AM 184
a. 519

Bill 28

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

Article 519

AMENDMENT:

Add “; the court determines who is to be the custodian of the property so seized”
at the end.

advised
Re

AM 185
a. 520

Bill 28

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

Article 520

AMENDMENT:

Replace "notifies the notice of execution to" in the second paragraph by "serves the notice of execution on".

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

Bill 28

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

Article 521

AMENDMENT:

- (1) Replace both occurrences of "notification" by "service".
- (2) Replace "notifies it to" by "serves it on".

adopted
PO

AM 187
a. 522

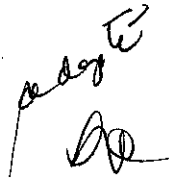
Bill 28

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

Article 522

AMENDMENT:

Replace "notification" by "service".

Handwritten signature and initials, possibly "page" and "Bo".

AM 188
a. 525

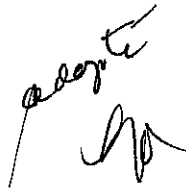
Bill 28

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

Article 525

AMENDMENT:

Replace "before the court clerk to preserve the property as its depository," by
"before the court clerk".

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

AM 189
a. 538

Bill 28

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

Article 538

AMENDMENT:

Replaced "provided" in the second paragraph by "and if".

adopte
AO

AM 190
a. 540

Bill 28

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

Article 540

AMENDMENT:

Replace "order a joint expert report" in the second paragraph by "impose joint expert evidence".

A handwritten signature in black ink, appearing to be "A. A. A." or similar, written diagonally.

AM 191
a. 542

Bill 28

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

Article 542

AMENDMENT:

- (1) Insert "sole" before "service" in the second paragraph.
- (2) Insert "section 34 of" after "Despite" in the third paragraph.

adapted
MD

AM 192
a. 544

Bill 28

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

Article 544

AMENDMENT:

Withdrawn and now coded as AM aj.



AM 193
a. 547

Bill 28

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

Article 547

AMENDMENT:

Replace "to the court office or pay it" in subparagraph 1 of the first paragraph by
"and the costs borne by the plaintiff to the court office or pay them".

delante
R

AM 194
a. 553

Bill 28

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

Article 553

AMENDMENT:

Strike out the third sentence of the second paragraph.

pedagogy
Re

AM 195
a. 556

Bill 28

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

Article 556

AMENDMENT:

Insert "the special clerk or" after "confirmed by" in the third paragraph.

adoption
Go

AM 196
a. 566

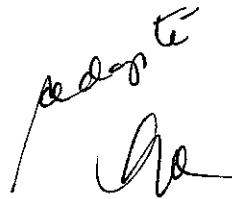
Bill 28

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

Article 566

AMENDMENT:

Replace "entered in the court register" in the first paragraph by "filed in the court office".

A handwritten signature in black ink, appearing to be "Adopted" with a flourish underneath.


Bill 28

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

Article 34

AMENDMENT:

Replace "partnerships and associations not endowed with juridical personality" in the first paragraph by "partnerships and associations and other groups not endowed with juridical personality".

Adopté


AM 198
a. 62

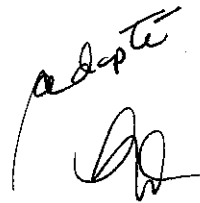
Bill 28

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

Article 62

AMENDMENT:

Insert "or another group not endowed with juridicial personality" after
"association" in the subparagraph 1 of the first paragraph.

Handwritten signature and initials, possibly "adpte" and "AQ".

AM 199
a. 87

Bill 28

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

Article 87

AMENDMENT:

Replace "within the meaning of the Civil Code" in paragraph 4 by "and other groups not endowed with juridical personality".

adopté
R

AM 200
a. 95

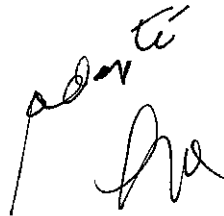
Bill 28

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

Article 95

AMENDMENT:

Replace "a group" by "a partnership or an association or another group not endowed with juridical personality".

A handwritten signature in black ink, appearing to be "adri" with a flourish above it.

Bill 28

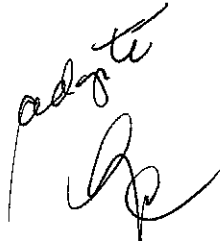
**An Act to establish the new Code of
Civil Procedure**

Article 202

AMENDMENT:

Replace paragraph 5 by:

(5) the judge being a shareholder or an officer of a legal person or a member of a partnership or an association or another group not endowed with juridical personality that is a party to the proceeding;

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

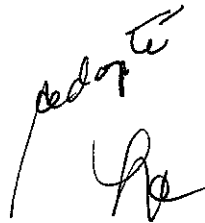
Bill 28

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

Article 224

AMENDMENT:

- (1) Replace "within the meaning of the Civil Code" in the second paragraph by "or another group not endowed with juridical personality".
- (2) Add "or other group not endowed with juridical personality" at the end.

A handwritten signature in black ink, appearing to be "Adoré" or similar, with a large flourish underneath.

AM 202
SAM 1
a. 224

Bill 28

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

Article 224

AMENDMENT:

Replace "other group" in paragraph 2 of AM 202 by "group".

adopted
Re

AM 203
a. 509

Bill 28

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

Article 509

AMENDMENT:

Replace "partnership or association" in the first paragraph by "a partnership or an association or another group not endowed with juridical personality".

page 2
RR

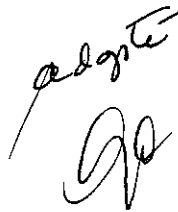
Bill 28

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

Article 529

AMENDMENT:

- (1) Replace "within the meaning of the Civil Code" in subparagraph 3 of the first paragraph by "or another group not endowed with juridicial personality".
- (2) Replace "within the meaning of the Civil Code" in subparagraph 4 of the first paragraph by "or another group not endowed with juridicial personality".

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

AM 205
a. 536

Bill 28

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

Article 536

AMENDMENT:

Insert "or another group not endowed with juridical personality" after
"association" in the second paragraph.

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

AM 206
a. 537

Bill 28

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

Article 537

AMENDMENT:

Replace “, partnership or association” in the second paragraph by “a partnership or an association or another group not endowed with juridical personality”.

*adapte
he*

Bill 28

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

Article 542

AMENDMENT:

- (1) Insert "and other groups not endowed with juridical personality" after "and associations" in the second paragraph.
- (2) Add "who is not a lawyer" at the end of the second paragraph.
- (3) Strike out "or a notary" in the fourth paragraph.

adp
Re

AM 208
a. 544

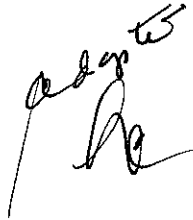
Bill 28

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

Article 544

AMENDMENT:

Insert "or another group not endowed with juridical personality" after "an association" in the second paragraph.

A handwritten signature in black ink, appearing to be "R. B. B." or similar, with a stylized flourish.


Bill 28

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

Article 554

AMENDMENT:

- (1) Replace "one month" in the first paragraph by "six weeks".
- (2) Replace "15 days" in the second paragraph by "21 days".
- (3) Replace "they have 15 days after its receipt to" in the third paragraph by "they must, at least 21 days before the scheduled hearing date," and replace "and to file" in that paragraph by "and file".

Adopte


AM 209
SAM 1
a. 554

Bill 28

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

Article 554

AMENDMENT:

Replace paragraph 3 in the French text of AM 209 by:

3° par le remplacement, au troisième alinéa, de « dans les 15 jours de la réceptions de la convocation » par « au moins 21 jours avant la date fixée pour l'audience ».

adopté
Re

AM 210
a. 555

Bill 28

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

Article 555

AMENDMENT:

Withdrawn and now coded as AM ak.

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

AM 211
a. 566

Bill 28

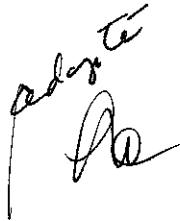
**An Act to establish the new Code of
Civil Procedure**

Article 566

AMENDMENT:

Replace the fourth paragraph by:

The court clerk may assist the creditor in the execution of the judgment.

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

AM 212
a. 568

Bill 28

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

Article 568

AMENDMENT:

Withdrawn and now coded as AM y.

A handwritten signature, possibly reading 'R. R.', is centered on the page.

Bill 28

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

Article 571

AMENDMENT:

Insert "or another group not endowed with juridical personality" after "an association" in the second paragraph and replace "the legal person, partnership or association" in that paragraph by "it".

adapte
DD

AM 214
a. 573

Bill 28

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

Article 573

AMENDMENT:

Replace “and the ensuing pleadings” by “and originating demands, pleadings filed in the course of a proceeding”.

A handwritten signature in black ink, appearing to be "R. A. G." or similar, written diagonally.

AM 215
a. 576

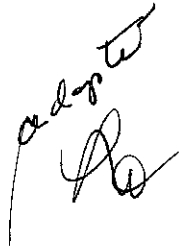
Bill 28

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

Article 576

AMENDMENT:

Insert "main" after "identifies the" in the first paragraph.

A handwritten signature in black ink, appearing to be "R. J. [unclear]", is written diagonally across the page.

Bill 28

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

Article 577

AMENDMENT:

- (1) Replace the second paragraph by:

If asked to decline jurisdiction, to stay an application for authorization to institute a class action or to stay a class action, the court is required to have regard for the protection of the rights and interests of Québec residents.

- (2) Insert “rights and” after “to protect the” in the third paragraph.

adopté
Re

AM 217
a. 583

Bill 28

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

Article 583

AMENDMENT:

Replace "lapsing" in the first paragraph by "being declared lapsed".

pe dpte
R

Bill 28

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

Article 593

AMENDMENT:

- (1) Replace "If" in the third paragraph by "Regardless of whether".
- (2) Replace "disregards" in the third paragraph by "considers".

adopted
Re

Bill 28

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

Article 596

AMENDMENT:

Replace by:

596. A judgment that orders collective recovery makes provision for individual liquidation of the class members' claims or for distribution of an amount to each class member.

The court designates a person to carry out the operation, gives them the necessary instructions, including instructions as to proof and procedure, and determines their remuneration.

The court disposes of any remaining balance in the same manner as when remitting an amount to a third person, having regard, among other things, to the members' interests. If the judgment is against the State, the remaining balance is paid into the Access to Justice Fund.

adapte
Re

Bill 28

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

Article 597

AMENDMENT:

Replace by:

597. If the individual liquidation of the class members' claims or the distribution of an amount to each class member is impracticable, inappropriate or too costly, the court determines the balance remaining after the collocation of the costs, fee and disbursements and orders that the amount be remitted to a third person it designates.

However, before remitting the amount to a third person, the court hears the representations of the parties, the Class Action Assistance Fund and any other person whose opinion the court considers useful.

A handwritten signature in black ink, appearing to be 'p. 597' with a large 'R' or 'A' below it.

AM 221
a. 600

Bill 28

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

Article 600

AMENDMENT:

Replace "court clerk" by "special clerk".

ad 2/15
RH

Bill 28

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

Article 571

AMENDMENT:

Add after the first paragraph:

In addition to natural persons, legal persons established for a private interest, partnerships and associations or other groups not endowed with juridical personality may be members of the class.

*adapte
He*

AM 222
SAM 1
a. 571

Bill 28

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

Article 571

AMENDMENT:

Replace the comma after “une société” in the proposed second paragraph in the French text of the amendment by “ou”.

adopté
Re

Bill 28

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

Article 605

AMENDMENT:

- (1) Replace the first sentence of the second paragraph by: "The mediator helps the parties to engage in dialogue, clarify their views, define the issues in dispute, identify their needs and interests, explore solutions and reach, if possible, a mutually satisfactory agreement."
- (2) Replace "The mediator is required to disclose" in the third paragraph by "The mediator is required to draw the parties' attention to".

adg. ré
Re

Bill 28

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

Article 604

AMENDMENT:

- (1) Strike out “, même en partie,” in the French text.
- (2) Insert “même en partie,” after “représentant,” in the French text.

adopté
Re

Bill 28

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

Article 607

AMENDMENT:

- (1) Insert "section 9 of" after "Despite".
- (2) Strike out "and the Act respecting the protection of personal information in the private sector (chapter P-39.1)".

adopté
Re

Bill 28

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

Article 606

AMENDMENT:

Replace the first paragraph in the French text by:

606. Le médiateur ou un participant à la médiation ne peut être contraint de dévoiler, dans une procédure arbitrale, administrative ou judiciaire liée ou non au différend, ce qui lui a été dit ou ce dont il a eu connaissance lors de la médiation. Il ne peut non plus être tenu de produire un document préparé ou obtenu au cours de ce processus, sauf si la loi en exige la divulgation, si la vie, la sécurité ou l'intégrité d'une personne est en jeu, ou encore pour permettre au médiateur de se défendre contre une accusation de faute professionnelle. Enfin, aucune information ou déclaration donnée ou faite dans le cours du processus ne peut être utilisée en preuve dans une telle procédure.

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

Bill 28

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

Article 609

AMENDMENT:

- (1) Replace "convened" in the second paragraph by "invited".
- (2) Insert "useful for the orderly progress of the mediation process and" after "whose contribution may be".

adapte
Re

Bill 28

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

Article 610

AMENDMENT:

- (1) Strike ou the second paragraph.
- (2) Add "or of one of the parties" at the end of the third paragraph.

A handwritten signature in cursive script, appearing to read "Adopte", with a large, stylized initial "R" or "B" below it.

AM 229
a. 612

Bill 28

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

Article 612

AMENDMENT:

Replace "if possible and if" by "provided".

*adg 6-
Re*

AM 230
a. 613

Bill 28

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

Article 613

AMENDMENT:

Add at the end:

The mediator must see that the parties understand the agreement.

accepted
OK

Bill 28

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

Article 614

AMENDMENT:

Replace the second paragraph by:

The mediator, too, may put an end to the mediation process if, in the mediator's opinion, it is warranted by the circumstances, in particular if the mediator is convinced that the mediation process is doomed to failure or is likely, if continued, to cause serious prejudice to one of the parties.

adapte
De

AM 232
a. 616

Bill 28

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

Article 616

AMENDMENT:

Strike out the second paragraph.

A handwritten signature in black ink, appearing to be "ad r E" with a large "B" or "R" below it.

Bill 28

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

Article 617

AMENDMENT:

Insert after the first paragraph:

If required by the circumstances, the mediator may, with the parties' consent, use any appropriate, readily available technological means.

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

AM 234
a. 618

Bill 28

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

Article 618

AMENDMENT:

Strike out the second paragraph.

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

Bill 28

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

Article 622

AMENDMENT:

(1) Replace the second sentence of the second paragraph by "The application for referral to arbitration must be made within 45 days after the originating demand or within 90 days when the dispute involves a foreign element."

(2) Add after the second paragraph:

The parties cannot, through their agreement, depart from the provisions of this Title that determine the jurisdiction of the court or from those relating to the application of the adversarial principle or the principle of proportionality, to the right to receive notification of a document or to the homologation or the annulment of an arbitration award.

adgite
R

AM 236
a. 633

Bill 28

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

Article 633

AMENDMENT:

Insert "called," after "Witnesses are" in the fourth paragraph.

de dep E
No

AM 237
a. 633

Bill 28

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

Article 633

AMENDMENT:

Replace "arbitrators may base their award" in the second paragraph by "the arbitrator may base the arbitration award".

adopte
[Signature]

Bill 28

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

Article 640

AMENDMENT:

Replace the second paragraph by:

The arbitrator may amend, stay or revoke a provisional or safeguard measure or a provisional order on the parties' request. In exceptional circumstances, the arbitrator may do so on the arbitrator's own initiative but must, in compliance with the adversarial principle, invite the parties to make representations.

adpte
Re

Bill 28

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

Article 642

AMENDMENT:

- (1) Replace “, these particulars being indisputable” in the first paragraph by
“. The award is deemed to have been made on that date and at that place”
- (2) Strike out the fourth and fifth sentences of the first paragraph.
- (3) Insert after the first paragraph:

In arbitration proceedings with more than one arbitrator, the arbitration award must be made by a majority of the panel. If one of the arbitrators refuses or is unable to sign the award, the others record that fact, and the award has the same effect as if it were signed by all of them.

- (4) Replace the second paragraph by:

The arbitration award must be made within three months after the matter is taken under advisement, but the parties may, more than once, agree to extend the time limit or, if it is expired, set a new one. In the absence of an agreement, the court may do as much, on a party's or the arbitrator's request. The decision of the court cannot be appealed.

adante
Re

AM 240
a. 645

Bill 28

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

Article 645

AMENDMENT:

Insert "cannot review the merits of the dispute. It" after "arbitration award" in the second paragraph.

page 13
He

AM 241
a. 647

Bill 28

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

Article 647

AMENDMENT:

Replace "was not complied with" in the first paragraph by "has not been complied with or the measure has been revoked or stayed by the arbitrator".

adapte
he

AM 242
a. 648

Bill 28

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

Article 648

AMENDMENT:

Replace "homologation" in the first paragraph by "the homologation of an arbitration award".

adapte
Re

AM 243
a. 652

Bill 28

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

Article 652

AMENDMENT:

Replace "authenticated" in the second paragraph by "certified".

advised
R

Bill 28

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

Article 645

AMENDMENT:

Replace the first paragraph by:

645. A party may apply to the court for the homologation of an arbitration award. As soon as it is homologated, the award acquires the force and effect of a judgment of the court.

A handwritten signature in black ink, appearing to be 'P. J. L.' or similar, with a stylized 'H' or 'L' below it.

Bill 28

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

Article 648

AMENDMENT:

Replace "The application" in the second paragraph by "Whether it constitutes in an originating application or is presented to contest an application for homologation, the application for annulment".

A handwritten signature in black ink, appearing to be "Adopte" followed by a stylized "R" or "K".

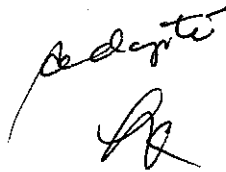
Bill 28

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

Article 656

AMENDMENT:

- (1) Insert “de l’ordre” after “tribunal” in the first paragraph in the French text.
- (2) Insert “, attend a case management conference” after “summons” in the second paragraph.

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

AM 247
a. 658

Bill 28

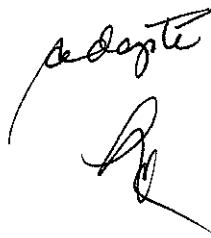
**An Act to establish the new Code of
Civil Procedure**

Article 658

AMENDMENT:

Add at the end:

The bailiff may, in the course of executing a judgment, ask the court for any instruction the bailiff needs in order to act.

A handwritten signature in cursive script, appearing to read "Adapté", with a large, stylized initial "R" or "Q" below it.

Bill 28

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

Article 659

AMENDMENT:

Replace by:

659. Any application, contestation or opposition with respect to execution is presented as if it were an application in the course of a proceeding. It is heard and decided without delay. It is presented without formality if the judgment was rendered under Title II of Book VI. In such a case, the rules of representation applicable under that Title also apply with respect to execution.

The application, contestation or opposition is presented in the district of the court that rendered the judgment. However, a bailiff applying for an authorization or presenting any other incidental application to the court or to the court clerk may do so in the district of the place where the execution proceedings are to be carried out.

When execution proceedings concern two or more judgments, the application, contestation or opposition is presented before the court that rendered the judgment which gave rise to the initial notice of execution, but if the judgments were rendered at different jurisdictional levels, it is presented before the Court of Québec or, if the execution proceedings concern a judgment of the Superior Court, before the Superior Court.

adopté
B

AM 249
a. 664

Bill 28

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

Article 664

AMENDMENT:

Replace “court office” in the first paragraph by “office of the Court of Québec”.

adopté
RP

AM 250
a. 568

Bill 28

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

Article 568

AMENDMENT:

Insert “, these being strict time limits” after “after the date of the judgment”.

A handwritten signature in black ink, appearing to be "Adopted" with a flourish underneath.

Bill 28

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

Article 660

AMENDMENT:

Replace the first paragraph by:

660. A judgment is provisionally executed as of right, if it

(1) concerns support payments or an alimentary allowance, determines arrangements regarding the custody of children or adjudicates on parental authority;

(2) orders a child's return under the Act respecting the civil aspects of international and interprovincial child abduction (chapter A-23.01);

(3) appoints, removes or replaces a tutor, curator or other administrator of the property of others, or homologates or revokes a protection mandate;

(4) orders urgent repairs;

(5) orders an eviction in the absence of a lease or after the lease has expired or been resiliated or annulled;

(6) orders a rendering of account or an inventory;

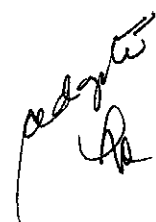
(7) orders any measure for the liquidation of a succession;

(8) adjudicates on the possession of property;

(9) adjudicates on the sequestration of property;

(10) adjudicates on an abuse of procedure

(11) orders a provision for costs; or

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

(12) rules on legal costs, but only with respect to the portion not exceeding \$15,000.

Bill 28

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

Article 665

AMENDMENT:

(1) Strike out “, who informs the creditors and the bailiff, if applicable” in the third paragraph.

(2) Add at the end:

Should the debtor lose or waive the benefit of voluntary deposit, the court clerk informs the creditors and, if applicable, the bailiff.

*adapte
R*

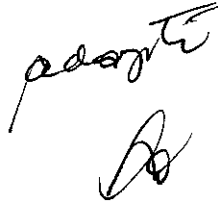
Bill 28

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

Article 666

AMENDMENT:

- (1) Strike out "make representations and" in the first paragraph.
- (2) Insert "and make any representations they may have" after "court office" in the first paragraph.
- (3) Insert ", for the purpose of computing interest," after "deemed" in the second paragraph.

A handwritten signature in cursive script, appearing to read "P. J. Smith", is written above a large, stylized capital letter "B".

Bill 28

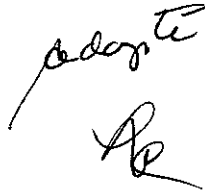
**An Act to establish the new Code of
Civil Procedure**

Article 669

AMENDMENT:

Replace by:

669. A deduction notice or payment order sent in accordance with the Act to facilitate the payment of support and a seizure under that Act remain effective even if the support debtor resorts to voluntary deposit. The amount deducted at source, paid or seized under that Act is subtracted from the amount to be deposited with the court clerk.

A handwritten signature in dark ink, appearing to be "p. d. g. te" followed by a stylized flourish.


Bill 28

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

Article 677

AMENDMENT:

Replace "To contest the account, a party" in the second paragraph by "The party may obtain and execute judgment for the remaining balance, without prejudice to its right to contest the remainder of the account. If the party contests it, the party".

adapte


AM 256
a. 681

Bill 28

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

Article 681

AMENDMENT:

Replace "to the creditors" in the third paragraph by "to the creditor".

adote
Ag

Bill 28

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

Article 685

AMENDMENT:

- (1) Replace "of their claim" in the second paragraph by "of the nature and amount of their claim".
- (2) Replace the third paragraph by:

Unless they acted in bad faith or committed an intentional or gross fault, bailiffs cannot be held liable for the exercise of functions that are assigned to them in forced execution matters and relate to an eviction, the removal of property or the seizure of the debtor's property or of a passenger vehicle or to a sale under judicial authority as the method of realization in execution of a judgment.

adopté
B

AM 258
a. 686

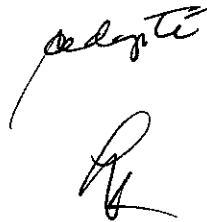
Bill 28

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

Article 686

AMENDMENT:

Replace "court clerk" in the first paragraph by "special clerk".

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

AM 259
a. 689

Bill 28

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

Article 689

AMENDMENT:

Insert "on these points" after "they cannot agree" in the first paragraph.

pedante
Re

Bill 28

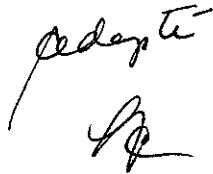
**An Act to establish the new Code of
Civil Procedure**

Article 664

AMENDMENT:

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

The debtor must inform the court office of any change in the information contained in the debtor's declaration within 10 days after the change occurs. The debtor must also update the information yearly.

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

Bill 28

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

Article 665

AMENDMENT:

Replace the first paragraph by:

665. A debtor is exempt from seizure so long as the voluntary deposit undertaking is complied with: creditors can neither seize the debtor's property nor sue the debtor. Prescription of their right of action against the debtor is suspended.

adapte
CE

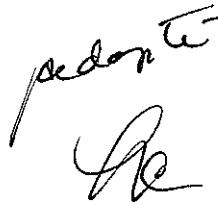
Bill 28

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

Article 666

AMENDMENT:

- (1) Insert “, at no cost to the debtor,” after “named in it” in the first paragraph.
- (2) Insert “, which is deemed to be a sworn claim,” after “claim” in the second paragraph.
- (3) Replace “modifiée” in the second paragraph in the French text by “subséquente”.

Handwritten signature and initials in black ink, appearing to be 'pedon' and 'Re'.

AM 263
a. 673

Bill 28

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

Article 673

AMENDMENT:

Insert “, whose name and contact information are stated in the notice,” after “the surety” in the second paragraph.

adapte
RQ

Bill 28

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

Article 684

AMENDMENT:

- (1) Replace “their home and work contact information” in the first paragraph by “all the information needed to identify the debtor, including their date of birth”.
- (2) Replace “their creditors” in the first paragraph by “creditors who could join in the execution proceedings in the course of the year, or who hold a hypothec on or have a right to revendicate the seized property”.
- (3) Insert “, a public officer or a public body” after “person” in the second paragraph.
- (4) Replace “elle” in the second paragraph in the French text by “il”.

adopté
Re

Bill 28

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

Article 692

AMENDMENT:

- (1) Add "and informs the debtor that if the debtor fails to comply, the movable property will be deemed to have been abandoned" at the end of the second paragraph.
- (2) Strike out the third paragraph.
- (3) Replace the fourth paragraph by:

No eviction may be carried out on a holiday or during the period extending from 24 December to 2 January.

revised
h

Bill 28

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

Article 695

AMENDMENT:

- (1) Replace "A motor vehicle" in the first paragraph by "A passenger motor vehicle".
- (2) Strike out "whose market value, in the context of a seizure, is less than \$10,000" in the first paragraph.
- (3) Replace "or another available vehicle" in the first paragraph by ", another vehicle that is available to the debtor or a replacement vehicle of lesser value".
- (4) Strike out the second paragraph.
- (5) Replace "rendered under" in the third paragraph by "that is subject to the rules of execution set out in".

adapte
R

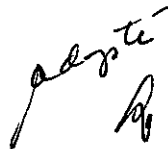
Bill 28

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

Article 696

AMENDMENT:

- (1) Strike out subparagraphs 3 and 4 of the first paragraph.
- (2) Replace "an accident or illness" in subparagraph 5 of the first paragraph by "an illness, a disability or an accident".
- (3) Add at the end of the second paragraph:
 - (3) contributions paid or to be paid into a supplemental pension plan to which an employer contributes on behalf of employees, or into another pension plan established or governed by law;
 - (4) the capital accumulated for the payment of an annuity or accumulated in a retirement savings instrument if the capital has been alienated or is under the control of a third person and satisfies the other prescriptions of law.
- (4) Replace "a claim for support or" in the third paragraph by "a support claim or".
- (5) Strike out ", or a judgment ordering the payment of damages for bodily injury caused by an intentional or gross fault" in the third paragraph.
- (6) Add at the end of the third paragraph: "This rule has precedence over any contrary legislative provision."

A handwritten signature in dark ink, appearing to be "adp te" followed by a stylized flourish.

Bill 28

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

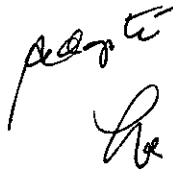
Article 698

AMENDMENT:

(1) Replace "money paid as an employment-assistance or support allowance, a youth allowance or last resort financial assistance" in subparagraph 3 of the second paragraph by "money paid as a social assistance benefit or a social solidarity allowance".

(2) Replace the fifth paragraph by:

C is the seizure percentage, that is, 30%. However, for the execution of partition of a family patrimony or for the payment of a support debt or a compensatory allowance, the percentage is 50%.

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

Bill 28

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

Article 694

AMENDMENT:

- (1) Replace the first paragraph by:

694. A debtor's movable property that furnishes or adorns the debtor's main residence, that is for the family's use and is needed for the life of the family, up to a market value of \$7,000 as determined by the bailiff, and, if that value has not been attained, the personal objects the debtor chooses to keep may be exempted from seizure. Such movable property is deemed to belong to the debtor.

Work instruments needed for the personal exercise of the debtor's professional activities may also be exempted from seizure.

Such property may nevertheless be seized and sold for the amounts owed on the sale price, or seized and sold by a creditor holding a hypothec on it, as applicable.

- (2) Replace "exemptions" in the third paragraph by "the exemption of such property".

*adapte
he*

Bill 28

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

Article 699

AMENDMENT:

- (1) Replace “an instalment payment agreement with the bailiff or a voluntary deposit agreement with the court clerk” by “an agreement with the bailiff to pay in instalments over the period of time they determine, which may exceed the one year prescribed in article 663, or make a voluntary deposit undertaking with the court clerk” and replace “the undertakings of the agreement” by “all undertakings”.
- (2) Replace “; le” in the French text by “. Le”.
- (3) Strike out “that are eligible expenses for fiscal purposes”.

adgti
gh

Bill 28

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

Article 705

AMENDMENT:

Replace by:

705. The seizure of an immovable is effected by registering the minutes of seizure, together with the notice of execution and proof of service on the debtor, in the land register.

The registrar registers the seizure on receiving notification of the minutes and notice.

*adapte
R*

Bill 28

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

Article 707

AMENDMENT:

Replace “, if any” in subparagraph 5 of the first paragraph by “and, if an authorization was granted by the court, a reference to that authorization”.

*adapte
Jel*

Bill 28

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

Article 709

AMENDMENT:

- (1) Replace “20 days from the seizure in the case of movable property, and 60 days in the case of immovable property,” in the first paragraph by “two months”.
- (2) Replace “the seized property” in the first paragraph by “a seized immovable by agreement”.
- (3) Replace “ces biens ne soient grevés” in the first paragraph in the French text by “ce bien ne soit grevé”.
- (4) Replace “des biens saisis” in the first paragraph in the French text by “du bien saisi”.
- (5) Replace “les biens saisis” in the second paragraph in the French text by “le bien saisi”.

adopté
R

AM 274
a. 710

Bill 28

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

Article 710

AMENDMENT:

Replace “, if necessary, records it in the sales register” in the second paragraph by
“files a notice of release in each of the records concerned at the court office”.

adopte
LR

Bill 28

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

Article 711

AMENDMENT:

- (1) Replace "notified to" in the first paragraph by "served on".
- (2) Add at the end of the second paragraph: "If the execution proceedings are for two or more judgments or if two or more creditors are involved in the execution proceedings, the bailiff files the declaration in each of the records concerned."

adapte
[Signature]

AM 276
a. 713

Bill 28

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

Article 713

AMENDMENT:

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

adopte
AK

Bill 28

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

Article 718

AMENDMENT:

- (1) Replace "patrimony," by "patrimony or".
- (2) Strike out "or awarding damages for bodily injury caused by an intentional or gross fault".

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

AM 278
a. 723

Bill 28

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

Article 723

AMENDMENT:

Add at the end of the first paragraph: "If certificates that should have been issued were not issued, the securities are seized in the hands of the issuer, who is then required to issue a certificate in the debtor's name and hand it over to the bailiff."

A handwritten signature in cursive script, appearing to read "Adopte", with a large flourish underneath.

AM 279
a. 728

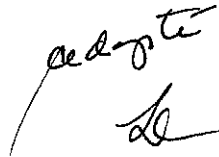
Bill 28

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

Article 728

AMENDMENT:

Add "and draws up minutes recording their destruction" at the end of the first paragraph.

A handwritten signature in black ink, appearing to be "ad-pte" with a flourish underneath.

AM 280
a. 722

Bill 28

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

Article 722

AMENDMENT:

Replace “Cette demande” in the first paragraph in the French text by “La demande d’autorisation”.

adopté
de

AM 281
a. 732

Bill 28

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

Article 732

AMENDMENT:

Insert "is answerable to the bailiff for the sequestrator's administration; the sequestrator" after "appointed" in the second paragraph.

*advised
RV*

Bill 28

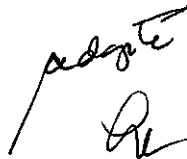
**An Act to establish the new Code of
Civil Procedure**

Article 736

AMENDMENT:

Replace by:

736. The opposition must, within 15 days after notification of the minutes of seizure, the notice of sale or the seizure in the hands of a third person, be served on the bailiff, the debtor, the seizing creditor and the garnishee, and notified to the other creditors and the persons whose rights in the property are registered in the land register or the register of personal and movable real rights.

A handwritten signature in black ink, appearing to be 'adote' with a large 'R' or 'L' below it.

AM 283
a. 735

Bill 28

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

Article 735

AMENDMENT:

Replace "only oppose the proposed sale and may do so only on the grounds that the proposed sale price is not commercially reasonable or that" in the second paragraph by "oppose the proposed sale only if the proposed sale price is not commercially reasonable or if".

adapte
h

Bill 28

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

Article 746

AMENDMENT:

- (1) Insert "in writing" after "consents".
- (2) Insert ", except as regards rights conferred by law to hypothecary creditors," after "right".

adopté
GR

Bill 28

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

Article 748

AMENDMENT:

- (1) Replace "keeping the register" in the third paragraph by "keeping the sales register".
- (2) Add ", including the applicable tariffs" at the end of the third paragraph.

adopté
HL


Bill 28

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

Article 749

AMENDMENT:

- (1) Replace "20 days" in the first paragraph by "30 days".
- (2) Insert "without delay" after "the notice" in the second paragraph.
- (3) Insert "in the seized property" after "registered their right" in the second paragraph.
- (4) Replace ", and the registrar notifies it to the holders of rights registered in the land register" in the second paragraph by "or the land register and having required the registration of their address in connection with the property".

adopté


AM 287
a. 748

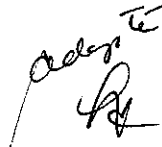
Bill 28

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

Article 748

AMENDMENT:

Replace "publicize the sale beyond what is prescribed by law" in the second paragraph by "further publicize the sale".

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

AM 288
a. 750

Bill 28

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

Article 750

AMENDMENT:

Strike out "to make representations or to oppose the sale" in the second paragraph.

adopte
(P)

AM 289
a. 752

Bill 28

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

Article 752

AMENDMENT:

Replace "In the case of a sale by agreement, the bailiff" by "The bailiff conducting the sale".

adopté
Re

Bill 28

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

Article 763

AMENDMENT:

- (1) Replace "The bailiff files a report with the court office within 15 days after the sale or after the seizure of sums of money" in the first paragraph by "Within 30 days after the sale is made, the sums of money seized are remitted to the bailiff or an affirmative declaration is made by the garnishee, the bailiff files a report with the court office".
- (2) Replace ", of the seizing creditor, and, if a sale has occurred, of the purchaser, and" in the second paragraph by "and of the seizing creditor as well as those of the garnishee if property has been seized in the hands of a third person and those of the purchaser if a sale has occurred. If applicable, the report records the garnishee's declaration and the fact that it was not contested, and sets out".
- (3) Insert "; it mentions any minutes drawn up in the course of execution" after "sums obtained" in the second paragraph.

A handwritten signature in black ink, appearing to be "R. J. R.", is located below the list of amendments.

AM 291
a. 764

Bill 28

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

Article 764

AMENDMENT:

Replace “appear before the bailiff” in the first paragraph by “attend”.

adopted
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Bill 28

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

Article 766

AMENDMENT:

- (1) Insert "and the cost of distributing the proceeds of the sale or the sums seized" after "sale" in subparagraph 1 of the second paragraph.
- (2) Strike out subparagraph 2 of the second paragraph.

adote
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Bill 28

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

Article 767

AMENDMENT:

- (1) Strike out "and the collocation scheme" in the second paragraph.
- (2) Add after the second paragraph:

If there is a hypothecary claim with a term of payment, it becomes due on the sale of the hypothecated immovable, and is collocated accordingly.

adote
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AM 294
a. 769

Bill 28

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

Article 769

AMENDMENT:

Add "and file it with the court office" at the end.

adapte
R

AM 295
a. 773

Bill 28

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

Article 773

AMENDMENT:

Replace "to all interested persons" in the first paragraph by "to the debtor, the seizing creditor and the garnishee".

adapte
Le

AM 296
a. 775

Bill 28

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

Article 775

AMENDMENT:

Replace "the debtor and the creditor" by "the debtor and the seizing creditor".

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

Bill 28

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

Article 776

AMENDMENT:

- (1) Insert "and distributing the seized income" after "agreement" in subparagraph 1 of the first paragraph.
- (2) Replace "claims for support and claims resulting from a judgment ordering the payment of damages for bodily injury caused by an intentional or gross fault, but only with respect to" in subparagraph 2 of the first paragraph by "support claims, for".
- (3) Strike out subparagraph 3 of the first paragraph.

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Bill 28

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

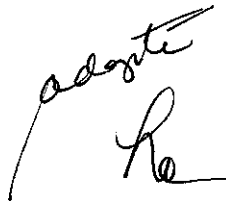
Article 778

AMENDMENT:

(1) Add “, «mandat donné en prévision de l’inaptitude,», «mandat d’inaptitude,» de même que les expressions au même effet” at the end of paragraph 6 in the French text.

(2) Insert after paragraph 11:

(11.1) “minutes of the determination of the boundaries”, “minutes of determination of boundaries”, “minutes of boundary determination”, “minutes of a boundary determination” are replaced by “minutes of the boundary-marking operations”;

A handwritten signature in black ink, appearing to be 'adonte' followed by a stylized 'Re'.

Bill 28

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

Article 785

AMENDMENT:

- (1) Replace "Article 239" in the introductory clause by "Article 234".
- (2) Replace "the person under tutorship" in the proposed paragraph by "the minor".
- (3) Replace "that person's representative" in the proposed paragraph by "the minor's tutor".

adapte
He

Bill 28

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

Article 300

AMENDMENT:

Replace by:

788. Article 978 of the Code is amended by replacing the third paragraph by the following paragraph:

“The minutes of the boundary-marking operations must be registered in the land register; the boundary determination report may be attached to the minutes.”

adapte
R

AM 301
a. 793

Bill 28

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

Article 793

AMENDMENT:

Strike out "is either voluntary or forced; an auction sale" in the proposed article.

adoption
R

Bill 28

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

Article 802

AMENDMENT:

- (1) Insert "Titles III and IV of Book VIII of" after "the rules of" in the proposed article.
- (2) Insert ", including as regards publication in the sales register," after "judicial authority".

A handwritten signature in black ink, appearing to be "p. 802" followed by a stylized flourish.

Bill 28

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

Article 807

AMENDMENT:

Replace paragraph 1 by:

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

“2996. The minutes of the boundary-marking operations are accompanied by the related plan, and the boundary determination report may be attached. If the minutes were homologated by a judgment, they are presented with the application for registration of the judgment. The minutes must include an express statement that the boundaries between the properties coincide with the boundaries between the corresponding lots on the cadastre.”;

adopté
Re

Bill 28

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

Article 810

AMENDMENT:

- (1) Insert “, as applicable,” in paragraph 2 before “notices of execution”.
- (2) Insert “des” before “avis” in paragraph 4 in the French text.
- (3) Add at the end:
 - (5) by replacing “the clerk of the court or by the person designated to proceed with the sale” in the second paragraph by “the bailiff, by the person designated to conduct the sale or, if applicable, by the court clerk”.

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

AM 305
a. 818.1 (80)

Bill 28

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

Article 818.1

AMENDMENT:

Insert after article 818:

ACT RESPECTING MUNICIPAL COURTS

818.1. Section 80 of the Act respecting municipal courts (chapter C-72.01) is amended by replacing both occurrences of "\$7,000" by "\$15,000".

adopte
RL

AM 306
a. 819 (13)

Bill 28

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

Article 819

AMENDMENT:

Replace "of seized income or property" by "of sums of money, income and other property seized and for the management of instalment payments".

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Bill 28

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

Articles 821 and 821.1

AMENDMENT:

Replace by:

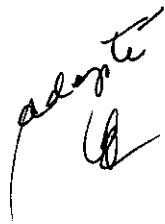
821. Section 82 of the Youth Protection Act (chapter P-34.1) is amended by adding the following paragraphs after the third paragraph:

“The parties, their advocates and all other persons admitted to the hearings must conduct themselves in a respectful and restrained manner and must obey the orders of the tribunal, under pain of contempt of tribunal.

No person admitted to a hearing may make a recording of the proceedings or of the decision, unless authorized by the tribunal subject to the conditions it determines.”

821.1. Section 85 of the Act is replaced by the following section:

“**85.** Article 9, the first and second paragraphs of article 19, articles 24, 25, 49, 51 to 53, 55, 57, the first paragraph of article 58, articles 59 to 62, the second and third paragraphs of article 68, the first, second and fourth paragraphs of article 76, articles 77, 79, 83, 113, 133, 134, 161 to 165, the first paragraph of article 191, articles 265 to 278, the first, second and fourth paragraphs of article 279, articles 280 to 283, 285, 288, 289, 292, 296, 299, the first paragraph of article 301, the second paragraph of article 336 and articles 394 and 497 of the Code of Civil Procedure apply before the tribunal to the extent that they are not inconsistent with the provisions of this Act.”

A handwritten signature in dark ink, appearing to be 'adante' with a stylized flourish below it.

Bill 28

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

Article 823

AMENDMENT:

Replace by:

823. Section 20 of the Act is amended by adding the following paragraph at the end:

“However, no legal person established for a private interest, partnership or association or other group not endowed with juridical personality, other than a legal person governed by Part III of the Companies Act (chapter C-38), a cooperative governed by the Cooperatives Act (chapter C-67.2) or an association of employees within the meaning of the Labour Code (chapter C-27), may obtain financial assistance from the Fonds to institute a class action.”

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

AM 309
a. 826 (147)

Bill 28

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

Article 826

AMENDMENT:

Replace paragraph 1 by:

(1) by replacing "rules of practice shall be submitted" in the first paragraph by "regulations, other than those of the Civil Division, shall be submitted";

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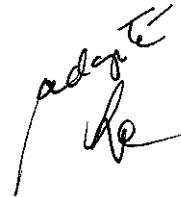
Bill 28

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

Article 828

AMENDMENT:

- (1) Replace "The new" in the second paragraph by "The".
- (2) Add "and those that would be under the jurisdiction of the Small Claims Division of the Court of Québec continue before the division of the Court of Québec already seized of the matter" at the end of subparagraph 2 of the second paragraph.
- (3) Add ", except in the case of execution proceedings already under way in accordance with the rules governing voluntary deposit" at the end of subparagraph 4 of the second paragraph.
- (4) Add "and to be notified to the persons mentioned in the second paragraph of article 749" at the end of subparagraph *a* of subparagraph 5 of the second paragraph.
- (5) Add at the end:
 - (*d*) a notice of sale published before the date set in the ministerial order is not required to be published in the sales register; the rules prescribed in subparagraphs *b* and *c* apply in such a case, with the necessary modifications.

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

AM 311
a. 828

Bill 28

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

Article 828

AMENDMENT:

Replace "may continue" in subparagraph 1 of the second paragraph by
"continue".

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Bill 28

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

Article 830

AMENDMENT:

Replace by:

830. The provisions of this Act come into force on the date or dates to be set by the Government, except

(1) article 28, which comes into force on the date of assent to this Act, in particular to allow the establishment of a pilot project on mandatory mediation for the recovery of small claims arising out of consumer contracts; and

(2) subparagraph 6.1 of the first paragraph of article 303, which comes into force on (*insert the date that occurs three years after the date of assent to this Act*).

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Bill 28

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

Article 828.1

AMENDMENT:

Insert after article 828:

828.1. The Government may, by a regulation made before 1 January 2016, adopt any other transitional or consequential provision or any measure that is necessary to facilitate the carrying out of Book VIII of the new Code of Civil Procedure.

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

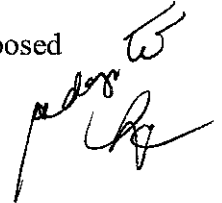
Bill 28

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

Article 817

AMENDMENT:

- (1) Replace “, including” in the introductory clause of the first paragraph of the proposed article by “and to”.
- (2) Replace “l’inscrit” in subparagraph 1 of the first paragraph of the proposed article in the French text by “le dépose”.
- (3) Replace “l’inscription” in subparagraph 1 of the first paragraph of the proposed article in the French text by “le dépôt”.
- (4) Replace subparagraph 2 of the first paragraph of the proposed article by:
 - (2) the collector proceeds with the seizure of a sum of money or income in the hands of a third person in the same manner as a bailiff, but entrusts the administration of subsequent steps, including the receipt and distribution of the sum or income, to a court clerk designated by the collector; the collector serves the notice of execution on the defendant and the garnishee in accordance with article 20, but is not required to inform the defendant’s creditors or deal with their claims, or to join in a seizure in the hands of a third person already undertaken by a bailiff in another case if the seizure to be made by the collector is for other sums or income than the sums or income specified in the notice of execution filed by the bailiff;
- (5) Replace “may, if necessary, hire the services of a bailiff to seize” in subparagraph 3 of the first paragraph of the proposed article by “is required to hire the services of a bailiff for the seizure of”.
- (6) Replace “give the bailiff instructions and amend” in subparagraph 3 of the first paragraph of the proposed article “to give the bailiff instructions and to amend”.
- (7) Replace “inscrit” in subparagraph 3 of the first paragraph of the proposed article in the French text by “déposé”.

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(8) Replace “déboursés” in the second paragraph of the proposed article in the French text by “débours”.

Bill 28

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

Article 811.1

AMENDMENT:

Insert after article 811:

ACT RESPECTING PARENTAL INSURANCE

811.1. The Act respecting parental insurance (chapter A-29.011) is amended by inserting the following section after section 31:

“31.1. The execution of a decision following the filing of a certificate under the second paragraph of section 31 is to proceed in accordance with the rules of Book VIII of the Code of Civil Procedure, subject to the following rules:

(1) the Minister may make an agreement with the debtor to spread the payment of the amount owed in instalments over the period the Minister determines;

(2) the Minister is responsible for the collection of the amount owed and acts as seizing creditor; the Minister prepares the notice of execution and files it with the court office; the notice is valid only for the execution of a decision effected under this Act and does not prevent the filing of a notice for the execution of another judgment;

(3) the Minister proceeds with the seizure of a sum of money or of income in the hands of a third person in the same manner as a bailiff, but entrusts the administration of subsequent steps, including the receipt and distribution of the sum or income, to the clerk of the court seized; the Minister serves the notice of execution on the defendant and the garnishee, but is not required to inform the defendant's creditors or deal with their claims, or to join in a seizure in the hands of a third person already undertaken by a bailiff in another case if the seizure to be made by the Minister is for other sums or income than the sums or income specified in the notice of execution filed by the bailiff;

(4) the Minister is required to hire the services of a bailiff for the seizure of movable or immovable property, to give the bailiff instructions and to

amend the notice of execution accordingly; in such a case, if a notice for the execution of a judgment was filed by a bailiff in another case prior to the Minister's request, the bailiff hired by the Minister joins in the seizure already under way.

The Minister is not required to pay an advance to cover execution-related costs."

Bill 28

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

Article 810.2

AMENDMENT:

Insert after article 810.1:

**ACT RESPECTING FINANCIAL ASSISTANCE FOR EDUCATION
EXPENSES**

810.2. The Act respecting financial assistance for education expenses (chapter A-13.3) is amended by inserting the following section after section 31:

“31.0.1. The execution of a judgment concerning an amount owed under this Act is to proceed in accordance with the rules of Book VIII of the Code of Civil Procedure, subject to the following rules:

(1) the Minister may make an agreement with the debtor to spread the payment of the amount owed in instalments over the period the Minister determines;

(2) the Minister is responsible for the collection of the amount owed and acts as seizing creditor; the Minister prepares the notice of execution and files it with the court office; the notice is valid only for the execution of a judgment effected under this Act and does not prevent the filing of a notice for the execution of another judgment;

(3) the Minister proceeds with the seizure of a sum of money or of income in the hands of a third person in the same manner as a bailiff, but entrusts the administration of subsequent steps, including the receipt and distribution of the sum or income, to the clerk of the court seized; the Minister serves the notice of execution on the defendant and the garnishee, but is not required to inform the defendant's creditors or deal with their claims, or to join in a seizure in the hands of a third person already undertaken by a bailiff in another case if the seizure to be made by the Minister is for other sums or income than the sums or income specified in the notice of execution filed by the bailiff;

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(4) the Minister is required to hire the services of a bailiff for the seizure of movable or immovable property, to give the bailiff instructions and to amend the notice of execution accordingly; in such a case, if a notice for the execution of a judgment was filed by a bailiff in another case prior to the Minister's request, the bailiff hired by the Minister joins in the seizure already under way.

The Minister is not required to pay an advance to cover execution-related costs.”

Bill 28

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

Article 810.1

AMENDMENT:

Insert after article 810:

INDIVIDUAL AND FAMILY ASSISTANCE ACT

810.1. The Individual and Family Assistance Act (chapter A-13.1.1) is amended by inserting the following section after section 103:

“103.1. The execution of a decision following the filing of a certificate under the second paragraph of section 103 is to proceed in accordance with the rules of Book VIII of the Code of Civil Procedure, subject to the following rules:

(1) the Minister may make an agreement with the debtor to spread the payment of the amount owed in instalments over the period the Minister determines;

(2) the Minister is responsible for the collection of the amount owed and acts as seizing creditor; the Minister prepares the notice of execution and files it with the court office; the notice is valid only for the execution of a decision effected under this Act and does not prevent the filing of a notice for the execution of another judgment;

(3) the Minister proceeds with the seizure of a sum of money or of income in the hands of a third person in the same manner as a bailiff, but entrusts the administration of subsequent steps, including the receipt and distribution of the sum or income, to the clerk of the court seized; the Minister serves the notice of execution on the defendant and the garnishee, but is not required to inform the defendant's creditors or deal with their claims, or to join in a seizure in the hands of a third person already undertaken by a bailiff in another case if the seizure to be made by the Minister is for other sums or income than the sums or income specified in the notice of execution filed by the bailiff;

(4) the Minister is required to hire the services of a bailiff for the seizure of movable or immovable property, to give the bailiff instructions and to

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amend the notice of execution accordingly; in such a case, if a notice for the execution of a judgment was filed by a bailiff in another case prior to the Minister's request, the Minister or the bailiff hired by the Minister joins in the seizure already under way.

The Minister is not required to pay an advance to cover execution-related costs.”

Bill 28

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

Article 809

AMENDMENT:

Replace by:

809. Article 3017 of the Code is amended

- (1) by replacing “the property is to be sold by judicial authority or, in the case of an immovable,” in the first paragraph by “the immovable”;
- (2) by striking out “electronic” in the third paragraph.

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

Bill 28

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

Article 808

AMENDMENT:

Replace by:

808. Article 3000 of the Code is amended by replacing the first paragraph by the following paragraph:

“3000. Notices of forced sales, notices of sale under judicial authority and other notices prescribed in the Book on Prior Claims and Hypothecs that concern an immovable must be published in the land register.”

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AM 320
a. 801 (2791)

Bill 28

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

Article 801

AMENDMENT:

Add "and have the qualifications needed to conduct the sale" at the end of the proposed paragraph.

adoption
RS

AM 321
a. 777

Bill 28

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

Article 777

AMENDMENT:

Replace “, by order, determine” by “, when required by the situation, determine
by order”

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Bill 28

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

Article 760

AMENDMENT:

- (1) Replace "immovable" in the first paragraph by "property".
- (2) Replace "a price that is not commercially reasonable" in the first paragraph by "a price that is clearly unreasonable given market conditions or if the sale is affected by serious irregularities that could not, despite reasonable diligence, be raised before the sale".
- (3) Insert at the end of the second paragraph: "On the expiry of the time limits, the court clerk may, on request, issue a certificate attesting that no application for the annulment of the sale has been filed."

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

AM 323
a. 759

Bill 28

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

Article 759

AMENDMENT:

Replace “, whether or not they are” in the second paragraph by “that are”.

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Bill 28

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

Article 751

AMENDMENT:

Replace "notice of the stay is entered in the sales register by the bailiff" by "the bailiff publishes a notice of the stay in the sales register. When the stay is lifted, if the sale can take place on the date initially stated in the notice, the bailiff records as much in the sales register. If the sale cannot take place on that date, the bailiff must publish a new notice of sale".

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

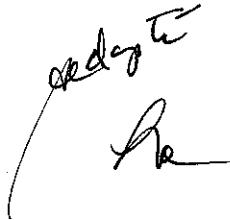
Bill 28

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

Article 742

AMENDMENT:

- (1) Insert "that is surrendered or" in the first paragraph after "or property".
- (2) Replace "and governed first" in the second paragraph by "and is governed".
- (3) Replace "subsidiarily" in the second paragraph by ", with the necessary modifications,".

Handwritten signature and initials, possibly "adg" and "Ra", with a long diagonal line extending from the signature.

AM 326
a. 578

Bill 28

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

Article 578

AMENDMENT:

Replace "cannot be appealed" in the first paragraph by "may be appealed only with leave of a judge of the Court of Appeal".

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

AM 327
a. 83

Bill 28

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

Article 83

AMENDMENT:

Strike out the fourth paragraph.

red on to
HR

AM 328
a. 84
(replaces AM 28)

Bill 28

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

Article 84

AMENDMENT:

Strike out the second paragraph.

page 84

AM 329
a. 394

Bill 28

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

Article 394

AMENDMENT:

Replace "review of protective supervision" in the first paragraph by "review of
tutorship to a minor, the emancipation of a minor or protective supervision".

adopté
He

AM 330
a. 536

Bill 28

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

Article 536

AMENDMENT:

Replace "five" in the second paragraph, as amended, by "10".

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

AM 331
a. 2

Bill 28

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

Article 2

AMENDMENT:

Add “; they are also required to share the costs of the process” at the end of the first paragraph.

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

AM 332
a. 40

Bill 28

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

Article 40

AMENDMENT:

Replace "Hull" by "Gatineau".

adote
He

AM 333
aa. 159 and 159.1

Bill 28

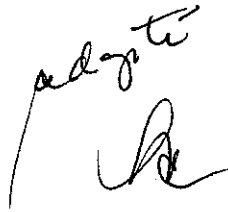
**An Act to establish the new Code of
Civil Procedure**

Articles 159 and 159.1

AMENDMENT:

Replace the second paragraph of article 159 by:

159.1. The court's case management decisions are recorded in the minutes of the hearing and are considered to be part of the case protocol. Unless revised by the court, they govern the conduct of the proceeding together with the case protocol.

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

AM 334
a. 324

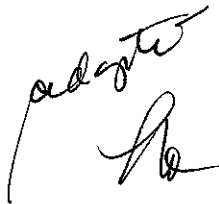
Bill 28

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

Article 324

AMENDMENT:

Insert "after the matter is taken under advisement" after "months" in subparagraph 3 of the first paragraph.

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

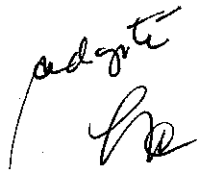
Bill 28

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

Article 544

AMENDMENT:

- (1) Replace “aussi le nom,” in the first paragraph in the French text by “aussi le nom et”.
- (2) Insert “domicile or” after “the defendant’s name and” in the first paragraph.

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

AM 336
a. 555
(replaces AM 210)

Bill 28

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

Article 555

AMENDMENT:

Replace “within 15 days after notification of the notice of hearing” by “at least 21 days before the scheduled hearing date”.

adoption
H

AM 337
a. 562

Bill 28

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

Article 562

AMENDMENT:

Replace "by judicial sale" in the first paragraph by "under judicial authority".

adopted
RP

Bill 28

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

Article 571

AMENDMENT:

- (1) Replace "it designates" in the second paragraph by "designated by that entity".
- (2) Replace "it is seeking" in the second paragraph by "the entity is seeking".
- (3) Replace "the legal person, partnership or association" in the second paragraph by "the entity".

adapte
YB

AM 339
Omnibus

Bill 28

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

Omnibus

AMENDMENT:

Replace "court bailiff" and "court bailiffs" wherever they appear, except in articles 110 and 658 and in "Court Bailiffs Act", by "bailiff" and "bailiffs", respectively.

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

Bill 28

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

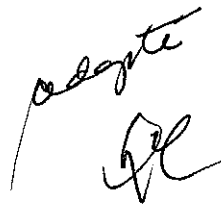
Article 755

AMENDMENT:

Replace by:

755. The bailiff is bound by the conditions and restrictions that govern the transfer of securities and the establishment of security entitlements to financial assets and are set out in the issuer's constituting act or by-laws or in the instrument governing the securities account maintained by a securities intermediary. As well, the bailiff is bound by the conditions and restrictions set out in an agreement to which the debtor is party. The bailiff may apply to the court for an order authorizing the sale if such conditions and restrictions significantly reduce the value of the securities or security entitlements; in such a case, the court determines the applicable conditions.

The purchaser of the securities or security entitlements is subject to the conditions and restrictions set out in the legal person's constituting act and by-laws and any unanimous shareholder agreement. The purchaser must be informed beforehand of any restrictions attached to the securities or security entitlements.

Handwritten signature and initials, possibly reading "adgate" and "JL".