



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 198

An Act to amend the Code of Civil Procedure

Introduction

**Introduced by
Madam Michèle Lamquin-Éthier
Member for Bourassa**

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EXPLANATORY NOTES

This bill amends Book IX of the Code of Civil Procedure, which pertains to class actions, to also allow a legal person or a partnership to act as a plaintiff in a class action.

Another amendment is proposed to allow the representative of a legal person governed by Part III of the Companies Act, a cooperative governed by the Cooperatives Act or an association of employees within the meaning of the Labour Code to sign the affidavit required in support of a motion for authorization of a class action on his or her own behalf.

LEGISLATION AMENDED BY THIS BILL :

- Code of Civil Procedure (R.S.Q., chapter C-25).

Bill 198

AN ACT TO AMEND THE CODE OF CIVIL PROCEDURE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Article 999 of the Code of Civil Procedure (R.S.Q., chapter C-25) is amended by replacing paragraph *c* by the following paragraph :

“(c) “member” means a person, a partnership or an association that is part of a group on behalf of which such a person, partnership or association brings or intends to bring a class action;”.

2. Article 1048 of the said Code is replaced by the following article :

“1048. Where 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) applies for the status of representative,

(a) one of its members designated by it must be a member of the group on behalf of which it intends to bring a class action; and

(b) the interest of that member must be linked to the objects for which the legal person, cooperative or association of employees was constituted.

The affidavit required in support of the motion for authorization is then signed by the member designated under subparagraph *a* of the first paragraph as concerns the member’s personal situation and by a representative of the legal person, cooperative or association of employees as regards the other allegations required in support of the motion.”

3. This Act comes into force on (*insert here the date of assent to this Act*).