

chapter C-25.01, r. 4

Rules of Practice of the Superior Court of Québec in Civil Matters

Code of Civil Procedure
(chapter C-25.01, a. 63).

Replaced, Decision 2016-05-20, 2016 G.O. 2, 2176; eff. 2016-06-16; see chapter C-25.01, r. 0.2.1.



** May be cited in French as: “R.p.c.(C.S.)” or, if the context permits, “R.p.c.,” and in English, these Rules may be cited as “R.C.P.(S.C.)” or, if the context permits, “R.C.P.”*



The former alphanumeric designation of this Regulation was: chapter C-25, r. 11.

R.R.Q., 1981, c. C-25, r. 8; Decision 2003-06-30, s. 1.

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CHAPTER I

GENERAL

1. Application. *These Rules apply to all the judicial districts of Québec, subject to special rules adopted under Article 47 of the Code of Civil Procedure (chapter C-25).*

Subject to any provision to the contrary, these Rules also apply to family matters and to bankruptcy.

R.R.Q., 1981, c. C-25, r. 8, Rule 1; Decision 86-03-12, s. 1; Decision 98-10-16, s. 2.

2. Access to registers and records. *All persons may have access to the records of the Court and to the registers of the Clerk and the Sheriff, at their respective offices, on all juridical days from Monday to Friday between 8:30 a.m. and 4:30 p.m.*

A Court record may be consulted only in the presence of the Clerk. If the Clerk cannot be present, he shall require that a written acknowledgement of it be kept in the record.

R.R.Q., 1981, c. C-25, r. 8, Rule 2; Decision 84-10-19; Decision 94-06-23, s. 1; Decision 98-10-16, s. 2.

3. Medical record and experts' reports. *In every legal action, a medical record or any report prepared by a physician, a psychologist or a social worker that is filed of record shall be kept in a sealed envelope and only the parties and their attorneys may have access thereto without authorization from the Court or a Judge. Access to such a document includes the right to make copies thereof at one's own expense.*

R.R.Q., 1981, c. C-25, r. 8, Rule 3; Decision 84-10-19; Decision 94-06-23, s. 2; Decision 96-09-16, s. 1; Decision 97-01-31, s. 1; Decision 98-10-16, s. 2.

3.1. *(Replaced).*

Decision 96-09-16, s. 2; Decision 98-10-16, s. 2.

4. Change of address. *The parties and their attorneys shall promptly notify the Clerk of any change of address.*

R.R.Q., 1981, c. C-25, r. 8, Rule 4; Decision 95-06-22, s. 2; Decision 98-10-16, s. 2.

CHAPTER II

PROCEEDINGS AND EXHIBITS

Decision 98-10-16, s. 2.

DIVISION I

GENERAL

Decision 98-10-16, s. 2.

5. Designation of parties and format. *Proceedings shall be legibly written on one side of a good quality paper measuring 21.25 cm × 28 cm (8.5 inches × 11 inches) – use of the traditional format shall be tolerated until 1 September 2006; the nature and object of the proceeding shall be indicated on the back, with the record number and the names of the parties, the party filing it, as well as the name, address, postal code, telephone number and computer code of his attorney.*

Agreements to be attached to a judgment shall be drafted on one side only of a good quality paper measuring 21.25 cm × 28 cm (8.5 inches by 11 inches).

Every proceeding introductive of suit shall indicate the name, address and postal code of the parties. Every proceeding of a party shall be signed by his attorney. If a party is not represented by an attorney, except in the cases provided for in Article 61 of the Code of Civil Procedure (chapter C-25), the party shall sign the proceeding personally.

In every proceeding, the parties shall keep the same order and designation as in the proceeding introductive of suit.

Every proceeding taken under the simplified procedure and the backings therefor shall include the words “Simplified Procedure” above “Superior Court”.

R.R.Q., 1981, c. C-25, r. 8, Rule 5; Decision 84-10-19; Decision 89-05-03, s. 1; Decision 90-06-18, s. 1; Decision 94-06-23, s. 1; Decision 95-06-22, s. 3; Decision 98-10-16, s. 2; Decision 2002-06-10, s. 1; Decision 2004-08-31, s. 1.

5.1. (Revoked).

Decision 95-06-22, s. 4; Erratum, 1995 G.O. 2, 3001; Decision 96-09-16, s. 3.

6. Service by fax. *The transmission slip used as proof of service by fax shall be stapled to the back of the original of the document served. The format of the slip shall be 8.5 inches by 11 inches (21.25 cm × 27.5 cm) and, insofar as possible, comply with Form I.*

R.R.Q., 1981, c. C-25, r. 8, Rule 6; Decision 84-10-19; Decision 90-06-18, s. 2; Decision 94-06-23, ss. 1 and 3; Decision 95-06-22, s. 5; Decision 98-10-16, s. 2.

7. Amendments. *Should a proceeding be amended, additions or substitutions shall be underlined, or indicated in the margin by a vertical line, and deletions shall be indicated by means of dots in brackets.*

R.R.Q., 1981, c. C-25, r. 8, Rule 7; Decision 84-10-19; Decision 89-05-03, s. 2; Decision 90-06-18, s. 3; Decision 94-06-23, s. 1; Decision 95-06-22, s. 6; Decision 98-10-16, s. 2.

8. Particulars. *When particulars to a proceeding have been ordered, a new proceeding incorporating them shall be filed of record within the allotted time.*

R.R.Q., 1981, c. C-25, r. 8, Rule 8; Decision 98-10-16, s. 2.

DIVISION II

MOTIONS

Decision 98-10-16, s. 2.

9. Reference to relevant provisions. *Every motion in the Practice Division and before the Judge shall indicate the article of the Code of Civil Procedure (chapter C-25), of the Rules of Practice or of the Act under which it is filed.*

R.R.Q., 1981, c. C-25, r. 8, Rule 9; Decision 94-06-23, s. 4; Decision 95-06-22, s. 7; Decision 98-10-16, s. 2.

10. Filing with Office of the Court. *Only motions that have been filed with the Office of the Court for at least one clear juridical day may be placed on the roll, unless the Chief Justice grants an exemption for a particular district.*

R.R.Q., 1981, c. C-25, r. 8, Rule 10; Decision 84-10-19; Decision 89-05-03, s. 3; Decision 90-06-18, s. 4; Decision 98-10-16, s. 2.

10.1. (Replaced).

Decision 89-05-03, s. 4; Decision 98-10-16, s. 2.

11. Motion for particulars. *Each paragraph of a motion for particulars shall bear the same number as the paragraph of the proceeding to which it refers.*

R.R.Q., 1981, c. C-25, r. 8, Rule 11; Decision 84-10-19; Decision 89-05-03, s. 5; Decision 90-06-18, s. 5; Decision 98-10-16, s. 2.

12. Seizure before judgment and forced surrender. *A motion to quash a seizure before judgment and a motion to rescind an order issued under Article 2767 of the Civil Code based on the falsity of the allegations in the affidavit shall specify which allegations are contested and the reasons for contesting them.*

R.R.Q., 1981, c. C-25, r. 8, Rule 12; Decision 84-10-19; Decision 89-05-03, s. 6; Decision 98-10-16, s. 2.

12.1. Protective supervision. *Upon receipt of an objection in the context of Article 280 of the Civil Code or Article 863.10 of the Code of Civil Procedure (chapter C-25), the Clerk inscribes the case on the roll of the Practice Division and sends a notice of presentation to all interested persons at least ten days prior to the date fixed in the notice.*

Decision 2001-06-14, s. 1.

CHAPTER III

OFFICE OF THE COURT

Decision 98-10-16, s. 2.

13. Registers and indexes. *The Clerk of the Court shall keep, in the form of books, cards, films, magnetic recordings or as otherwise decided by the Chief Justice in agreement with the administration, the following registers and indexes:*

- (a) an index of plaintiffs, defendants and other parties;*
- (b) an index of elections of domicile;*
- (c) an index of the cases taken under advisement, with respect to both incidental proceedings and the merits, containing:
 - i. the number of the case;*
 - ii. the names of the parties;*
 - iii. the name of the Judge;*
 - iv. the date on which the matter was taken under advisement;**
- (d) a court ledger containing:
 - i. the number of the case;*
 - ii. the names of the parties;*
 - iii. the nature of the application, the amount claimed and the date on which the copy of the application was deposited;*
 - iv. the nature and the date of receipt of all documents;*
 - v. a concise description of each document filed;*
 - vi. a concise summary of all judicial orders, interlocutory and final judgments rendered and their date;**

vii. *the date of each session of the Court and the date of the deposit of the minutes of the hearing at such session;*

viii. *the date on which the record is complete and that on which it has been sent to the Judge to deliberate;*

ix. *the nature of any writ of execution requested;*

x. *the date of the writ of execution and the date of its return;*

xi. *the judgments rendered since the issuance of the writ of execution or of attachment;*

xii. *the nature and date of receipt of all oppositions, claims or contestations filed, and the names and addresses of the attorneys, if any;*

xiii. *the amount realized, if any;*

xiv. *the date of posting of the schemes of collocation, that of their homologation and of their transmission to the Sheriff, as well as the date and a concise description of the motions filed in connection therewith;*

(e) *a register containing the originals of judgments except those written and signed on the minutes of a hearing or on a motion;*

(f) *a journal of the judgments included in the preceding register;*

(g) *a register complying with Article 275 of the Code of Civil Procedure (chapter C-25);*

(h) *an index of applications for injunction, writs of habeas corpus and extraordinary recourses mentioned in Title VI of Book V of the Code of Civil Procedure containing:*

i. *the number of the case;*

ii. *the names of the parties and of their attorneys;*

iii. *the date and nature of the application;*

(i) *an index of expropriations containing:*

i. *the number of the case;*

ii. *the names of the parties and of their attorneys;*

iii. *the date of introduction of the suit;*

(j) *an index of class actions containing:*

i. *the number of the case;*

ii. *the names of the parties and of their attorneys;*

iii. *the date of introduction of the suit;*

(k) *a register of non-contentious proceedings containing:*

i. *the designation of the parties;*

ii. *the object of the proceedings;*

iii. *the date of the judgment;*

iv. *a mention of the proceedings after judgment;*

(l) all other registers, indexes or cards which may be required by law or be ordered by the Chief Justice or be determined by the Clerk.

R.R.Q., 1981, c. C-25, r. 8, Rule 13; Decision 95-06-22, s. 8; Decision 98-10-16, s. 2.

13.1. *Updating of court ledger.* *Where the record is forwarded to the Court or to the Judge, an extract of the updated court ledger shall be filed therein and the previous extracts shall be destroyed.*

Decision 92-06-01 s. 1; Decision 94-06-23, s. 6; Decision 98-10-16, s. 2.

13.2. *(Replaced).*

Decision 95-06-22, s. 9; Decision 96-09-16, s. 4; Decision 98-10-16, s. 2.

14. *Receipt of proceedings.* *Upon receipt of a proceeding or an exhibit, the Clerk shall number it and enter the date and time of its reception.*

R.R.Q., 1981, c. C-25, r. 8, Rule 14; Decision 84-10-19; Decision 90-06-18, ss. 7, 8 and 9; Decision 94-06-23, s. 1; Decision 97-01-31, s. 2; Decision 98-10-16, s. 2.

CHAPTER IV

READINESS OF RECORDS

Decision 98-10-16, s. 2.

14.1. *(Replaced).*

Decision 89-05-03, s. 7; Decision 98-10-16, s. 2.

15. *Certificate of readiness.* *No action introduced by a declaration and contested on the merits shall be placed on the roll for hearing, unless a certificate of readiness complying with Form III, issued by the Clerk, is filed in the record. As soon as the certificate is filed, the Clerk shall so notify the parties and their attorneys.*

The Clerk shall issue the certificate when each party, except any party who has not contested, has served and filed in the record a declaration of inscription on the roll for hearing complying with Form II. Such declaration shall be accompanied by a list of the exhibits communicated.

Failure on the part of a party to file such declaration within the prescribed time gives rise, in particular, to the application of Article 477 of the Code of Civil Procedure (chapter C-25).

The declaration of inscription on the roll shall be made by the attorney under his oath of office; a sworn declaration shall be made by a party that is not represented by an attorney.

The party on whom the declaration of inscription on the roll is served has 60 days to serve and file his declaration of inscription on the roll; that period shall be reduced to 30 days under the simplified procedure. Failing compliance, the party is foreclosed from doing so. At the expiry of the period, the Clerk shall issue the certificate of readiness. Thereafter, the foreclosed party may not file his declaration without authorization by the Court.

R.R.Q., 1981, c. C-25, r. 8, Rule 15; Decision 84-10-19; Decision 86-03-12, s. 2; Decision 91-06-21, s. 1; Decision 92-06-01, s. 2; Decision 94-06-23, ss. 1 and 7; Decision 95-06-22, s. 10; Decision 96-09-16, s. 5; Decision 97-01-31, s. 3; Decision 98-10-16, s. 2; Decision 99-05-03, s. 1.

15.1. Further declaration of inscription on the roll for hearing. *Unless a dispensation has been obtained, no contested motion introductive of suit shall be placed on the roll for hearing unless a declaration of inscription on the roll for hearing complying with Form II has been produced in accordance with the applicable schedule. This declaration shall be accompanied by a list of the exhibits that have been disclosed.*

Decision 2002-06-10, s. 3.

15.2. Identification of exhibits. *An exhibit that has been disclosed, in particular pursuant to Articles 294.1, 402.1 and 403 of the Code of Civil Procedure (chapter C-25), shall be identified by one letter for each party, followed by a consecutive number.*

One series of numbers shall be used from the beginning to the end of a case, and an exhibit shall retain the same identification throughout the conduct of the case.

The identification of the exhibit and the number of the record shall appear on the front and back of each exhibit, if applicable. The number of the record need not be repeated if several exhibits are joined together.

Decision 98-10-16, s. 2; Decision 2002-06-10, s. 2.

16. Inactive records. *Having given notice to the parties or their attorneys, the Chief Justice or the Judge designated by him may call the cases on the roll wherein no certificate of readiness has been filed within a year of their inscription and, upon motion, the cases in which the plaintiff has not filed his declaration of inscription within 90 days of the inscription. The Chief Justice or the Judge designated by him then has discretion to strike the case off the roll, to postpone it to a later date, to declare a party foreclosed or take any other measure consistent with the proper administration of justice.*

Under the simplified procedure, the one-year period is reduced to 3 months and the 90-day period is reduced to 30 days.

R.R.Q., 1981, c. C-25, r. 8, Rule 16; Decision 84-10-19; Decision 88-03-07, s. 1; Decision 97-01-31, s. 4; Decision 98-10-16, s. 2.

17. Additional exhibits or documents. *Once the certificate of readiness is issued, no other document, extract of testimony, report or exhibit may be filed without permission of the Court, which will be granted only when considered necessary in the interest of justice and on such conditions as are deemed appropriate.*

R.R.Q., 1981, c. C-25, r. 8, Rule 17; Decision 84-10-19; Decision 86-03-12, s. 3; Decision 98-10-16, s. 2.

18. Provisional roll. *Following the issuance of the certificate of readiness, the Clerk shall prepare a list of the cases that may be called in the following weeks and, at least 15 days before the date of the session referred to hereafter, he shall mail to each attorney of record and to the parties not represented by an attorney an extract of that list containing mention of their cases, and shall convene them to a calling of the provisional roll presided by the Chief Justice or a Judge designated by him or, with his consent, by the Clerk.*

At that session, the Judge or Clerk presiding shall determine the means of simplifying the procedure and shortening the hearing.

Having consulted the attorneys, the Judge or Clerk presiding shall fix the dates of hearing for the cases on the list. Any request for postponement shall be presented at that session.

The Clerk shall draw up the minutes of the session and shall enter in the record of each case called the presence or absence of the attorneys or parties not represented.

R.R.Q., 1981, c. C-25, r. 8, Rule 18; Decision 84-10-19; Decision 86-03-12, s. 4; Decision 90-06-18, s. 10; Decision 94-06-23, s. 1; Decision 98-10-16, s. 2.

18.1. Joint expert. *The parties may at any time jointly request the Court to appoint a joint expert.*

Decision 86-03-12, s. 5; Decision 98-10-16, s. 2; Decision 2003-06-30, s. 2.

18.2. Curriculum vitae and costs of expertise. *The party who produces an expert report must at the same time produce its author's curriculum vitae, a statement of account to date and the expert's current fee schedule for the expert's presence at a trial on the merits.*

Decision 86-03-12, s. 5; Decision 98-10-16, s. 2; Decision 2003-06-30, s. 2.

18.3. (Replaced).

Decision 86-03-12, s. 5; Decision 98-10-16, s. 2.

18.4. (Replaced).

Decision 86-03-12, s. 5; Decision 98-10-16, s. 2.

19. Meeting of experts. *At any stage of the proceedings, a Judge may, even on his own initiative, order the experts who have prepared contradictory reports to meet in the presence of the parties or their attorneys who wish to attend to reconcile their opinions or to identify the matters on which they disagree. Within the time fixed by the Judge, they shall report the result of their meeting to the parties and file it of record.*

R.R.Q., 1981, c. C-25, r. 8, Rule 19; Decision 94-06-23, s. 8; Decision 98-10-16, s. 2; Decision 2900-06-17, s. 1.

20. Pre-trial conference. *The Chief Justice or the Judge designated by him shall determine the cases in which a pre-trial conference is required before they are set for proof and hearing.*

R.R.Q., 1981, c. C-25, r. 8, Rule 20; Decision 94-06-23, s. 9; Decision 98-10-16, s. 2.

CHAPTER V

ROLL FOR HEARING

Decision 98-10-16, s. 2.

21. Roll for hearing. *As soon as possible, the Clerk shall send the roll for hearing to the Judges who will be hearing the cases appearing on the roll and, where applicable, to the Judge who has presided at the session mentioned in Rule 18.*

The roll for hearing shall indicate:

(a) the name of the Judge;

(b) the number of the case;

(c) the names of all the parties;

(d) the names of the attorneys of record;

(e) the date and time of the hearing;

(f) the place of the hearing and, where applicable, the room number; and

(g) any other information ordered by the Judge or Clerk who presided at the session mentioned in Rule 18.

An extract from that roll shall also be sent by the Clerk to each attorney of record or to the parties not represented concerning their cases.

R.R.Q., 1981, c. C-25, r. 8, Rule 21; Decision 94-06-23, s. 1; Decision 98-10-16, s. 2.

22. Cases added to the roll. *The Chief Justice or the Judge designated by him or, under their authority, the Clerk or the Master of the Rolls, may add cases that he deems ready to proceed to the roll for hearing.*

R.R.Q., 1981, c. C-25, r. 8, Rule 22; Decision 94-06-23, s. 1; Decision 98-10-16, s. 2.

23. Case fixed by preference. *Any motion to fix a case by preference shall be accompanied by a notice in which the date and time of presentation shall have been previously determined by the Judge designated by the Chief Justice or by the Clerk or Master of the Rolls under his authority.*

After service, the motion shall be filed in the Office of the Court at least one clear day before it is presented for hearing.

The Clerk shall send the record of the Court to the Judge and only that Judge has jurisdiction to hear and decide the case, subject to the authority of the Chief Justice.

R.R.Q., 1981, c. C-25, r. 8, Rule 23; Decision 84-10-19; Decision 94-06-23, s. 1; Decision 98-10-16, s. 2.

24. Notice to attorneys and parties. *The sending to the attorneys or parties by the Clerk of the extract from the roll for hearing containing mention of their cases constitutes the notice required by Article 278 of the Code of Civil Procedure (chapter C-25).*

R.R.Q., 1981, c. C-25, r. 8, Rule 24; Decision 84-10-19; Decision 94-06-23, ss. 1 and 10; Decision 98-10-16, s. 2.

25. Inaccuracies in certificate of readiness. *If the Judge presiding at the trial finds that the certificate of readiness contains inaccuracies without which the case would not have been put on the roll for hearing, he may strike the case from the roll, adjourn it or take any other appropriate measure in the interest of justice.*

R.R.Q., 1981, c. C-25, r. 8, Rule 25; Decision 98-10-16, s. 2.

26. Departure from roll. *The Judge may decide to hear a case on another date or in an order differing from that on the definitive roll.*

R.R.Q., 1981, c. C-25, r. 8, Rule 26; Decision 98-10-16, s. 2.

26.1. *(Replaced).*

Decision 84-10-19; Decision 86-02-28, s. 7; Decision 98-10-16, s. 2.

26.2. *(Replaced).*

Decision 89-05-03, s. 9; Decision 91-06-21, s. 2; Decision 94-06-23, s. 1; Decision 98-10-16, s. 2.

27. Postponement. *No case shall be postponed on the sole ground of consent or of absence of the parties. It shall be struck from all rolls.*

Any case which has been once postponed at the request of any party and for which the parties are still not ready when the case re-appears on the roll for hearing shall be struck from all rolls, and it may not re-appear again unless the Chief Justice or the Judge designated by him orders otherwise, on written motion to that effect.

R.R.Q., 1981, c. C-25, r. 8, Rule 27; Decision 84-10-19; Decision 85-10-24, s. 6; Decision 97-01-31, a. 5; Decision 98-10-16, s. 2.

27.1. (Revoked).

Decision 86-03-12, s. 8; Decision 95-06-22, s. 11.

27.2. (Revoked).

Decision 86-03-12, s. 8; Decision 94-06-23, s. 1; Decision 95-06-22, s. 11.

27.3. (Replaced).

Decision 86-03-12, s. 8; Decision 94-06-23, s. 1; Decision 95-06-22, s. 12; Decision 98-10-16, s. 2.

27.4. (Revoked).

Decision 96-09-16, s. 6.

28. Motion to institute proceedings. *The Chief Justice or the Judge designated by him may place on any of the rolls kept by the Clerk under Article 275 of the Code of Civil Procedure (chapter C-25) any motion introductory of suit inscribed on the roll in Practice Division and, if he deems it expedient, order it subject to Rule 15, in which case Rules 16 and 17 also apply.*

R.R.Q., 1981, c. C-25, r. 8, Rule 28; Decision 98-10-16, s. 2.

29. Roll of urgent matters. *Cases that must be heard and decided by preference by reason of a provision of law or a decision of the Chief Justice or of the Judge designated by him for such purpose (Article 275 C.C.P.) shall be placed on the roll of urgent matters, and in particular the following matters:*

- (1) Incidental to the compulsory execution of judgments (Article 576 C.C.P.);*
- (2) To contest a claim filed by a creditor in a seizure by garnishment (Article 646 C.C.P.);*
- (3) To contest a claim filed in the case of voluntary deposits (Article 659 C.C.P.);*
- (4) Respecting applications for seizure before judgment (Article 740 C.C.P.).*

R.R.Q., 1981, c. C-25, r. 8, Rule 29; Decision 84-10-19; Decision 98-10-16, s. 2.

CHAPTER VI

MISCELLANEOUS

Decision 98-10-16, s. 2.

30. Extracts of depositions. *Any extract of a deposition adduced as evidence under Articles 398.1 or 398.2 of the Code of Civil Procedure (chapter C-25) shall indicate the date and place of the deposition, the name and capacity of the deponent and shall be certified by the authorized person who transcribed it or, failing that, the Clerk may issue a certified true copy thereof.*

R.R.Q., 1981, c. C-25, r. 8, Rule 30; Decision 86-12-22, s. 1; Decision 96-09-16, s. 7; Decision 98-10-16, s. 2.

30.1. Taxation of the witness. *The summons to appear shall include the contact information of the party summoning the witness and state that taxation is equivalent to an enforceable judgment, with a reference to Article 322 of the Code of Civil Procedure (chapter C-25).*

Decision 2004-08-31, s. 1.

30A. (Replaced).

Decision 86-12-22, s. 2; Decision 89-05-03, s. 10; Decision 96-09-16, s. 8.

30B. (Replaced).

Decision 86-12-22, s. 3; Decision 96-09-16, s. 9.

31. Jurisprudence or doctrine. *A party who refers to jurisprudence or doctrine shall indicate the relevant pages and shall highlight the extracts relied on.*

R.R.Q., 1981, c. C-25, r. 8, Rule 31; Decision 86-12-22, s. 4; Decision 98-10-16, s. 2.

32. Statutes and regulations cited. *A party who refers to regulatory or statutory provisions other than those of the Civil Code, the Code of Civil Procedure (chapter C-25) and the Divorce Act (R.S.C. 1985, c. 3 (2nd Suppl.)), shall provide a copy to the Judge.*

R.R.Q., 1981, c. C-25, r. 8, Rule 32; Decision 84-10-19; Decision 98-10-16, s. 2.

CHAPTER VII

HEARING

Decision 98-10-16, s. 2.

DIVISION I

DECORUM

Decision 98-10-16, s. 2.

33. Persons present. *All persons attending a hearing shall rise when the Judge enters the room and shall remain standing until he has taken his seat. When the hearing is over, they shall stand again and remain so until the Judge has retired.*

R.R.Q., 1981, c. C-25, r. 8, Rule 33; Decision 84-10-19; Decision 94-06-23, s. 1; Decision 95-06-22, s. 13; Decision 98-10-16, s. 2.

34. Court Usher. *At the opening of the session, the Court Usher shall say aloud: “Silence. All rise please. The Superior Court is now in session, the Honourable _____ presiding.”*

As soon as the Judge is seated, the Court Usher shall invite those present to be seated.

R.R.Q., 1981, c. C-25, r. 8, Rule 34; Decision 84-10-19; Decision 89-05-03, s. 11; Decision 90-06-18, s. 12; Decision 98-10-16, s. 2.

35. Dress and conduct at the hearing. *Every person appearing before the Court shall be suitably attired.*

Every person addressing the Court shall stand up, except with leave of the Judge.

R.R.Q., 1981, c. C-25, r. 8, Rule 35; Decision 95-06-22, s. 14; Decision 98-10-16, s. 2.

36. Gown. *In the court room, a male attorney shall wear either a black gown with a black jacket, dark trousers and a shirt with a white collar and bands, or a black gown closed in front, with a raised neck opening, long sleeves and white bands. A female attorney shall wear a black gown with white bands and a black long-sleeved dress or a dark skirt or trousers and a white long-sleeved blouse.*

A male articulated student shall wear either a black gown with a dark suit, white shirt and dark tie, or a black gown closed in front, with a raised neck opening and long sleeves. A female articulated student shall wear a black gown with a dark skirt or trousers and a white long-sleeved blouse or dark clothing.

However, it is not required to wear a gown during the months of July and August, nor in the Practice Division for civil matters. When a gown is not required, the male attorney and the male articulated student shall

wear sober trousers, jacket, shirt and tie; the female attorney or female articulated student shall wear a sober shirt or trousers with a blouse and jacket, dress or tailor-made suit.

R.R.Q., 1981, c. C-25, r. 8, Rule 36; Decision 88-03-07, s. 2; Decision 98-10-16, s. 2; Decision 2004-08-31, s. 1.

37. Dress for Court Clerks and Ushers. *When the Court is in session, Court Clerks and Ushers shall always wear one of the attires described in Rule 36 for articulated students.*

R.R.Q., 1981, c. C-25, r. 8, Rule 37; Decision 98-10-16, s. 2.

38. Order. *Anything that disturbs the decorum and good order of the Court is prohibited.*

It is also prohibited to read newspapers, to use a camera, and to use radio or television equipment at a hearing.

The media are authorized to record the proceedings and any decision on audiotape, unless the Judge decides otherwise. Broadcasting such recording, however, is prohibited.

R.R.Q., 1981, c. C-25, r. 8, Rule 38; Decision 94-06-23, s. 1; Decision 98-10-16, s. 2.

38.1. Interviews and use of cameras. *In order to ensure the fair administration of justice, the serenity of judicial hearings and the respect of the rights of litigants and witnesses, interviews and the use of cameras in a courthouse shall only be permitted in the areas designated for such purposes by directives of the Chief Justices.*

Decision 2004-11-29, s. 1.

38.2. Broadcasting prohibited. *Any broadcasting of a recording of a hearing is prohibited.*

Decision 2004-11-29, s. 1.

DIVISION II

MINUTES

Decision 98-10-16, s. 2.

39. Role of Court Clerk. *The Court Clerk shall draw up the minutes of the hearing, in which he enters:*

(a) the name of the presiding Judge;

(b) the various stages of the hearing;

(c) the names of the attorneys and witnesses;

(d) the names of the Clerk and the Stenographer;

(e) the exhibits filed;

(f) the Court orders, and the decisions rendered without being taken under advisement, except those concerning the evidence given in the depositions;

(g) the admissions dictated to the Stenographer or mechanically recorded;

(h) the admissions dictated to the Court Clerk, which must be signed by the parties or their attorneys; and

(i) where applicable, the reasons stated by the Court for not proceeding with the case.

R.R.Q., 1981, c. C-25, r. 8, Rule 39; Decision 98-10-16, s. 2.

39.1. Swearing in of witnesses. *The Court Clerk shall stand and say to the witness: “Do you swear to tell the truth, the whole truth and nothing but the truth? Raise your right hand and say I do.”*

Decision 2000-06-17, s. 2.

40. *During the hearing, the Court Clerk shall mark the exhibits with a letter and number in the appropriate order and write the case number under his initials; he shall indicate on the copies of doctrine and jurisprudence the name of the attorneys or the party who filed it.*

He shall also prepare a separate list of exhibits filed by each of the parties that describes them.

Before giving the record to the Judge who has taken a case under advisement, he shall place all documents, and the doctrine and jurisprudence filed by each party, in separate envelopes, listing their contents.

R.R.Q., 1981, c. C-25, r. 8, Rule 40; Decision 84-10-19; Decision 94-06-23, s. 1; Decision 98-10-16, s. 2.

CHAPTER VIII

STENOGRAPHY AND RECORDING OF PROCEEDINGS

Decision 98-10-16, s. 2.

41. *(Revoked).*

R.R.Q., 1981, c. C-25, r. 8, Rule 41; Decision 84-10-19; Decision 98-10-16, s. 2; Decision 2003-06-30, s. 3.

42. *(Revoked).*

R.R.Q., 1981, c. C-25, r. 8, Rule 42; Decision 94-06-23, s. 1; Decision 95-06-22, s. 15; Decision 98-10-16, s. 2; Decision 2003-06-30, s. 3.

42.1. *(Replaced).*

Decision 88-03-07, s. 3; Decision 91-06-21, s. 3; Decision 94-06-23, s. 11; Decision 95-06-22, s. 16; Decision 98-10-16, s. 2.

43. *The Stenographer must take the depositions, the oral testimony, the objections to the evidence, the argument upon the objections if the Judge so requires, and the decisions thereon.*

R.R.Q., 1981, c. C-25, r. 8, Rule 43; Decision 94-06-23, s. 1; Decision 98-10-16, s. 2.

44. *Each page of a deposition shall mention the name of the witness at the top.*

R.R.Q., 1981, c. C-25, r. 8, Rule 44; Decision 94-06-23, s. 1; Decision 98-10-16, s. 2; Decision 2003-06-30, s. 4.

44.1. Letter format. *The transcript of the recording or the stenographic notes of a deposition may be filed in the format used for a factum in the Court of Appeal.*

Such transcripts or stenographic notes may be filed in a condensed format along with an alphabetic index.

Decision 2001-06-14, s. 2; Decision 2002-06-10, s. 4.

45. *The Rules of this Chapter apply adapted as required to any person required to record or transcribe depositions by any other authorized method.*

R.R.Q., 1981, c. C-25, r. 8, Rule 45; Decision 84-10-19; Decision 94-06-23, s. 1; Decision 95-06-22, s. 18; Decision 98-10-16, s. 2.

45.1. Respect of witnesses. *The respect due witnesses requires that any examination out of court be conducted in the same manner as if it was before the Court. If there is indecorous or disorderly conduct, the Stenographer may suspend the examination in order to obtain directions from a Judge for its continuation.*

Decision 2003-06-30, s. 5.

45.2. Videoconferencing. *The Court may authorize an examination on discovery, an examination on an affidavit or an examination of a witness out of court to be held by way of videoconference or by any other means of communication, if the manner proposed for proceeding appears to the Court to be reliable and proportional to the circumstances of the case and taking into account the available facilities.*

Decision 2004-08-31, s. 1.

CHAPTER IX

JUDGMENTS

Decision 98-10-16, s. 2.

46. Record under advisement. *Before giving the record to the Judge, the Court Clerk shall ensure that it contains the proceedings, exhibits, interlocutory proceedings and examinations taken out of court, consecutively numbered according to the date of their filing, as well as any written argument required by the Court. If the record is incomplete, he shall notify the attorneys so that they may remedy the default.*

No case will be taken under advisement and no record sent to the Judge until it has been completed, unless the Judge decides otherwise.

R.R.Q., 1981, c. C-25, r. 8, Rule 46; Decision 95-06-22, s. 19; Decision 98-10-16, s. 2.

47. Incomplete arguments. *Failing completion by either party of the oral or written argument within the time period fixed at the hearing, the Judge may send or have the Clerk send to the parties or their attorneys a notice to remedy the default within a period fixed by the Judge and take the case under advisement as it stands upon the expiry of that period.*

R.R.Q., 1981, c. C-25, r. 8, Rule 47; Decision 84-10-19; Decision 98-10-16, s. 2.

48. *(Revoked).*

R.R.Q., 1981, c. C-25, r. 8, Rule 48; Decision 98-10-16, s. 2; Erratum, 1998 G.O. 2, 4547; Decision 2000-06-17, s. 3; Decision 2001-06-14, s. 6.

49. Out-of-court evidence. *When evidence taken out of court has been filed of record, the Clerk, if he has no jurisdiction to render judgment and the Court is not sitting in the district, shall send the record to the Judge who authorized such evidence.*

R.R.Q., 1981, c. C-25, r. 8, Rule 49; Decision 94-06-23, s. 12; Decision 98-10-16, s. 2.

49.1. Judgment at the hearing. *When a Judge renders judgment at a hearing, anyone requesting a transcript of the judgment or a copy of the recording must direct the request to such Judge.*

Decision 2002-06-10, s. 6.

50. *Interlocutory judgment.* *It is not required to draw up and sign again on a separate paper an interlocutory judgment already written out and signed on a motion presented to the Court. The Clerk may issue true copies of such judgment.*

R.R.Q., 1981, c. C-25, r. 8, Rule 50; Decision 94-06-23, s. 12; Decision 98-10-16, s. 2.

50.1. (Revoked).

Decision 2001-06-14, s. 3; Decision 2003-06-30, s. 6.

CHAPTER X

SHERIFF

Decision 98-10-16, s. 2.

51. *Register.* *The Sheriff shall keep in his office a register of the writs of seizure of immovables, stating the names of the parties and the oppositions as well as a register of notices given under Articles 670 and 671 of the Code of Civil Procedure (chapter C-25).*

R.R.Q., 1981, c. C-25, r. 8, Rule 51; Decision 95-06-22, s. 20; Decision 98-10-16, s. 2.

52. *Receipt of proceedings.* *The Sheriff, upon receipt of a proceeding or an exhibit, shall number it and enter the date and time of its reception.*

R.R.Q., 1981, c. C-25, r. 8, Rule 52; Decision 89-12-11, s. 7; Decision 98-10-16, s. 2.

CHAPTER XI

FEEES FOR COMMISSIONERS AND OTHER OFFICERS

Decision 98-10-16, s. 2.

52.1. (Replaced).

Decision 89-12-11, s. 8; Decision 98-10-16, s. 2.

53. *Subject to the second paragraph of Article 47 of the Code of Civil Procedure (chapter C-25), commissioners and other officers appointed by the Court shall be remunerated as follows:*

- (a) for administering oaths: \$2;*
- (b) for the deposit of reports (when required): \$10;*
- (c) for each day of attendance, including the preparation of reports: \$30.*

The attendance fee may be increased by the Judge according to the nature and importance of the case.

R.R.Q., 1981, c. C-25, r. 8, Rule 53; Decision 98-10-16, s. 2.

CHAPTER XII

CLASS ACTION

Decision 98-10-16, s. 2.

54. (Revoked).

R.R.Q., 1981, c. C-25, r. 8, Rule 54; Decision 89-12-11, s. 2; Decision 95-06-22, s. 21; Decision 98-10-16, s. 2; Decision 2004-08-31, s. 1.

55. Compulsory indications. *All class action proceedings shall include the words “Class Action” immediately above “Superior Court” on the front and back.*

R.R.Q., 1981, c. C-25, r. 8, Rule 55; Decision 89-12-11, s. 4; Decision 95-06-12, s. 21; Decision 98-10-16, s. 2.

56. *(Revoked).*

R.R.Q., 1981, c. C-25, r. 8, Rule 56; Decision 98-10-16, s. 2; Decision 2004-08-31, s. 1.

57. *(Revoked).*

R.R.Q., 1981, c. C-25, r. 8, Rule 57; Decision 98-10-16, s. 2; Decision 2004-08-31, s. 1.

58. Documents accompanying motion. *The motion shall be accompanied by the following documents, a copy of which are to be served on the other party at the same time as the motion:*

(a) (paragraph revoked);

(b) (paragraph revoked);

(c) (paragraph revoked);

(d) a draft notice to members (Article 1006 C.C.P.) complying with Form VI;

(e) (paragraph revoked);

(f) (paragraph revoked);

(g) (paragraph revoked);

(h) (paragraph revoked);

(i) copy of all other motions for the authorization to bring a class action dealing in whole or in part with the same subject matter.

Failure by the petitioner to comply with this Rule does not entail dismissal of the motion; however, the Judge, on request of any interested person or on his own initiative, may postpone the date of presentation of the motion and order the petitioner to remedy the default.

R.R.Q., 1981, c. C-25, r. 8, Rule 58; Decision 98-10-16, s. 2; Decision 2004-08-31, s. 1.

59. *(Revoked).*

R.R.Q., 1981, c. C-25, r. 8, Rule 59; Decision 98-10-16, s. 2; Decision 2004-08-31, s. 1.

60. *(Revoked).*

Decision 84-10-19; Decision 89-12-11, ss. 6 and 9; Decision 98-10-16, s. 2; Decision 2004-08-31, s. 1.

61. *(Revoked).*

Decision 89-12-11, s. 10; Decision 98-10-16, s. 2; Decision 2004-08-31, s. 1.

62. *(Revoked).*

Decision 89-12-11, s. 10; Decision 98-10-16, s. 2; Decision 2004-08-31, s. 1.

63. Content of transaction. *Every transaction presented to the Court for approval shall contain the following information (Article 1025 C.C.P.):*

(a) *(paragraph revoked)*;

(b) *(paragraph revoked)*;

(c) *(paragraph revoked)*;

(d) *(paragraph revoked)*;

(e) *the amount which will be reimbursed to the Fonds in any case where it has granted financial assistance to the representative (section 30 of the Act respecting the Fonds d'aide aux actions collectives (chapter F-3.2.0.1.1))*;

(f) *(paragraph revoked)*;

(g) *(paragraph revoked)*.

Decision 89-12-11, s. 10; Decision 94-06-23, s. 1; Decision 98-10-16, s. 2; Decision 2004-08-31, s. 1.

64. *(Revoked)*.

Decision 89-12-11, s. 10; Decision 94-06-23, s. 1; Decision 98-10-16, s. 2; Decision 2004-08-31, s. 1.

65. Approval of transaction. *A motion for approval of a transaction out of court shall be served upon the Fonds, together with a notice of presentation.*

Decision 89-12-11, s. 10; Decision 94-06-23, s. 1; Decision 98-10-16, s. 2; Decision 2004-08-31, s. 1.

66. *(Revoked)*.

Decision 89-12-11, s. 10; Decision 98-10-16, s. 2; Decision 2004-08-31, s. 1.

67. Report on administration. *Where the judgment orders collective recovery of the claims with individual liquidation of the members' claims, the Clerk of the Court, after the expiry of the period granted to the members to file their claims, shall provide to the Court a detailed report on his administration and give notice of such filing to the parties and the Fonds.*

The report shall contain a list of the members who filed claims, the amounts paid to each of them, the amount of the balance and the amount withheld for the Fonds pursuant to section 42 of the Act respecting the Fonds d'aide aux actions collectives (chapter F-3.2.0.1.1) and the Regulation respecting the percentage withheld by the Fonds d'aide aux actions collectives (chapter F-3.2.0.1.1, r. 2).

Decision 98-10-16, s. 2.

68. Balance. *When the report of the Clerk provided for in Rule 67 shows a balance, the representative shall, within 30 days of the filing of such report, present to the Court a motion for the distribution of such balance together with a notice of its presentation served upon the Clerk, and the Fonds.*

Decision 98-10-16, s. 2; Decision 2004-08-31, s. 1.

69. Costs. *Any motion for fixing costs or the fees of the representative's attorney or for approval of a transaction respecting such costs or fees shall be served upon the Fonds, together with a notice of its presentation.*

Decision 98-10-16, s. 2.

69.1. Multi-jurisdictional class action. *In the case of a putative, certified or authorized class action in which the subject matter is the same as the subject matter of a putative, certified, authorized class action in 2*

or more provinces, the court may, on request, enjoin the parties to apply the Canadian Judicial Protocol for the Management of Multi-Jurisdictional Class Actions, as reproduced on the Superior Court's website.

Decision 2014-06-13, s. 1.

CHAPTER XIII

NEW CASES

Decision 2001-06-14, s. 4; Decision 2003-06-30, s. 7.

70. Transitional provision. *These Rules apply to cases begun after 1 January 2003; however, the parties may agree to have them apply to cases begun before then.*

Decision 2001-06-14, s. 4; Decision 2003-06-30, s. 7.

71. Plaintiff's expert reports. *The plaintiff must communicate its expert reports on the day of presentation of its action or application or on the day agreed upon by the parties in their timetable or established by the Court.*

Decision 2001-06-14, s. 4; Decision 2003-06-30, s. 7.

72. Preliminary exceptions. *Preliminary exceptions and their conclusions must be disclosed at least two days prior to the date fixed for the presentation of the action or application.*

Decision 2001-06-14, s. 4; Decision 2003-06-30, s. 7.

73. Management of all proceedings. *The Clerk inscribes all actions or applications on a roll for hearing on the day of their presentation with mention of "default to appear" or "filing of an agreement" as the case may be.*

Decision 2001-06-14, s. 4; Decision 2003-06-30, s. 7.

74. Judicial intervention with respect to an agreed timetable. *When the parties have filed an agreement pursuant to Article 151.1 of the Code of Civil Procedure (chapter C-25), the Court may convene them to discuss its contents.*

Decision 2001-06-14, s. 4; Decision 2003-06-30, s. 7.

75. Oral proceedings – with a timetable.

(a) **Grounds of defence.** *If the contestation is oral, the grounds of defence must be mentioned summarily in the agreement between the parties on the conduct of the case or in the minutes of the hearing when the action or application is presented.*

(b) **Date of hearing.** *When the contestation is oral and the parties have an agreement as to the conduct of the case, at the expiry of the timetable a party may convene the other parties before the Court for the purpose of verifying the status of the file; if it is complete and ready for trial on the merits, and once the estimated duration of the trial has been determined, the Judge refers it by order pursuant to Article 110.1 of the Code of Civil Procedure (chapter C-25) for the establishment of a date of hearing.*

A duly completed summary declaration that the file is complete in the format suggested in Form IIIA must be attached to the notice of convocation.

Each party so convened must file a similar summary declaration no later than the date of the convocation.

Decision 2001-06-14, s. 4; Decision 2003-06-30, s. 7.

76. Oral proceedings – without a timetable.

Hearing: *If the file is complete and ready for trial on the merits, the Court may hear the motion or application on the day of its presentation after having estimated the duration of the hearing, establish a date of hearing or refer the motion or application to the Clerk for such purpose.*

Decision 2001-06-14, s. 4; Decision 2003-06-30, s. 7; Decision 2004-08-31, s. 1.

77. Written proceedings

(a) Declaration that a file is complete (DFC). *The declaration pursuant to Article 274.1 of the Code of Civil Procedure (chapter C-25), as with that under Article 274.2, must include, in addition, a summary statement of the questions in dispute, the object of the testimony of each witness and whether the witness will testify in English or in French, or whether an interpreter will be required, and a confirmation that the party's file is complete and ready for trial on the merits.*

(b) Attestation that a file is complete (AFC). *After 30 days from the inscription contemplated by Article 274 of the Code of Civil Procedure, the Clerk verifies if the file is complete and ready for trial on the merits. If appropriate, the Clerk signs an attestation specifying the estimated duration of the trial on the merits, and so informs the parties.*

(c) Notice that a file is incomplete (NFI). *If the Clerk ascertains that the file is incomplete after verification, the Clerk sends a notice to the parties, and the party in default has 30 days to remedy the omission.*

(d) Defaults of a party. *If a party fails to produce the declaration pursuant to Article 274.2 of the Code of Civil Procedure (DFC), or fails to correct a default in accordance with a notice that a file is incomplete, the Clerk so records in the attestation that the file is complete (AFC).*

Decision 2001-06-14, s. 4; Decision 2003-06-30, s. 7.

77.1. Failure to file declaration. *An inscription not accompanied by a declaration in accordance with Article 274.1 of the Code of Civil Procedure (chapter C-25) shall be refused by the Clerk or returned to the party having filed it.*

A party who fails to file the declaration required by Article 274.2 shall be presumed not to have any witnesses to call nor any exhibits to communicate or file and, accordingly, the defendant may request that the action or application be dismissed or the plaintiff may proceed ex parte in accordance with the Code of Civil Procedure (Articles 9, 192 and 193).

Decision 2004-08-31, s. 1.

CHAPTER XIV

THE COMMERCIAL DIVISION

Decision 2003-06-30, s. 8.

78. Commercial cases. *All cases where the initial application is based principally, in whole or in part, on any of the following legislative provisions is a commercial case and is tried in the Commercial Division:*

Statutes of Canada

— *The Bankruptcy and Insolvency Act (R.S.C. 1985, c. B-3);*

— *The Companies and Creditors' Arrangement Act (R.S.C. 1985, c. C-36);*

— *The Winding-Up and Restructuring Act (R.S.C. 1985, c. W-11);*

- *The Canada Business Corporations Act (R.S.C. 1985, c. C-44);*
- *The Bank Act (S.C. 1991, c. 46 [R.S.C. 1985, c. B-1.01]);*
- *The Farm Debt Mediation Act (S.C. 1997, c. 21);*
- *The Commercial Arbitration Act (R.S.C. 1985, c. 17 (2nd Suppl.) [R.S.C. 1985, c. C-34.6]);*

Statutes of Québec

- *Code of Civil Procedure (chapter C-25);*
- *Article 946.1 (homologation of an arbitration award);*
- *Article 949.1 (recognition and execution of an arbitration award rendered outside Québec);*
- *The Companies Act (chapter C-38);*
- *The Winding-Up Act (chapter L-14);*
- *The Securities Act (chapter V-1.1).*

The Chief Justice or a Judge designated by the Chief Justice, whether on application or on his or her own initiative, may also declare any other case to be a commercial one to be tried in the Commercial Division.

Decision 2001-06-14, s. 4; Decision 2003-06-30, s. 8.

79. Registry and jurisdictional numeration. *The Commercial Division has its own Registry and a distinct jurisdictional numeration.*

Decision 2003-06-30, s. 8.

80. Obligatory mentions. *Any proceeding in the Commercial Division must mention the words “Commercial Division” on the front page and on the backing, as well as reference to the law that governs the proceeding.*

Decision 2003-06-30, s. 8.

81. Multiple cases within the same file. *Whenever there are multiple cases within the same file, each new application must bear the mention “New Case”. In subsequent proceedings relative to the new application, the sequential number given to the new case must be mentioned in the heading “Case sequence number _____” under the court number of the file.*

Decision 2003-06-30, s. 8.

82. Pagination. *The party who produces a document must ensure it is paginated, unless it is already paginated.*

Decision 2003-06-30, s. 8.

83. Exception. *If the volume of commercial cases in any judicial district is limited, the coordinating judge of the district may have commercial cases treated in the general Office of the Court and tried in the civil practice division.*

Decision 2003-06-30, s. 8.

CHAPTER XV

QUARRELSOME CONDUCT

Decision 2003-06-30, s. 8.

84. Necessity to obtain prior authorization. *If a person acts in a quarrelsome manner; that is if that person exercises litigious rights in an excessive or unreasonable manner; the Court may prohibit that person from instituting an action or an application without having first obtained prior judicial authorization.*

Decision 2003-06-30, s. 8.

85. The order. *The order of prohibition is general or is limited to one or more judicial districts, or with respect to one or more persons. In an extreme case, the order of prohibition may include an order preventing the person from having access to the courthouse.*

Decision 2003-06-30, s. 8.

86. Application for authorization. *The application to institute or to continue an action or application is presented to the Chief Justice or the Judge designated by the Chief Justice, and is filed in the Office of the Court for the District of Québec or the District of Montréal depending on the division in which the order of prohibition was issued. The application may be adjudicated on the basis of the record, without a hearing.*

Decision 2003-06-30, s. 8.

87. Exhibits. *The application to institute an action must be accompanied by the order of prohibition and the proceeding the applicant seeks to institute.*

Decision 2003-06-30, s. 8.

88. Presentation. *The Chief Justice or the Judge designated by the Chief Justice may refer the application to institute an action to the Court, in which case the applicant must serve it on the parties contemplated by the proposed proceeding, with a 10-day notice of presentation.*

Decision 2003-06-30, s. 8.

89. Nullity. *An unauthorized proceeding is deemed never to have existed. When informed of an order of prohibition, the Clerk must refuse the acceptance of an unauthorized proceeding, except for an application to institute or continue proceedings or an inscription in appeal.*

Decision 2003-06-30, s. 8.

90. Public registry. *The Ministère de la Justice du Québec maintains a public registry of the litigants subject to authorization.*

The Clerk transmits to the Ministère a copy of all orders of prohibition filed at the Office of the Clerk for inscription in the public registry.

Decision 2003-06-30, s. 8; Decision 2004-08-31, s. 1; Decision 2014-06-13, s. 1.

FORM I

FAX TRANSMISSION SLIP

(art. 146.0.2.C.C.P. and Rule 3.1)

SENDER

NAME: _____

ADDRESS: _____

TELEPHONE: _____

FAX: _____

ADDRESSEE

NAME: _____

FAX: _____

Date: _____ *and time:* _____ *of transmission.*

Number of pages transmitted, including this slip: _____

Nature of document: _____

N.B. If this fax is sent to you by error, please inform the sender immediately by calling the telephone number indicated above and please return the original of the transmitted document by mail without making a copy.

Decision 96-09-16, s. 11; Decision 98-10-16, s. 3.

FORM II

CANADA

PROVINCE OF QUEBEC

DISTRICT

Case no.

SUPERIOR COURT

vs.

DECLARATION OF INSCRIPTION ON THE ROLL FOR HEARING

(Rule 15)

1. DEPONENT

UNREPRESENTED

ATTORNEY OF RECORD

PARTY

Name: _____ Name: _____

Address: _____ Firm: _____

Telephone: _____ Address: _____

Fax: _____ Telephone: _____

Fax: _____

Applicant

Defendant

Other:

2. EXHIBITS

A list of the exhibits disclosed to the other parties is attached hereto.

3. TO DATE, THE OTHER PARTIES HAVE RECEIVED THE FOLLOWING:

The reports provided for in Article 294.1 C.C.P.;

The whole deposition or extracts in accordance with Article 398.1 C.C.P.;

The whole deposition or extracts in accordance with Article 398.2 C.C.P.;

Medical reports in accordance with Article 399.2 C.C.P.;

Expert's reports in accordance with Article 402.1 C.C.P.;

□ Statements, reports and certificates required under the Rules applicable in family matters.

4. TRIAL

□ The deponent certifies that he is ready to proceed and estimate that his proof and argument will last _____ days, or _____ hours;

5. Concise statement of the questions of law and fact in dispute (10 lines maximum);

6. Unless there are valid reasons for not doing so, please list the names of your witnesses and the object of their testimony. Indicate for each whether they will testify in French or English, or with the assistance of an interpreter:

7. Suggested admissions, including those which may reduce the number of witnesses to be called:

8. Authorities, jurisprudence and doctrine to which you intend to refer (make one list only and attach a schedule if necessary):

9. ATTESTATIONS AND OATHS

A. PARTY REPRESENTED BY ATTORNEY

I, the undersigned, certify under my oath of office:

— the accuracy of the facts mentioned in paragraphs 1, 2, 3 and 4;

— that I have explained to the party I represent his obligation to communicate all exhibits in his possession which he intends to invoke at the hearing and the consequences of his failure to do so; and

— that these exhibits have been communicated to the other parties or will be so communicated with the delay provided by Article 331.8 of the Code of Civil Procedure (chapter C-25).

(Signature of attorney)

(Date)

(Representative's name _____)

Position: _____)

By the attorney:

I, the undersigned, under my oath of office, certify that the facts declared in paragraphs 1, 2, 3 and 4 are accurate and that I have explained to the party I represent his obligation to disclose all the exhibits in his possession that he intends to refer to at the hearing, and that those exhibits have been disclosed to the other parties or will be disclosed within the period provided for in Article 331.8 C.C.P.

(Signature of attorney)

(Date)

B. UNREPRESENTED PARTY

I, the undersigned solemnly affirm that the facts declared in paragraphs 1, 2, 3 and 4 are accurate and that all the exhibits in my possession that I intend to refer to at the hearing have been disclosed to the other parties or will be within the period provided for in Article 331.8 C.C.P., and I acknowledge that I cannot file other exhibits without the Court's authorization after the expiry of that period.

(Signature of the party)

(Date)

(Representative's name _____

Position: _____)

Sworn before _____

(name and position, profession or capacity)

At _____ *On:* _____

(Municipality and Province)

(Date)

(Signature of person administering the oath).

Decision 95-06-22, s. 25; Decision 96-09-16, s. 10; Decision 98-10-16, ss. 3 and 4; Decision 99-05-03, s. 2.

FORM III

CANADA

PROVINCE OF QUÉBEC

SUPERIOR COURT

DISTRICT

Case No.:

CERTIFICATE OF READINESS

(1) The first declaration of inscription of the roll was served more than

60 days

30 days

before the issuance of this certificate and was filed in the record with the list of exhibits.

The following parties are foreclosed from filing their declaration:

and the other parties have filed their duly completed declaration of inscription on the roll for hearing and the list of exhibits.

(2) Planned duration of the hearing (evidence and oral argument)

Plaintiff _____ Defendant _____ Other _____ Other _____ Total: _____

(3) Roll:

Ordinary _____ Urgent _____ Family matter _____

Motions subject to Rule 15 _____

(4) The parties' declarations are attached to this certificate:

Date of delivery of certificate

Clerk

R.R.Q., 1981, c. C-25, r. 8, Form I; Decision 84-10-19; Decision 97-01-31, s. 6; Decision 98-10-16, s. 3.

FORM IIIA

No. (of the record, and nothing more)

Summary Declaration That the Record is Complete

In Accordance With Section 75 R.C.P.(S.C.)

(1) *Questions in dispute:*

(2) *Examinations out of court, transcript of notes filed* .

(3) *Documentary evidence communicated* .

(4) *Affidavit evidence communicated* .

(5) *Testimonial evidence by someone other than the party: name, subject matter of the deposition, in French (F), in English (E) or with an interpreter (I)*

(a) *F* , *E* , *I*

(b) *F* , *E* , *I*

(6) *Duration of my proof and argument:* _____ *hours.*

(7) *Particular difficulties and measures for simplifying the hearing, avoiding a deposition:*

I confirm that my record is complete and ready for proof and hearing.

Signed on _____

Attorney for the applicant , *defendant* , *or other*

Decision 2003-06-30, Form III A.

FORM IV

(Revoked)

Decision 88-03-07, s. 4; Decision 94-06-23, s. 13; Decision 95-06-22, s. 24; Decision 97-01-31, s. 7; Decision 98-10-16, s. 3; Decision 2000-06-17, s. 4; Decision 2001-06-14, s. 5.

FORM V

(Revoked)

R.R.Q., 1981, c. C-25, r. 8, Form II; Decision 84-02-29; Decision 94-06-23, s. 1; Decision 98-10-16, s. 3; Decision 2004-08-31, s. 1.

FORM VI

(Rule 55)

Canada

(Class Action)

Province of Québec

Superior Court

District of

No:

A

Petitioner

v.

B

Respondent

t,

NOTICE TO MEMBERS

(1) TAKE NOTICE that the bringing of a class action has been authorized on the _____ day of _____ by judgment of the Honourable Jr. Justice _____ of the Superior Court, for the benefit of the natural persons forming part of the group hereinafter described, namely:

(2) The Chief Justice has ordered that the class action authorized by the said judgment shall be brought in the district of _____

(3) The address of the petitioner is as follows:

The address of the respondent is as follows:

(4) For the purposes of the class action, the status of representative has been ascribed to _____ (profession, domicile and address).

(5) The principal questions of law or fact to be dealt with collectively are as follows:

(6) The conclusions sought with relation to such questions are as follows:

(7) The class action to be brought by the representative for the benefit of the group will be as follows: _____ (nature of action) _____

(8) Any member of the group who has not requested his exclusion in the manner hereinafter indicated, will be bound by any judgment to be rendered on the class action.

(9) The date after which a member can no longer request his exclusion without special permission, has been set at _____

(10) A member who has not already brought a suit in his own name, may request his exclusion from the group by advising the Clerk of the Superior Court of the district of _____ by registered or certified mail, before the expiry of the delay for exclusion.

(11) Any member of the group who has brought a suit which the final judgment on the class action would decide, is deemed to have requested his exclusion from the group if he does not, before the expiry of the delay for exclusion, discontinue such suit.

(12) A member of the group other than the representative or an intervenant cannot be condemned to pay the costs of the class action.

(13) The Court may permit a member to intervene in the class action if it considers such intervention useful to the group. An intervening member may be bound to submit to examination on discovery or a medical examination, or both, at the request of the respondent. A member who does not intervene in the class action can only be required to submit to an examination on discovery or a medical examination if the Court considers it useful.

(Such other information as may be ordered by the Court).

R.R.Q., 1981, c. C-25, r. 8, Form III; Decision 94-06-23, s. 1; Decision 98-10-16, s. 3.

FORM VII

(Revoked)

R.R.Q., 1981, c. C-25, r. 8, Form IV; Decision 94-06-23, s. 1; Decision 98-10-16, s. 3; Decision 2004-08-31, s. 1.

UPDATES

R.R.Q., 1981, c. C-25, r. 8

Decision 84-02-29, 1984 G.O.2, 1882

Decision 84-10-19, 1985 G.O. 2, 336

Decision 86-03-12, 1986 G.O. 2, 391

Decision 86-12-22, 1987 G.O. 2, 821

Decision 87-05-08, 1987 G.O. 2, 1814

Decision 88-03-07, 1988 G.O. 2, 1941

Decision 89-05-03, 1989 G.O. 2, 2265

Decision 89-12-11, 1990 G.O. 2, 46

Decision 90-06-18, 1990 G.O. 2, 2655

Decision 91-06-21, 1991 G.O. 2, 3950

Decision 92-06-01, 1992 G.O. 2, 4897

Decision 94-06-23, 1994 G.O. 2, 4359

Decision 95-06-22, 1995 G.O. 2, 2836 and 3001

Decision 96-09-16, 1996 G.O. 2, 4079

Decision 97-01-31, 1997 G.O. 2, 1027

Decision 98-10-16, 1998 G.O. 2, 4370 and 4547

Decision 99-05-03, 1999 G.O. 2, 1625

Decision 2000-06-17, 2000 G.O. 2, 4166

Decision 2001-06-14, 2001 G.O. 2, 4767

Decision 2002-06-10, 2002 G.O. 2, 4298

Decision 2003-06-30, 2003 G.O. 2, 2752

Decision 2004-08-31, 2004 G.O. 2, 2673

Decision 2004-11-29, 2004 G.O. 2, 3527

Decision 2014-06-13, 2014 G.O. 2, 1418

S.Q. 2014, c. 1, a. 827