NATIONAL ASSEMBLY
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1987, chapter 48
AN ACT TO AMEND THE CODE OF CIVIL PROCEDURE

Bill 34
Introduced by Mr Herbert Marx, Minister of Justice
Introduced 13 May 1987
Passage in principle 12 June 1987
Passage 23 June 1987
Assented to 23 June 1987

Coming into force: 23 June 1987

Act amended:

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

CHAPTER 48

An Act to amend the Code of Civil Procedure

[Assented to 23 June 1987]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. C-25,
a. 189.1,
added

1. The Code of Civil Procedure (R.S.Q., chapter C-25) is amended by inserting, after article 189, the following article:

"**189.1** Where a tender of money is made to guarantee the performance of the obligation of the opposite party, the party making the tender may, instead of depositing the sum of money in the office of the court, entrust the sum to a trust company registered under the Trust Companies Act (R.S.Q., chapter C-41).

The trust company shall undertake to remit the sum, where such is the case, to the opposite party upon proof of performance of the obligation. It shall also undertake to invest the sum by making deposits of money within the meaning of the Deposit Insurance Act (R.S.Q., chapter A-26) and guaranteed under that Act, but not including term deposits not repayable at all times before maturity.

The receipt issued by the trust company and the writing attesting the undertakings made by the trust company under the second paragraph must be filed in the record of the court."

c. C-25,
a. 514,
replaced

2. Article 514 of the said Code is replaced by the following article:

"**514.** To ensure the proper dispatch of business of the Court of Appeal, the Chief Justice or, in his absence, the senior puisne judge may ask in writing the Chief Justice of the Superior Court to designate

one or more judges of that court to sit in the Court of Appeal as judges *ad hoc*. A judge *ad hoc* shall have all the powers and duties of a puisne judge of the Court of Appeal."

c. C-25,
a. 556, am.

3. Article 556 of the said Code is amended

(1) by striking out the words "of *venditioni exponas*" in the third line;

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

"The prothonotary may also issue the last-named writ where the seizure was made before the judgment to be executed was rendered."

c. C-25,
a. 813.4.1,
added

4. The said Code is amended by inserting, after article 813.4, the following article:

"**813.4.1** The security contemplated in article 65 shall not be required of a person who has made an application under this title."

c. C-25,
a. 813.6,
am.

5. Article 813.6 of the said Code is amended

(1) by replacing the words "the demand for security for costs or" in the second and third lines of the first paragraph by the word "a";

(2) by striking out the word "demand," in the second line of the second paragraph.

Pending
cases

6. In cases pending on 23 June 1987, a party having deposited a sum of money under article 189 of the Code of Civil Procedure to guarantee the performance of an obligation may, with the authorization of the court and according to the modalities it determines, withdraw the sum in order to deposit it again in accordance with article 189.1 of the said Code.

Civil
proceedings

7. Any civil proceeding brought before 8 September 1987 before the Superior Court or the Provincial Court in the judicial district of Montréal and which should have been brought in the judicial district of Longueuil, if the district of Longueuil had then been established for such courts, may be referred, from that date, to the district of Longueuil on the application of one of the parties, presented, as the case may be, either to the Chief Justice of the Superior Court or a judge designated by him, or to the chief judge of the Provincial Court or a judge designated by him, provided that the case is not entered on a roll for hearing in the judicial district of Montréal.

Transmittal of record   The prothonotary of the Superior Court or the clerk of the Provincial Court in the judicial district of Montréal shall transmit the record of the case to the prothonotary of the Superior Court or to the clerk of the Provincial Court, as the case may be, in the judicial district of Longueuil. The prothonotary or clerk shall notify the parties or their attorneys and inform them of the number he assigns to the case upon receiving the record.

Coming into force   **8.** This Act comes into force on 23 June 1987.