



**Superior Court of Québec
Criminal Division**

Rules of the Superior Court of Quebec in Criminal Matters

I. Preliminary Provisions

1. **Territorial Scope** - These Rules apply to all the judicial districts of Quebec.
2. **Gender** – These Rules use the masculine to refer to persons, regardless of their gender.
3. **Definitions** – Unless otherwise stated, the following definitions apply to these Rules:
 - (a) *Application* means any motion or other proceeding, whether written or oral, seeking to assert a right (*requête*);
 - (b) *Brief* means a written document exposing arguments, with references to authorities, of a maximum of 20 pages, unless otherwise authorized by a judge (*mémoire*);
 - (c) *Chief Justice* means the Chief Justice of the Superior Court of Quebec (*Juge en chef*);
 - (d) *Clerk* means the clerk of the Superior Court, Criminal Division, in the judicial district where the proceedings are instituted (*greffier*);
 - (e) *Clerk of the court of first instance* means the person having legal custody of the proceedings brought before the court that rendered the contested decision (*greffier du tribunal de première instance*);
 - (f) *Code* means the *Criminal Code* (R.S.C. 1985, c. C-46) (*Code*);
 - (g) *Coordinating judge* means the judge responsible for the Criminal Division of the Superior Court of Quebec in the concerned judicial district (*juge coordonnateur*);
 - (h) *Decision* means any verdict, order, or sentence (*décision*);
 - (i) *Directive* means a notice to the legal community and the public adopted by the Chief Justice (*directive*);
 - (j) *Form* means a procedure adopted by the Chief Justice (*formulaire*);
 - (k) *Judge* means a judge of the Superior Court of Quebec (*juge*);
 - (l) *Plan of argument* means a written document with references to authorities of a maximum of 5 pages, unless otherwise authorized by a judge (*plan d'argumentation*);

- (m) *Pro forma* means a management hearing to ensure the proper progress of the file through the court system;
- (n) *Working days* means Monday to Friday, excluding the holidays listed in section 18 of the *Code of Penal Procedure* (CQLR, c. C-25.1) (*jours ouvrables*).

- 4. **Exemption** - A judge may waive compliance with a Rule if the interests of justice so require.
- 5. **Code of Civil Procedure** - Except where inconsistent with the *Code* or these Rules, the provisions of the *Code of Civil Procedure* (CQLR, c. C-25.01) apply to proceedings before the Superior Court in criminal matters.

II. General Provisions

A. Hearing

- 6. **Times** - Hearings begin at 9:30 a.m. and at 2:00 p.m., unless otherwise specified by the presiding judge or the coordinating judge.
- 7. **Decorum** - (1) All persons must rise when the judge and jurors enter the courtroom and remain standing until the judge and jurors are seated. When the hearing is adjourned, everyone present must rise again and remain in place until the judge and jurors have left the courtroom.
(2) Court bailiffs and special constables must ensure respect of decorum and good order. They must ensure that silence is maintained and that the persons in the courtroom are suitably seated. They assist the judge in the application of these Rules and the Court's guidelines on the subject.
(3) The judge may make any order necessary to ensure the proper administration of justice, the serenity of hearings, order, decorum, and respect for the rights of parties and their counsel.
- 8. **Dress Code** - (1) In the courtroom, the following attire is mandatory:
 - (a) for counsel: gown, bands, white collar and dark clothing;
 - (b) for articling students: gown and dark clothing;
 - (c) for clerks and court ushers: gown and dark clothing.
(2) Gowns must be worn when appearing by videoconference.
(3) Every person in the courtroom must be suitably attired.
- 9. **Conduct During the Hearing** - Any person addressing the judge or a witness must stand and remain standing. The person must show respect, courtesy, and restraint towards the judge, the opposing party, the counsels, the witnesses,

and the court staff. In addition, no one is allowed to confer with anyone, including the clerk, or to consult the Court file.

10. Videoconference - (1) Any application, case management conference, pre-trial conference, extraordinary remedy or appeal hearing may be presented or held by videoconference in the judicial districts where the necessary equipment is available.

(2) If necessary, such a hearing may be held by audioconference.

(3) A party wishing to proceed by videoconference submits a request to the coordinating judge or to the designated judge and informs the other parties of this request, except for the purposes of *pro forma* proceedings.

(4) After examining the file, the judge grants or denies the request and informs the parties of the decision.

(5) If the request is granted, each party involved may participate via the digital platform used by the Court.

(6) Jury members must be out of camera range during hearings accessible via the digital platform.

11. Electronic Devices - Witnesses and members of the public must turn off or mute their electronic devices inside a courtroom.

12. Technology - People taking part in a hearing, whether in person, virtually, or semi-virtually, shall comply with the Court's guidelines on the subject.

13. Prohibited Broadcasting - The recording and broadcasting of a hearing, whether in person, virtual, or semi-virtual, is prohibited.

14. Interviews and Cameras - To ensure the fair administration of justice, the serenity of judicial proceedings, and the respect for the rights of parties and witnesses, conducting interviews and using cameras in a courthouse are permitted only in areas designated for such purposes by directive of the Chief Justice.

15. Position of Accused in Court - The accused must remain in the dock, throughout the trial.

16. Security – (1) During hearings, the security of the persons present and responsibility for the persons for whom detention or confinement in an institution has been ordered are ensured by a special constable, according to the terms and conditions agreed upon with the Ministère de la Sécurité publique.

(2) Hearings begin when the judge considers that security is ensured.

17. Judgment - The clerk shall forward a copy of all written judgments or conclusion of any judgment delivered from the bench and recorded in the court minutes, to the parties or their counsel, as well as to the judge who rendered the contested decision, and to the clerk of the court of first instance.

B. Counsel

18. Representation - (1) Counsel acting for an accused when the latter was committed to trial is deemed to represent the accused before the Court, unless, at the time of the accused's committal, counsel declared his mandate to be terminated and caused this fact to be recorded in the court minutes.

(2) When counsel appears in the absence of the accused under a designation pursuant to the *Code*, he must be able to make undertakings on behalf of the party he represents and to answer questions that might reasonably be raised in the absence of the accused. This also applies to counsel acting for the prosecution.

(3) If the counsel's mandate is maintained after the committal for trial stage, and the counsel has previously filed a designation pursuant to the *Code*, the counsel is not required to file a new designation of counsel.

(4) Counsel who wishes to cease representing a party must obtain the judge's authorization after having served an application setting out the reasons to the accused, the clerk, and the prosecution, with notice of presentation of three working days.

(5) If the accused is in custody, the clerk shall ensure the accused is physically present unless the judge indicates otherwise.

19. During a jury trial, only one counsel for each party may act at each of the following stages:

- (a) empanelling the jury;
- (b) examining or cross-examining of a witness;
- (c) debating an objection;
- (d) presenting closing arguments to the jury.

C. Documents and Technology-based Documents

- 20. Documents** - All document filed in the Court record must be dated and paginated, and each exhibit must be identified by its exhibit number, when applicable.
- 21. Communication by Email** - The court office sends to and serves on the parties any document or notice by email. Where no email address is available, the court office sends the documents by mail.
- 22. Emails** - (1) All email communication sent to the court office or a judge must identify in the subject line the names of the parties, followed by a dash, the file number, followed by a dash and the subject matter of the email (names of parties - file number - subject matter of the email).
(2) This communication must be filed in the Court record if it contains information involving the rights of one of the parties.
- 23. Email Chain** – An email chain must relate solely to a single subject.
- 24. Format of Technology-based Documents** - Any document sent by email to the court office or to a judge must be in PDF format or in Word.
- 25. Individual Document** - When transmitting technology-based documents, each document must be digitized and attached individually.
- 26. Identification of Technology-based Documents** – The electronic version of a document issued by a party must include the names of the parties, the file number, the name of the document and the date (names of parties – file number – name of document – date).
- 27. Individual Exhibit** - When exhibits are attached to a procedure, they must be digitized individually and the electronic version must begin with the classification code defined in the procedure, followed by a brief description of its content.
- 28. Judicial Decision** - The electronic version of a judicial decision must include the names of the parties and the neutral reference. The electronic version of unreported decisions must include the file number, the date of the decision and the name of the judge who issued it.

D. Applications

- 29. Time Limit for Presentation and Filing** - (1) Unless a judge permits otherwise, applications must be in writing and be served on the opposing party or their counsel with a notice of presentation of at least three working days prior to its presentation, except where the law expressly provides for

another delay.

(2) Unless a judge decides otherwise, applications must also be filed at the court office at least two working days prior to its presentation.

30. Form and Content - (1) Applications must set out precisely the factual and legal grounds relied upon, together with the conclusions sought.

(2) Evidence in support of an application may be filed in the form of an affidavit attesting to facts that do not appear from the record, unless otherwise provided in the *Code* or in any other applicable law.

(3) Handwritten applications must be easily legible and intelligible.

31. Addresses - Applications must indicate the postal address of the parties and their email addresses, if available.

32. Application for Access to Seized and Sealed Items That May Be Subject to a Privilege – Applications for access to seized and sealed items that may be subject to a privilege, such as solicitor-client privilege (*Lavallee* application), must comply with the applicable directive.

33. Application for Unreasonable Delay - Applications for unreasonable delay (*Jordan* application) must comply with the applicable directive.

34. Inscription on the Roll - Only applications filed with the court office in accordance with these Rules may be inscribed on the roll, unless otherwise explicitly authorized by a judge.

III. Special Provisions

A. Judicial Interim Release and Review

35. Affidavit – Applications for review of a detention order or for interim release order must be supported by the affidavit of the accused stating the following information:

- (a) the date and place of the accused's arrest;
- (b) the address(es) where the accused resided during the three years preceding his arrest and where the accused intends to reside if released;
- (c) the accused's occupation or the nature of the accused's work at the time of arrest and, if applicable, the name and contact information of the accused's employer, the duration of his employment, as well as the employment the accused intends to hold if released;

- (d) all the accused's criminal record, including any convictions that are recorded in any foreign country;
- (e) whether there are any other charges pending in Canada or elsewhere against the accused and, if so, their details;
- (f) whether the accused holds one or more passports.

B. Extraordinary Remedies

36. Place and Form - (1) Applications by way of *certiorari*, *habeas corpus*, *mandamus*, *procedendo* or prohibition must be supported by one or more affidavits attesting to the truth of the facts alleged that do not otherwise appear in the Court record. The application must specify the conclusions sought.

(2) The application must be filed in the judicial district where the facts in dispute originated.

(3) In the case of extraordinary remedies, the decision-maker that is the object of the procedure is designated as the IMPLEADED PARTY.

37. Time Limit for Presentation - (1) The application must be served on the impleaded court, judge or official and on parties, and must include a notice of the date of its presentation of at least three working days.

(2) In the case of an application for a writ of *habeas corpus*, notice of the date of its presentation must be of at least two working days.

(3) The judge sets the date of the hearing. In cases of urgency, the judge may shorten the time limit for presentation of the application.

(4) An application is not admissible after 30 days from the date of the contested decision or proceeding, unless a judge extends this time limit.

38. Suspension of Proceedings - Service of the application does not suspend the proceedings before the impleaded court, judge or official concerned, unless the judge decides otherwise.

39. Urgency - Extraordinary remedies which may delay or impede the conduct of proceedings must be dealt with on an urgent basis.

40. Written Submissions - In anticipation of the hearing, and unless exempted by the judge, the parties must file written submissions in support of their respective positions, with references to the relevant passages of the transcript of evidence where applicable, within the time limit set by the judge and in accordance with the judge's instructions.

41. Habeas Corpus - The provisions of the *Code of Civil Procedure* dealing with *habeas corpus* apply to the writ of *habeas corpus* in criminal matters, with any modifications that the circumstances require.

42. Pre-enquete - (1) Applications concerning a pre-enquete pursuant to sections 507.1 and following of the *Code* is held *ex parte* and *in camera* and is sealed by the clerk, unless otherwise decided by the judge.

(2) The evidence presented and the judgment shall be transcribed only with the authorization of the judge and the hearing must be held *in camera*, unless a judge decides otherwise.

C. Summary Conviction Appeals

43. Territorial Jurisdiction - Appeals must be instituted before the Superior Court in the judicial district where the contested decision was rendered.

44. Notice of Appeal - The notice of appeal of a decision must be signed by the appellant or his counsel and contain the following information:

(a) the offence charged;

(b) the sentence imposed, if applicable;

(c) the date of the decision or the sentence, or both, as the case may be;

(d) the place of trial;

(e) the trial court and file number;

(f) the relevant facts, the grounds of appeal and the conclusions sought, stated clearly and concisely;

(g) the postal address and the email address of both the appellant and his counsel;

(h) the name and postal address of the respondent and, if applicable, those of the other parties and their counsel acting before the trial court, including their email addresses.

45. New Grounds of Appeal - The appellant wishing to invoke grounds of appeal other than those set out in the notice of appeal must file with the clerk, no later than 30 days before the hearing of the appeal, a written notice setting out clearly and concisely the additional grounds, together with proof of service on the opposing party or their counsel. The opposing party may respond in writing no later than 15 days from the date of service.

46. Time Limit and Proceedings - (1) An appeal must be filed within 30 days of the contested decision, unless a judge extends this time limit.

(2) An appeal is commenced by the filing of a notice of appeal in the office of the clerk within 30 days of the decision, or within the extended time limit under subsection 815(2) of the *Code*.

(3) Upon receipt of the notice of appeal, the clerk must transmit a copy of the notice to counsel who acted in first instance, to the judge who rendered the decision under appeal, and to the clerk of the court of first instance.

(4) In the case of an appeal brought by the prosecutor, the notice of appeal must be served on the respondent personally, unless a judge orders otherwise.

47. Appearance - (1) A counsel acting for a respondent must file with the clerk a written appearance within 10 days of the service of the notice of appeal, or within any other time limit determined by a judge.

(2) The notice of appearance must indicate the email address of counsel for the respondent and any other address where proceedings and notices may be served.

(3) Unrepresented respondents must provide their email address to the clerk, or to the judge, no later than at the first *pro forma* hearing.

48. Role of the Clerk – Upon receipt of the notice of appeal within the prescribed delay or of the decision granting an extended delay to appeal, the clerk must:

(a) obtain the record of first instance;

(b) set the file *pro forma* on the next docket of the Court, or at such other time as may be directed by the judge, and give notice to the parties of the applicable date.

49. Procedure for Obtaining Transcripts - Transcripts are obtained as follows:

(a) at the request of the appellant or when a judge so orders, the clerk of the court of first instance must ensure that a complete or, with a judge's authorization, a partial transcription of the depositions is prepared. In all cases, the contested decision must be transcribed;

(b) the appellant must promptly pay the fees when a deposit is required to begin the transcription;

(c) once the transcription is complete, the clerk of the court of first instance must inform immediately, in writing, the clerk of the availability of the transcripts. He also informs the appellant and the respondent or their counsel by email or priority post;

(d) upon receipt of such notice, the appellant must pay the cost of transcription, without delay. The clerk of the court of first instance must subsequently

forward without delay the original transcripts to the clerk, and a copy to the parties or their counsel;

- (e) with the authorization of a judge, the appellant may be exempted from providing the complete or partial transcript of the evidence and agree, where appropriate, to an agreed statement of facts.

50. Timetables – As soon as the transcripts are available, or earlier when he decides so, the judge must:

- (a) determine whether the issues raised in the notice of appeal require a brief or a plan of argument;
- (b) determine whether the documents are to be filed in paper or electronic format;
- (c) set the timetable for the filing of the briefs or plans of argument;
- (d) set the date and the duration of the appeal hearing;
- (e) make any order to ensure the efficient conduct of the hearing.

51. Application to Adduce Fresh Evidence - (1) A party seeking leave to adduce fresh evidence must present an application stating how the party exercised due diligence in obtaining the evidence, how the evidence is relevant, credible, and, if believed, likely to affect the result.

(2) The judge hearing the application must rule on it, either granting it or dismissing it, in whole or in part, or referring it to the judge hearing the appeal on the merits.

(3) When hearing such an application, the judge authorizes or refuses the filing of fresh evidence and determines, if applicable, the terms and the timetable according to which the evidence is to be gathered and cross-examinations undertaken.

52. Ineffective Assistance of Counsel - (1) An accused who alleges the ineffective assistance of counsel must so inform that counsel by serving a copy of the written proceedings containing the allegation.

(2) If counsel whose assistance is allegedly ineffective wishes to respond, he must so inform the coordinating judge or the designated judge in writing, with a copy to the parties, no later than 30 days from the date of service and shall describe the terms he considers appropriate to respond to the allegations.

(3) A judge may attempt to bring the parties to agree on the terms of adducing evidence or, where necessary, impose such terms and a timetable.

(4) The parties must submit the appropriate applications to be authorized to file fresh evidence.

53. Powers of the Court - The Court may:

- (a) dismiss the appeal of the appellant who is not ready to proceed when the case is called;
- (b) allow the appellant to proceed *ex parte* against the respondent who is not ready to proceed when the case is called;
- (c) upon an application or on its own motion, dismiss the appeal of an appellant who does not comply with the requirements prescribed by law or set out in these Rules.

D. Brief, Plan of Argument and Authorities

54. Format - (1) Any brief or plan of argument must be filed in 8 ½ by 11 inches format (21.5 cm by 28 cm).

(2) Text must be 1 ½ spaces between the lines, and 12-point Arial font must be used throughout. By exception, 11-point Arial font may be used for quotations, and 10-point Arial font may be used for footnotes.

(3) Margins may be no smaller than 2.5 cm.

55. Contested decision - A brief or plan of argument must reproduce in Schedule 1 the first instance decision that is the subject of the proceedings.

56. Authorities Required (1) A party invoking a case law or an article of doctrine must file a copy and highlight the quoted extracts in yellow.

(2) A party may file only the relevant extracts of a judgment of the Supreme Court of Canada, including all that is relevant to these extracts, attaching the summary if available.

57. Book of Authorities - A book of authorities must include a table of contents with references to the relevant paragraphs of the brief when appropriate. Double-sided printing and tabs must be used if the book of authorities is submitted in a paper format.

58. Exemption from Filing Authorities - Parties are exempted from reproducing the judgments listed on the Court's website in their book of authorities.

59. Laws and Regulations - A party who relies on regulatory or statutory provisions other than those contained in the *Constitution Act, 1982*, the *Criminal Code*, the *Canada Evidence Act*, the *Controlled Drugs and Substances Act*, the *Cannabis Act*, and the *Youth Criminal Justice Act* shall produce a copy for the record, indicating the relevant provisions.

E. Procedure Applicable to Appeals and Extraordinary Remedies

60. Discontinuance - (1) An appellant or petitioner who wishes to discontinue an appeal or an extraordinary remedy shall file in the Court record a notice of discontinuance signed by the appellant or the petitioner himself or by their counsel, after having served it on the opposing party. The notice of discontinuance is submitted to the judge.

(2) A judge may ratify the discontinuance, even in the absence of the parties or their counsel.

61. Uncontested Proceedings - Uncontested proceedings may be adjudged in chambers without a hearing, provided that all the necessary information is submitted to the designated judge.

F. Order Limiting the Open Court Principle

62. Notice to Media – (1) A party requesting an order limiting the open court principle shall establish to the judge’s satisfaction that the party has given notice to the media.

(2) This proof is not required when the order limiting the open court principle is mandatory under the *Code* or another statute.

63. Existing Orders - At the hearing of an appeal, an extraordinary remedy, or an appeal for review of detention or release order, the parties must inform the judge of any previous orders concerning the open court principle.

G. Case Management Conference

64. Case Management - A case management conference may be held to determine whether the parties are required to file a brief or a plan of argument, or whether they can be excused from submitting a written document, or to make any order for the purpose of expediting a hearing.

H. Pre-hearing Conference

65. Time - A judge presides a pre-hearing conference at any time deemed appropriate after the committal for trial.

66. Non-Publication Order - The pre-hearing conference and the forms used for this purpose, when completed, are subject to a non-publication and non-broadcast order.

67. Presence of the Accused - The pre-hearing conference is held in the presence of the accused and counsel for all parties. If the accused is represented by counsel, the judge may exempt the accused from attending the hearing.

68. Filing of the Indictment - The indictment must be signed and filed before the pre-hearing conference.

69. Requirements - The pre-hearing conference is held in accordance with the provisions of the *Code* and the directive made for this purpose.

I. Facilitation Conference

70. Facilitation - (1) Counsel and unrepresented parties who wish to hold a facilitation conference in criminal matters must complete the form provided for this purpose, which is available at the Criminal Division Coordinating Office and on the Court's website. The judge presiding the conference may require the parties to provide any necessary documents.

(2) Only counsel may participate in the conference, unless the judge authorizes other persons to participate. The judge must facilitate discussion and encourage dialogue. Discussions are not recorded.

(3) Participants in the facilitation undertake in writing to keep the content of the discussions confidential. If the conference results in the resolution of a file, the judge presiding the facilitation conference may, at the request of the parties, hear the case. Otherwise, the judge presiding the conference may not hear the case.

J. Contempt of Court

71. Contempt of Court – Proceedings for contempt of court committed out of the presence of the judge must be instituted by way of a detailed application served on the respondent, summoning the respondent to appear before the judge on the day and at the time specified in the notice. Subsequently, the respondent may be ordered to appear before the Court by oral order of the judge.

IV. Transitional Provisions

72. Coming into Force and Immediate Application - (1) These Rules come into force on 30 June 2025 and, subject to subsection (2), replace the *Rules of*

Practice of the Superior Court of the Province of Quebec, Criminal Division, 2002.

(2) Except in the case of inconsistency, these Rules apply upon their coming into force.