



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 80
(1999, chapter 70)

**An Act to amend the Act respecting
the class action**

**Introduced 11 November 1999
Passage in principle 18 November 1999
Passage 9 December 1999
Assented to 13 December 1999**

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EXPLANATORY NOTES

This bill amends the Act respecting the class action to enable the Fonds d'aide aux recours collectifs to grant financial assistance, on certain conditions, to Québec residents who institute or intend to institute proceedings of the nature of a class action before the Federal Court of Canada – Trial Division.

The bill also contains a transitional provision concerning the proceedings that are pending before that Court.

Bill 80

AN ACT TO AMEND THE ACT RESPECTING THE CLASS ACTION

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The Act respecting the class action (R.S.Q., chapter R-2.1) is amended by inserting the following after section 37 :

“CHAPTER III.1

“ASSISTANCE FOR PROCEEDINGS BEFORE THE FEDERAL COURT OF CANADA

“37.1. The Fonds may grant financial assistance for the institution of a proceeding of the nature of a class action before the Federal Court of Canada, provided that

(1) the applicant proves that substantial grounds exist to warrant the institution of the proceeding before the Federal Court, rather than before the Superior Court ;

(2) the applicant and at least 50% of the members of the group are Québec residents ;

(3) the subject-matter of the proceeding is one in respect of which the Federal Court – Trial Division and the Superior Court have concurrent jurisdiction.

The number of members of the group and the proportion of the members who are Québec residents may be established on the basis of existing statistics or available data.

“37.2. Assistance shall be granted subject to the other provisions of this Act, except the provisions of sections 32 and 42.

However, before granting assistance, the Fonds shall, in all cases, determine whether or not the proceeding can be instituted or continued without the assistance and consider the probable existence of the right the applicant intends to assert as well as the probability that the proceeding will be instituted.”

2. Residents of Québec who are parties to a proceeding of the nature of a class action instituted before the Federal Court of Canada – Trial Division on

11 November 1999, where the subject-matter of the proceeding is one in respect of which that Division and the Superior Court have concurrent jurisdiction, are entitled, if they apply therefor, to receive financial assistance from the Fonds d'aide aux recours collectifs.

The Fonds shall proceed with diligence in determining the financial assistance required to enable the proceeding to continue. The Fonds may grant the assistance in instalments, having regard to the progress of proceedings and the needs of the applicant.

The provisions of Title II of the Act respecting the class action apply to a recipient, within the meaning of that Act, to whom assistance has been so granted, with the exception of the first, second and fourth paragraphs of section 23, sections 24 and 32, Chapter III.1 and section 42.

3. The provisions of this Act come into force on 13 December 1999.