CIVIL CODE OF QUÉBEC

BOOK FIVE

OBLIGATIONS

[...]

TITLE TWO

NOMINATE CONTRACTS

[...]

CHAPTER XVIII

ARBITRATION AGREEMENTS

2638.

An arbitration agreement is a contract by which the parties undertake to submit a present or future dispute to the decision of one or more arbitrators, to the exclusion of the courts.

1991, c. 64, s. 2638.

2639.

Disputes over the status and capacity of persons, family matters or other matters of public order may not be submitted to arbitration.

An arbitration agreement may not be opposed on the ground that the rules applicable to settlement of the dispute are in the nature of rules of public order.

1991, c. 64, s. 2639.

2640.

An arbitration agreement shall be evidenced in writing; it is deemed to be evidenced in writing if it is contained in an exchange of communications which attest to its existence or in an exchange of proceedings in which its existence is alleged by one party and is not contested by the other party.

1991, c. 64, s. 2640.

2641.

A stipulation which places one party in a privileged position with respect to the designation of the arbitrators is null.

1991, c. 64, s. 2641.
An arbitration agreement contained in a contract is considered to be an agreement separate from the other clauses of the contract and the ascertainment by the arbitrators that the contract is null does not entail the nullity of the arbitration agreement.

1991, c. 64, s. 2642.

Subject to the peremptory provisions of law, the procedure of arbitration is governed by the contract or, failing that, by the Code of Civil Procedure.

1991, c. 64, s. 2643.

Failing any designation by the parties, an arbitration agreement is governed by the law applicable to the principal contract or, where that law invalidates the agreement, by the law of the country where arbitration takes place.

1991, c. 64, s. 3121.
CHAPTER IV
STATUS OF PROCEDURE

[...]

3133.

Arbitration proceedings are governed by the law of the country where arbitration takes place unless either the law of another country or an institutional or special arbitration procedure has been designated by the parties.

1991, c. 64, s. 3133; 1992, c. 57, s. 716.

[...]

TITLE THREE
INTERNATIONAL JURISDICTION OF QUÉBEC AUTHORITIES

[...]

CHAPTER II
SPECIAL PROVISIONS

[...]

SECTION II
PERSONAL ACTIONS OF A PATRIMONIAL NATURE

3148.

In personal actions of a patrimonial nature, a Québec authority has jurisdiction where

(1) the defendant has his domicile or his residence in Québec;

(2) the defendant is a legal person, is not domiciled in Québec but has an establishment in Québec, and the dispute relates to its activities in Québec;

(3) a fault was committed in Québec, damage was suffered in Québec, an injurious act occurred in Québec or one of the obligations arising from a contract was to be performed in Québec;

(4) the parties have by agreement submitted to it all existing or future disputes between themselves arising out of a specified legal relationship;

(5) the defendant submits to its jurisdiction.
However, a Québec authority has no jurisdiction where the parties, by agreement, have chosen to submit all existing or future disputes between themselves relating to a specified legal relationship to a foreign authority or to an arbitrator, unless the defendant submits to the jurisdiction of the Québec authority.

1991, c. 64, s. 3148.