

Principles of Legal Research

Fall 2008

Week 10: Nov. 10-14

Cecilia Tellis, Law Librarian
Brian Dickson Law Library



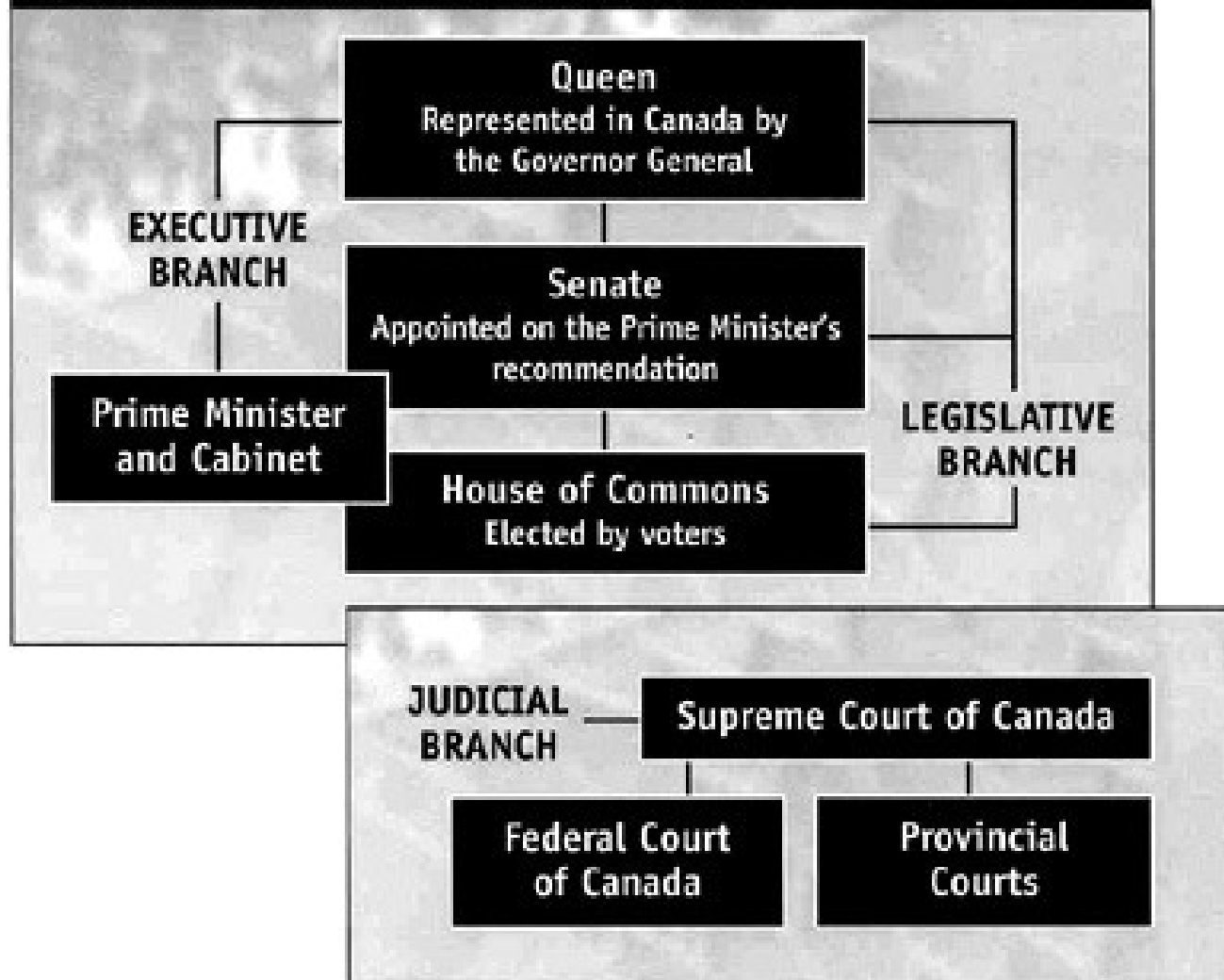
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Outline

- **Federal legislation**
 - Legislative process
 - Bills
 - Where legislation is published
 - Citing bills & statutes



CANADA'S PARLIAMENTARY SYSTEM



Terminology

Legislation: the creation of law; a collection of statutes, regulations, by-laws.

Source: *The Dictionary of Canadian Law*, (Scarborough, Ont. : Carswell, 1991).

Primary sources



Making Canada's laws

- The Constitution authorizes the federal Parliament to make laws in certain areas of jurisdiction, such as criminal law, national defence, international trade and broadcasting.
- Senators and Members of Parliament both study, debate and often amend legislative proposals or “**bills**”.



Public bills

■ Government bill

- text of a legislative initiative that the government submits to Parliament via one of its cabinet ministers to be approved, and possibly amended, before becoming law

■ Private Member's (Public) Bill

- submitted to Parliament by a Member who is not a cabinet minister
- every Member of Parliament who is not a cabinet minister is a Private Member (ie., whether or not they are a member of the party forming government)



Private Bills

- exempt a person or group of persons, including a corporate person, from the application of a statute
- benefit the named individuals or companies
- may not be introduced by a Minister, and must be founded on a petition signed by the persons who are interested in promoting it

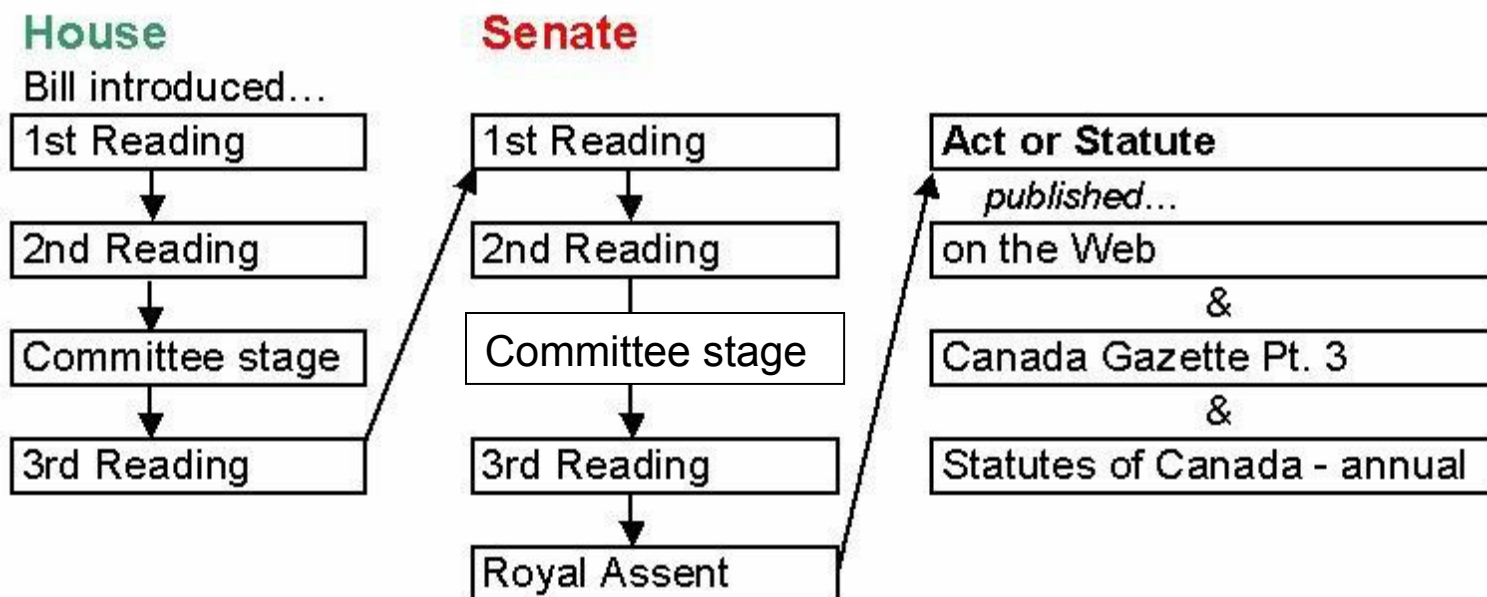


The legislative process: How a bill becomes law

- **Introduction**
- **First Reading**
- **Second Reading**
- **Committee Stage**
- **Report Stage**
- **Third Reading**
- **Royal Assent**
- **Proclamation**



How a bill becomes law (cont'd)



Bills as introduced and first reading

- When a bill is introduced in the House, it is assigned a number to facilitate filing and reference, e.g. **Bill C-47**
 - Government bills are numbered consecutively from C-2 to C-200
 - Private Members' public bills are numbered consecutively from C-201 to C-1000.
 - Private Members' private bills are numbered consecutively from C-1000 and up.
- The number assigned to bills introduced in the Senate begins with an "S" rather than a "C"



Structure of a bill

- Title
- Preamble
- Enacting Clause
- Clause
- Interpretation Provisions
- Coming-into-force Provisions
- Schedule
- Explanatory notes
- Summary
- Marginal notes
- Underlining and vertical lines
- Headings
- Table of contents
- Royal recommendation



HOUSE OF COMMONS OF CANADA

CHAMBRE DES COMMUNES DU CANADA

BILL C-47

PROJET DE LOI C-47

An Act respecting the protection of marks related to the Olympic Games and the Paralympic Games and protection against certain misleading business associations and making a related amendment to the Trade-marks Act

Loi concernant la protection des marques liées aux Jeux olympiques et aux Jeux paralympiques et la protection contre certaines associations commerciales trompeuses et apportant une modification connexe à la Loi sur les marques de commerce

FIRST READING, MARCH 2, 2007

PREMIÈRE LECTURE LE 2 MARS 2007

THE MINISTER OF INDUSTRY

LE MINIS

90-404

Bill C-47 at First Reading

House of Commons

March 2, 2007

An Act respecting the protection of marks related to the Olympic Games and the Paralympic Games and protection against certain misleading business associations and making a related amendment to the Trade-marks Act

How to cite bills

Number	Title	Session	Legislature	Jurisdiction	Year	Pinpoint	Additional info (optional)
Bill C-26,	<i>An Act to establish the Canada Border Services Agency,</i>	1st Sess.,	38th Parl.,		2005,	cl. 5(1)(e)	(as passed by the House of Commons 13 June 2005).
Bill 59,	<i>An Act to amend the Civil Code as regards marriage,</i>	1st Sess.,	37th Leg.,	Quebec,	2004		(assented to 10 November 2004), S.Q. 2004, c. 23.



Second reading

- While at first reading, there is usually just a speech or two introducing the bill, the real action happens at second reading, when the bill is debated



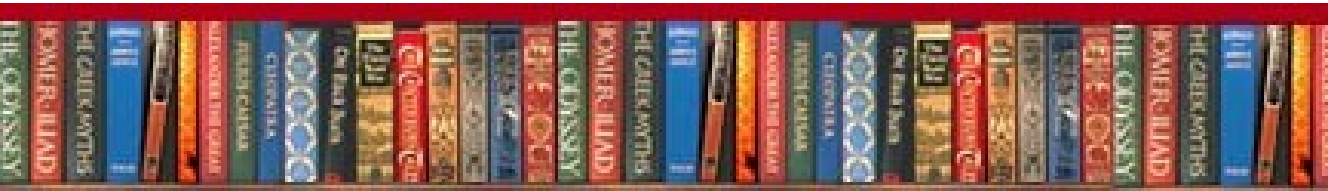
Committee stage

- Following debates at second reading, there is a vote to determine whether the bill should proceed to committee.
- If the answer is yes, it is then determined which committee it should go to.
- Depending on the scope of the bill, committees will often have lengthy hearings, with witnesses, etc., during which they debate the merits of the bill, as well as technicalities such as wording, etc.



Third reading

- Before going to third reading, the Committee who analyzed the bill will report back to Parliament (the “report stage”) with recommendations.
- If they recommend the bill proceed to third reading, the bill is re-printed with any Committee amendments



First Session, Thirty-ninth Parliament,
55-56 Elizabeth II, 2006-2007

BILL C-47

An Act respecting the protection of marks related to the Olympic Games and the Paralympic Games and protection against certain misleading business associations and making a related amendment to the Trade-marks Act

REPRINTED AS AMENDED BY THE STANDING COMMITTEE
ON INDUSTRY, SCIENCE AND TECHNOLOGY AS A WORKING
COPY FOR THE USE OF THE HOUSE OF COMMONS AT
REPORT STAGE AND AS REPORTED TO THE HOUSE ON
JUNE 6, 2007

THE MINISTER OF INDUSTRY

90404

Première session, trente-neuvième législature,
55-56 Elizabeth II, 2006-2007

PROJET DE LOI C-47

Loi concernant la protection des marques liées aux Jeux olympiques et aux Jeux paralympiques et la protection contre certaines associations commerciales trompeuses et apportant une modification connexe à la Loi sur les marques de commerce

RÉIMPRIMÉ TEL QUE MODIFIÉ PAR LE COMITÉ
PERMANENT DE L'INDUSTRIE, DES SCIENCES ET DE LA
TECHNOLOGIE COMME DOCUMENT DE TRAVAIL
L'USAGE DE LA CHAMBRE DES COMMUNES À L'ÉTAPE
DU RAPPORT ET PRÉSENTÉ À LA CHAMBRE LE 6 JUILLET 2007

LE MINISTRE DE L'INDUSTRIE

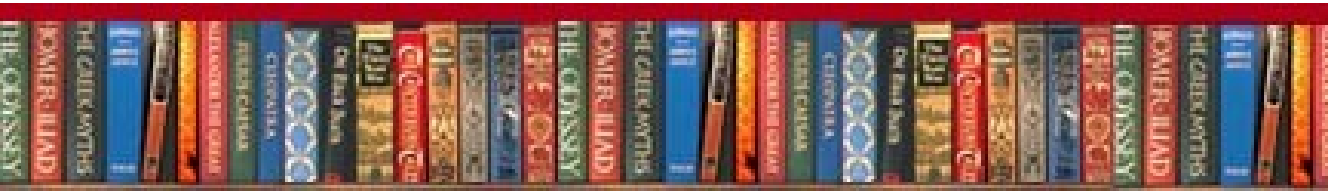
**Bill C-47 as printed
at Committee Stage**

House of Commons

June 6, 2007

Third reading (cont.)

- At third reading, the bill is debated again
- If passed by the House of Commons, the bill is reprinted again, incorporating any changes made by the House at third reading, and then goes to the Senate, where it starts the whole procedure over again



C-47

First Session, Thirty-ninth Parliament,
55-56 Elizabeth II, 2006-2007

HOUSE OF COMMONS OF CANADA

BILL C-47

An Act respecting the protection of marks related to the Olympic Games and the Paralympic Games and protection against certain misleading business associations and making a related amendment to the Trade-marks Act

AS PASSED

BY THE HOUSE OF COMMONS
JUNE 14, 2007

C-47

Première session, trente-neuvième législature,
55-56 Elizabeth II, 2006-2007

CHAMBRE DES COMMUNES DU CANADA

PROJET DE LOI C-47

Loi concernant la protection des marques liées aux Jeux olympiques et aux Jeux paralympiques et la protection contre certaines associations commerciales trompeuses et apportant une modification connexe à la Loi sur les marques de commerce

ADOPTÉ

PAR LA CHAMBRE DES COMMUNES
LE 14 JUIN 2007

Bill C-47 as passed by the House of Commons

House of Commons

June 14, 2007

Royal Assent

- If a bill is then passed by the Senate, it will be given Royal Assent
 - if the Senate makes changes to the bill, those changes must first be approved by the House in a vote
- Royal Assent is given by the Governor General or her delegate
- Necessary step for a bill to become a law
- The number assigned to a bill changes to a chapter number
- In addition to a reprint of the bill as of Royal Assent, it is also printed in the *Canada Gazette, Part III*, and in the annual volume of *Statutes of Canada*
 - e.g. Bill C-47 became S.C. 2007, c. 25



First Session, Thirty-ninth Parliament,
55-56 Elizabeth II, 2006-2007

Première session, trente-neuvième législature,
55-56 Elizabeth II, 2006-2007

STATUTES OF CANADA 2007

LOIS DU CANADA (2007)

CHAPTER 25

An Act respecting the protection of marks related to the Olympic Games and the Paralympic Games and protection against certain misleading business associations and making a related amendment to the Trade-marks Act

Loi olympique et paralympique relative à la protection des marques de commerce et des associations commerciales trompeuses et apportant une modification connexe à la Loi sur les marques de commerce

assigned a chapter number

ASSENTED TO

22nd JUNE, 2007
BILL C-47

SANCTIONNÉE

LE 22 JUN 2007
PROJET DE LOI C-47

Bill C-47 Royal Assent version

June 22, 2007

**39th Parliament - 1st Session
(April 3, 2006-Sept. 14, 2007)**



Bibliothèque uOttawa Library

Canada Gazette

Part III

OTTAWA, TUESDAY, JULY 31, 2007

Statutes of Canada, 2007

Chapters 8 to 30

Acts assented to from 30 March, 2007
to 22 June, 2007

Gazette du Canada

Partie III

OTTAWA, LE MARDI 31 JUILLET 2007

Lois du Canada (2007)

Chapitres 8 à 30

Lois sanctionnées du 30 mars 2007
au 22 juin 2007

Canada Gazette Part III

*An Act respecting the
protection of marks
related to the Olympic
Games...Chapter 25*

55-56 ELIZABETH II

55-56 ELIZABETH II

CHAPTER 25

CHAPITRE 25

An Act respecting the protection of marks related to the Olympic Games and the Paralympic Games and protection against certain misleading business associations and making a related amendment to the Trade-marks Act

Loi concernant la protection des marques liées aux Jeux olympiques et aux Jeux paralympiques et la protection contre certaines associations commerciales trompeuses et apportant une modification connexe à la Loi sur les marques de commerce

[Assented to 22nd June, 2007]

[Sanctionnée le 22 juin 2007]

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Sa Majesté, sur l'avis et avec le consentement du Sénat et de la Chambre des communes du Canada, édicte:

Short title

1. This Act may be cited as the *Olympic and Paralympic Marks Act*.

1. Titre abrégé : *Loi sur les marques olympiques et paralympiques*.

Title abrégé

Interpretation

2. (1) The following definitions apply in this

2. (1) Les définitions qui suivent s'appli-

Définitions

Short Title:

***Olympic and
Paralympic Marks
Act***

Bibliothèque uOttawa Library



Department of Justice
Canada

Ministère de la Justice
Canada

Canada

Olympic and Paralympic Marks Act (2007, c. 25)

Disclaimer: These documents are not the official versions ([more](#)).

Attention: See coming into force provision and notes, where applicable.

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Olympic and Paralympic Marks Act

2007, c. 25

[Assented to June 22nd, 2007]

An Act respecting the protection of marks related to the Olympic Games and the Paralympic Games and protection against certain misleading business associations and making a related amendment to the Trade-marks Act

SUMMARY

This enactment provides for the protection of Olympic and Paralympic marks and protection against certain misleading business associations between a business and the Games or certain committees associated with those Games.

Statutes of Canada, 2007

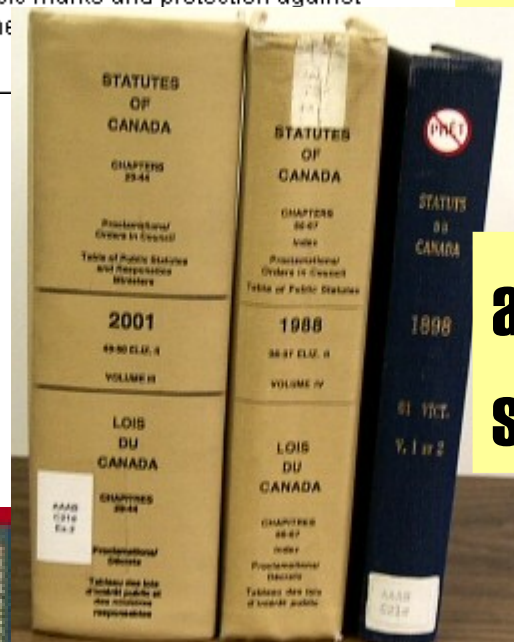
On the web:

**Department of
Justice Canada:**

<http://laws.justice.gc.ca>

and In print:

starts at SLR 4-1



Bibliothèque uOttawa Library

How to cite statutes

<i>Title,</i>	statute volume	jurisdiction	year	(session or supplement),	chapter,	pinpoint.
<i>Criminal Code,</i>	R.S.	C.	1985,		c. C-46,	s.745.
<i>Income Tax Act,</i>	R.S.	C.	1985	(5th Supp.),	c. 1,	s.(18)(1) (m)(iv)(c).
<i>Civil Marriage Act,</i>	S.	C.	2005,		c. 41.	
<i>Children's Law Reform Act,</i>	R.S.	O.	1990,		c. C-12.	



Proclamation

- An act is **in force** only after it has been proclaimed; usually done by Order-In-Council
- Can also come into force on day it receives Royal Assent unless another date is set
- Other ways statutes may be proclaimed



Coming into force

- Look first at the wording of the Act (often near the end). Does it specify:
 - that the Act comes into force on the day it receives royal assent?
 - that the Act will come into force on a specific date?
 - that the Act comes into force on a date “to be proclaimed”?
 - that the Act will come into force when certain conditions are met? (for example, following the coming into force of another Act, or the signing of a treaty)?



Coming into force (cont'd)

- If there is no specific proclamation date, the Act (usually) comes into force on the Royal Assent date.
- If a statute does not specify when it will come into force, check the *Interpretation Act* to find out when the statute would normally come into force.
- Parliament also has the power to make an Act apply **retrospectively** (*i.e.*, from a date earlier than the date on which it was actually passed)

Exercise

- In-class exercise in groups of 2
- We will continue this exercise next week in-class if no time to finish today

