

# **Principles of Legal Research**

## **Fall 2008**

### **Week 11: Nov. 17-21**

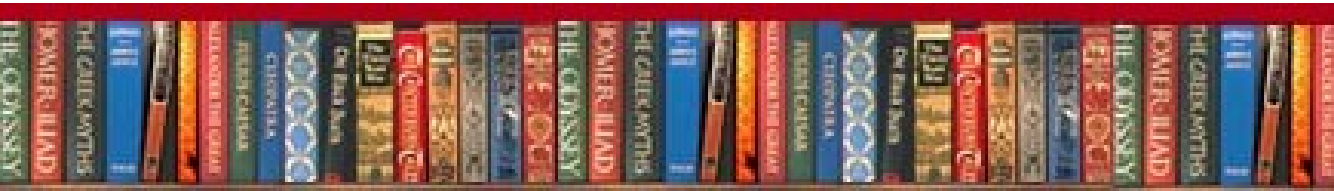
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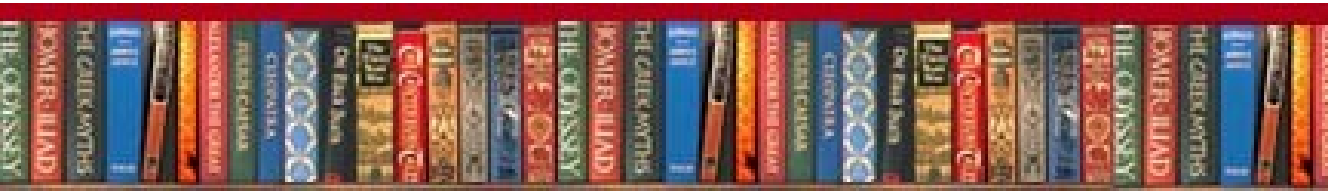
# Outline

- Course evaluation (15 minutes)
- Updating federal laws
- Federal regulations
  - Citing regulations
- Finding federal legislation online
- Noting up legislation



# Updating federal statutes

- Because laws are constantly being updated and amended/modified, it is important to make sure you have the most current version of a statute (or the statute as it then read, if your situation involves a statute that has since been modified)



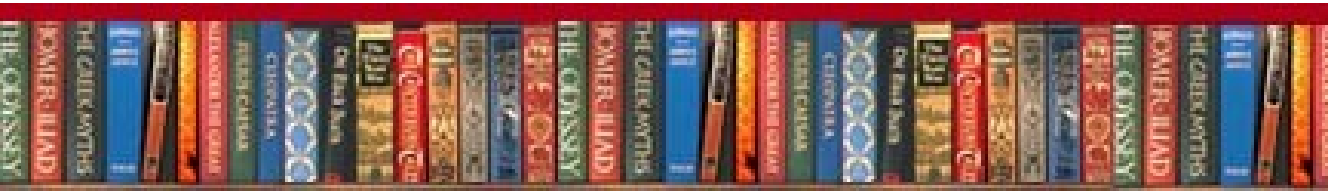
# Updating federal statutes (cont.)

1. Check the [Table of Public Statutes and Responsible Ministers](#) (also available in print in SLR 4-1 of the library)
2. Check [LEGISinfo](#) for sessional bills introducing recent or proposed amendments
3. For a more recent amendment, to see if it is in force, check also the “Table of Proclamations” in the [Canada Gazette, Part III](#)
  - Also consult individual editions of the Canada Gazette, Part II for most up-to-date proclamations



# Where is legislation **officially** published?

- *Canada Gazette*
  - Part I: notices and proposed regulations
  - Part II: regulations
  - Part III: acts that have received Royal Assent
  - Most provinces have a similar provincial *Gazette*
- Annual volumes of statutes (e.g., *Statutes of Canada*, 2004)
- *Revised Statutes of Canada* (last issued in 1985)
- Official printings of bills from the House of Commons and Senate



# More terminology

**Subordinate legislation:** legislation of a subordinate body, *i.e.*, one other than a legislature or Parliament, such as a statutory instrument, regulation or by-law

- Regulations are considered *subordinate* or *delegated legislation*.



# Regulations

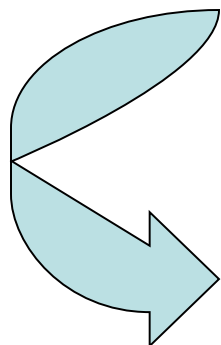
- promulgated by appropriate government ministry bureaucrats or other bodies after varying degrees of public consultation
- Made or approved under the authority of an Act
- Format: SORS/2005-120
- First published in the *Canada Gazette, Part I*, so that interested parties may submit comments, etc.
- After a period of time, final version is published in the *Canada Gazette, Part II*



# Regulations (cont'd)

## *Consolidated Index of Statutory Instruments*

- indexes regulations alphabetically by their name and also according to the **enabling statutes**



**OLYMPIC AND PARALYMPIC MARKS ACT [SC 2007, c. 25]**

*(MARQUES OLYMPIQUES ET PARALYMPIQUES (LOI))*

**Olympic and Paralympic Marks Regulations, SOR/2007-294**

*(Marques olympiques et paralympiques — Règlement)*



# Finding Regulations: 2 unofficial methods using CanLII

- [CanLII.ca](#) > select appropriate jurisdiction > under “Legislation” click on Statutes and Regulations > click on first letter of title of statute > locate your statute in the table and its Enabled Regulations
- [CanLII.ca](#) > select appropriate jurisdiction > under “Legislation” click on Statutes and Regulations > type in the statute name then click “Search” > view text of statute then find link to Enabled Regulations

**See DEMO on wiki**

# How to cite federal regulations

(McGill – 2.1.6)

## Revised (consolidated) regulations

<i>Title,</i>	<b>C.R.C.,</b>	<b>chapter,</b>	<b>pinpoint (if there is one)</b>	<b>(year) (optional).</b>
<i>Migratory Birds Regulations,</i>	C.R.C.,	c. 1035,	s. 4	(1978).

## Unrevised (unconsolidated) regulations

<i>Title,</i>	<b>S.O.R. /</b>	<b>last two digits of the year (pre-2000) – regulation number</b>	<b>pinpoint (if there is one)</b>
<i>Offset of Taxes by a Refund or a Rebate (GST/HST) Regulations,</i>	S.O.R./	91-49,	s. 3.
<i>Canadian Aviation Security Regulations,</i>	S.O.R./	2000-111.	

# Updating federal regulations

- Regulations can also be amended/modified
- Check the  
*Consolidated Index of Statutory Instrument*
- For very recent amendments to regulations, you will have to look through the recent issues of the *Canada Gazette, Part II*



# Tips for legislation research

- Statutes work in combination with cases
- There may be more than one applicable statute
- There may be overlap between provincial and federal statutes
- Statutes are revised regularly, so research must always be current
- Cases interpret statutes and can affect the meaning of statutes

Maureen Fitzgerald, “Chapter 7: How to Find and Update Statutes” in *Legal Problem Solving: Reasoning, Research & Writing*, 3d ed. (Toronto: LexisNexis Butterworths, 2004) at 111.



# Finding federal legislation online

## ■ Free:

- LEGISInfo (bills)
- Canadian Legal Information Institute (CanLII)  
(statutes & regulations) **unofficial**
- Department of Justice Canada Laws (statutes & regulations) **unofficial**



# Finding federal legislation online

- Subscription databases:
  - Quicklaw (bills, statutes, rules, regulations)
    - Good if looking for a statute at a “point-in-time”
  - WestlaweCarswell (statutes, rules, regulations)

**But usually easier to just use a free source online....**



# Quicklaw: Point-in-Time


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# Noting up legislation

- Refers to finding cases that have **cited** a piece of legislation (e.g. *Criminal Code*) or a specific section of that legislation (e.g. s.253 of the *Criminal Code*)





# Noting up legislation in QL

1. Note up a case or statute (must use the citation only)

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Note up a case or statute S.C. 2000, c. 26

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Legislation title Clarity act


# Noting up legislation in WLeC: KeyCite

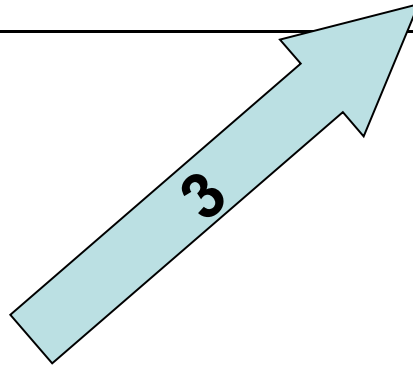
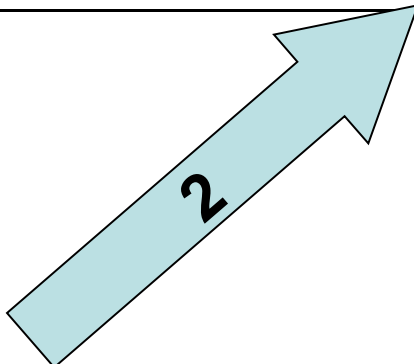
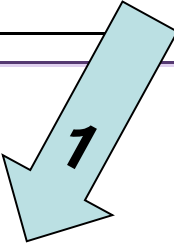
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**Legislation:**  Title:  Section:  Jurisdiction:



# Noting up legislation in WLeC: Citing References

1

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