

APÈNDIX

Relació de documents

- Document 1:
Canadà, Províncies i Territoris. Població, Llengua, Atur, Ingressos

- Document 2:
Quebec, Regions Administratives. Població, Atur, Ingressos
Quebec, Llengua Maternal
Població Autòctona del Quebec

- Document 3:
Llei Constitucional de 1867

- Document 4:
Llei Constitucional de 1982

- Document 5:
Acord que estableix el Consell de Premiers de les Marítimes (CPMt)

- Document 6:
Llei del Consell de Premiers de les Marítimes (CPMt)

- Document 7:
Protocol d'entesa sobre la cooperació al Canadà Atlàntic i d'establiment del Consell de Premiers de l'Atlàntic (CPA)

- Document 8:
Acord Constitucional de 1987 (Acord del Llac Meech)

- Document 9:
Report de consens sobre la Constitució, 1992 (Acord de Charlottetown)

- Document 10:
Avantprojecte de Llei sobre la Sobirania del Quebec (1995)

- Document 11:
40 recomanacions de la Comissió Nacional sobre el futur del Quebec (1995)
- Document 12:
Projecte de Llei núm. 1. Llei sobre el futur del Quebec (1995)
- Document 13:
Llei sobre les modificacions constitucionals (1996)
- Document 14:
Opinió de la Cort Suprema del Canadà sobre la Secessió del Quebec (1998)
- Document 15:
Acord Marc sobre la Unió Social (1999)
- Document 16:
Llei de la Claredat, (*Clarity Act*, 2000)
- Document 17:
Llei 99 sobre l'exercici dels drets fonamentals i les prerrogatives del poble quebequès i de l'Estat del Quebec (2000)
- Document 18:
Relació de testimonis davant del Comitè Legislatiu sobre la Llei C-20 (*Clarity Act*) de la Cambra dels Comuns (2000)
- Document 19:
Relació de testimonis davant del Comitè Especial sobre la Llei C-20 (*Clarity Act*) del Senat canadenc (2000)
- Document 20:
Relació de testimonis davant la Comissió permanent de les Institucions de l'Assemblea Nacional del Quebec. Consultació pública sobre el projecte de llei 99 (2000)

DOCUMENT 1
CANADÀ, PROVÍNCIES I TERRITORIS
POBLACIÓ, LLENGUA, ATUR, INGRESSOS

Presentació

El propòsit d'aquest Document és donar una informació complementària sobre el context socioeconòmic, demogràfic i lingüístic del Canadà, aspectes que en la recerca no tracto de manera central, si bé són múltiples les referències tangencials que faig.

Algunes observacions que es deriven de les dades del document són les següents. Pel que fa a la **població**, destaca el fet de l'enorme pes de la província d'Ontàrio, atès que ella sola concentra prop del 38% del total de la població. Si li sumem la població del Quebec, constatem que el Canadà Central representa ni més ni menys que el 62% del total canadenc, la qual cosa condemna la resta de les províncies i territoris a una situació clarament perifèrica. Tot i això, també destaca el pes demogràfic de la Colúmbia Britànica i, en menor mesura, d'Alberta. Contràriament, les dades assenyalen clarament com els tres territoris canadencs es troben escassament poblats, constitueixen autèntics deserts demogràfics, com ho demostra el fet que tot i representar el 39.2% de l'immensa superfície del país, només representen el 0.32% de la població.

Quant a la qüestió **lingüística**, es constata clarament el fet diferencial quebequès, l'única província de majoria francòfona. Altres províncies compten amb un nombre percentual (Nou Brunswick) o absolut (Ontàrio) de francòfons fora del Quebec. Cal tenir en compte que l'estadística només fa referència a les dues llengües oficials, per la qual cosa no es comptabilitzen els parlants d'altres llengües (sobretot les autòctones).

La dada de l'**atur** ens permet constatar que la situació socioeconòmica és molt més fràgil en les províncies atlàntiques on les taxes superen els dos dígits i en algun cas fins i tot dobla la mitjana canadenca. És un escenari al qual he al·ludit reiteradament al llarg d'aquesta recerca. Per contra, en la resta de la federació, el nivell d'atur és més baix, i també en algun cas, es troba relativament a prop de la plena ocupació.

Finalment, pel que fa als **ingressos**, trobem que només tres províncies -si bé sumen el 61% de la població- se situen per damunt de la mitjana (províncies have). De la resta, subratllo la situació del Quebec, que tot i situar-se per sota de la mitjana, no n'està gaire lluny. Respecte a les dades corresponents als territoris, cal atribuir-les a l'enorme volum de les transferències federals que els seus ciutadans reben, més que a una economia realment dinàmica i productiva.

DOCUMENT 1

CANADÀ, PROVÍNCIES I TERRITORIS
POBLACIÓ, LlENGUA, ATUR, INGRESSOS

	POBLACIÓ ¹ (milers)	LlENGUA ²		ATUR ³	INGRESSOS ⁴
		ANGLÈS	FRANCÈS		Canadà=100
TERRANOVA	538.8	99.5%	0.4%	15.2%	90.8
I. PRÍNCIP EDUARD	138.9	95.9%	4.0%	10.0%	77.3
NOVA ESCÒCIA	941.0	96.0%	3.8%	10.1%	85.8
NOU BRUNSWICK	756.6	66.8%	33.0%	10.5%	88.8
QUÈBEC	7.372.4	13.1%	84.6%	8.8%	93.6
ONTÀRIO	11.669.3	92.6%	4.8%	6.0%	107.0
MANITOBA	1.147.9	94.6%	4.2%	5.4%	88.7
SASKATCHEWAN	1.023.6	97.6%	1.8%	5.6%	89.8
ALBERTA	2.997.2	96.7%	2.0%	4.6%	102.7
COLÚMBIA BRITÀNICA	4.063.8	95.7%	1.5%	7.0%	100.1
YUKON	30.7	96.0%	3.6%	n.c.	112.0
T. NORD-OEST	42.1	91.3% ⁵	2.1% ⁵	n.c.	131.1
NUNAVUT	27.7	n.c.	n.c.	n.c.	131.1
CANADÀ	30.750.1	73.4%	24.6%	7.0%	100.0

¹ A 1 de juliol del 2000, **Font:** *Statistics Canada* (www.StatCan/english/Pgdb/People/Population/demo02.htm).

² Llengües Oficials únicament. Parlants. **Font:** **REPORT:2000** (www.ocol-clo.gcca/map_e.htm).

³ Segon Trimestre 2000, **Font:** *Statistics Canada*

⁴ Desembre 2000, **Font:** *Statistics Canada*

⁵ Inclou Nunavut / n.c. (no consta)

DOCUMENT 2

QUEBEC, REGIONS ADMINISTRATIVES, POBLACIÓ, ATUR, INGRESSOS

QUEBEC, LENGUA MATERNAL

POBLACIÓ AUTÒCTONA DEL QUEBEC

Presentació

Aquest document inclou tres quadres que informen d'alguns dels trets més rellevants de la societat quebequesa. En el primer, he optat per presentar les dades

en base a les 17 regions administratives en què es divideix el país. Això permet copsar un dels trets més problemàtics que el travessa: la qüestió regional. El Quebec coneix una enorme diferència en desenvolupament i qualitat de vida en general entre les zones més desenvolupades, on es concentra la major part de la població (Montréal, Quebec i l'Outaouais), i l'anomenat Quebec llunyà, compost per les regions situades fins i tot a milers de quilòmetres de les anteriors, i que es troben en una situació de declivi. Així, regions com la Gaspésie, registren un dels nivells d'atur més alts de tot el Canadà, la qual cosa comporta importants fluxos d'emigració.

El següent quadre, fa referència a la situació lingüística. Aparentment, el Quebec es presenta -vegeu Document 1- com una societat aclaparadorament francòfona. Això no obstant, el fet que els anglòfons i els al·lòfons es concentrin preferentment en la regió metropolitana de Montreal, i de manera encara més clara en l'illa de Montréal, fa que la gran metròpoli quebequesa registri uns percentatges molt diferents dels que es dona al conjunt del Quebec. De fet, històricament, el conflicte lingüístic s'ha donat sempre, de manera preferent a la ciutat de Montreal¹. Després de més de 20 anys de polítiques de francesització,

¹ Durant les dècades centrals del segle XIX, la forta immigració anglòfona -sobretot procedent d'Irlanda- la convertí en una urbs majoritàriament anglòfona. Tanmateix, amb l'accentuació dels processos d'industrialització i urbanització, i particularment, amb el fort moviment de migració camp-ciutat que es donà entre finals del segle XIX i els primers anys del segle XX, féu que centenars de milers de francòfons d'extracció rural emigressin a la metròpoli i capginessin novament l'hegemonia lingüística. Aquesta

no són pocs, però, els que continuen alertant sobre la salut del francès a la metròpoli quebequesa².

Quant al tercer quadre, la població autòctona del Quebec es divideix en dos grups: l'ameríndia i la inuit. El seu pes demogràfic dins el conjunt del Quebec és de només el 0.9%. Com és conegut, les relacions entre les diverses nacions autòctones -reconegudes com a tals- i el govern quebequès no són del tot fluïdes i sovint passen per moments delicats (crisi d'Oka; la lluita dels Cris contra els megaprojectes hidràulics, etc). Tanmateix, existeixen diferències entre aquestes nacions. Així mentre que algunes d'elles empenen també el francès i són proclius al pacte amb el govern de Quebec, cas dels innus o *montagnais*, d'altres s'han destacat per la seva animadversió envers aquest, i per optar per l'anglès com a llengua de comunicació externa. Tampoc es pot oblidar el fet que la competència en afers "indis", segons el llenguatge tradicional, correspon constitucionalment a Ottawa, i sovint s'ha acusat el govern federal de tustar els autòctons contra les reivindicacions nacionalistes del Quebec. Per la seva banda, els inuit propugnen l'establiment d'un nou territori, Nunavuk, al Nord del Quebec, a imatge del recentment constituït Nunavut.

preeminència francòfona, però, fou novament posada en qüestió arran les noves onades migratòries procedents d'Europa. Aquestes, si bé no tenien l'anglès com a llengua materna, sí que el triaven com a llengua de relació amb la societat quebequesa, en detriment del francès. Aquest fet, que tingué especial repercussió en determinats àmbits, com l'ensenyaments, els serveis socio-sanitaris, etc., va alertar als francòfons i originà el fortíssim activisme lingüístic que es desenvolupà a partir dels anys seixanta. L'objectiu era convertir Montréal en una metròpoli francòfona, sobretot pel que feia a l'aspecte visual (rètols urbans i comercials, etc.) i fer del francès la llengua preminent (**LEVINE:1990**). Tot plegat desembocà en les diverses lleis lingüístiques que s'aprovaren en els anys setanta, la més esmentada de les quals és, sense cap mena de dubte, la Llei 101 o Carta de la Llengua Francesa (1977), a la qual hem fet repetides referències al llarg d'aquesta recerca.

² Per altra banda, els contraris a aquestes polítiques, que es presenten com a defensors bé de l'anglès, bé del bilingüisme, no han dubtat en organitzar-se i recórrer a la justícia per combatre-les, sovint amb èxits més que notables que han comportat l'anul·lació d'alguns dels articles més significatius, d'entre d'altres, de la pròpia Llei 101.

DOCUMENT 2

QUÉBEC, REGIONS ADMINISTRATIVES

POBLACIÓ, ATUR, INGRESSOS

	POBLACIÓ (milers)	ATUR ¹	INGRESSOS ¹ Quebec=100
1. BAS-SAINT-LAURENT (Rimouski)	209.565	8.5%	85.6
2. SAGUENAY-LAC ST-JEAN (Chicoutimi)	292.479	10.6%	89.9
3. CAPITALE NATIONALE (Quebec)	645.156	9.2%	105.4
4. MAURICIE (Trois Rivieres)	264.251	10.3%	90.4
5. ESTRIE (Sherbrooke)	288.599	8.4%	94.9
6. MONTREAL (Montréal)	1.799.448	10.0%	110.7
7. OUTAOUAIS (Hull)	318.771	7.0%	95.1
8. ABITIBI-TÉMISCAMINGUE (Val-d'Or)	156.039	12.1%	94.8
9. CÔTE-NORD (Sept-Iles)	103.735	12.2%	97.9
10. NORD-DU-QUÉBEC	39.304	12.2%	75.7
11. GASPÉSIE-IL. MADELINE (Gaspé)	103.799	20.0%	76.5
12. CHAUDIÈRE-APPALACHES (Lévis)	390.131	6.0%	91.1
13. LAVAL (Laval)	346.539	6.6%	107.1
14. LANAUDIÈRE (Repentigny)	396.656	7.2%	95.9
15. LAURENTIDES (Saint-Jérôme)	463.091	7.3%	99.1
16. MONTÉRÉGIE (Longueuil)	1.311.493	6.2%	103.7
17. CENTRE-DU-QUÉBEC (Nicolet)	222.091	8.6%	91.2
QUÉBEC	7.345.390	10.9%	100.0

¹ II Trimestre 2000, FONT:

² II Trimestre 2000, FONT:

QUEBEC, LENGUA MATERNAL, 1991

Conjunt del Quebec	Població: 6.896.000 (aprox.)
- Francès	82.2%
- Anglès	9.7%
- Altres	8.1%
Montreal Metropolità	Població: 3.127.000 (aprox.)
- Francès	68.5%
- Anglès	15.7%
- Altres	15.8%
Illa de Montreal	Població: 1.776.000 (aprox.)
- Francès	56.8%
- Anglès	20.6%
- Altres	22.6%

FONT: Oficina de la llengua francesa (www.olf.gouv.qc.ca)

POBLACIÓ AUTÒCTONA AL QUEBEC, 2000-01

NACIONS	RESIDENTS NO-RESIDENTS		TOTAL
ABENAQUIS (2)	372	1.613	1.985
ALGONQUINS (9)	4.929	3.542	8.471
ATTIKAMEKS (3)	4.492	836	5.328
CRIS (9)	12.388	1.142	13.530
HURONS-WENDATS (1)	1.220	1.661	2.881
INNUS ¹ (9)	10.289	4.203	14.492
MALECITES (2)	2	681	683
MICMACS (3)	2.419	2.187	4.606
MOHAWKS ² (3)	8.461 ²	2.370 ²	15.509
NASKAPIS(1)	734	53	787
ALTRES ³	1	118	119
AMERINDIS	45.307	18.406	63.391
INUITS⁴(15)	8.877	520	9.397
TOTAL	54.184	18.296	77.788

FONT: Secrétariat aux affaires autochtones du Québec (www.mce.gouv.qc.ca)

Nota: Els parèntesis rere el nom de les nacions indiquen el nombre de comunitats existents.

¹ També coneguts com a *Montagnais*; ² Les poblacions totals de residents i no residents no inclouen la comunitat d'Akwesasne; ³ Indis no inscrits i no associats a cap nació; ⁴ També (mal)anomenats esquimals.

DOCUMENT 3

LLEI CONSTITUCIONAL 1867

Presentació

La Llei Constitucional de 1867 (anteriorment coneguda com a Llei de l'Amèrica del Nord Britànica de 1867) ha estat repetidament esmentada al llarg d'aquesta recerca. A continuació es presenta en la seva versió actualitzada a data 31 de desembre del 2000, la qual cosa implica que inclou totes les esmenes que al llarg d'aquests 133 anys s'han aprovat i continuen vigents. També he inclòs els sis annexos (*schedules*) amb el que compta.

El text que presento l'he obtingut de la web del Departament de Justícia del govern federal canadenc (www.justice.gc.ca). Val a dir que les 78 notes figuren al final del Document 4, conjuntament amb les referides a la Llei Constitucional de 1982.



Constitution Acts 1867 to 1982



Department of Justice **Ministère de la Justice**
Canada **Canada**

Français

The Constitution Act, 1867

- I [Preliminary](#)
- II [Union](#)
- III [Executive Power](#)
- IV [Legislative Power](#)
- V [Provincial Constitutions](#)
- VI [Distribution of Legislative Powers](#)
- VII [Judicature](#)
- VIII [Revenues; Debts; Assets; Taxation](#)
- IX [Miscellaneous Provisions](#)
- X [Intercolonial Railway](#)
- XI [Admission of Other Colonies](#)

30 & 31 Victoria, c. 3. (U.K.)

(Consolidated with amendments)

An Act for the Union of Canada, Nova Scotia, and New Brunswick,
and the Government thereof; and for Purposes connected therewith

[*29th March 1867.*]

Whereas the Provinces of Canada, Nova Scotia, and New Brunswick have expressed their Desire to be federally united into One Dominion under the Crown of the United Kingdom of Great Britain and Ireland, with a Constitution similar in Principle to that of the United Kingdom:

And whereas such a Union would conduce to the Welfare of the Provinces and promote the Interests of the British Empire:

And whereas on the Establishment of the Union by Authority of Parliament it is expedient, not only that the Constitution of the Legislative Authority in the Dominion be provided for, but also that the Nature of the Executive Government therein be declared:

And whereas it is expedient that Provision be made for the eventual Admission into the Union of other Parts of British North America: [\(1\)](#)

I. PRELIMINARY

- | | | |
|--------------------|-----------|--|
| Short title | 1. | This Act may be cited as the <i>Constitution Act, 1867</i> . (2) |
| [Repealed] | 2. | Repealed. (3) |

II. UNION

- | | | |
|---|-----------|--|
| Declaration of Union | 3. | It shall be lawful for the Queen, by and with the Advice of Her Majesty's Most Honourable Privy Council, to declare by Proclamation that, on and after a Day therein appointed, not being more than Six Months after the passing of this Act, the Provinces of Canada, Nova Scotia, and New Brunswick shall form and be One Dominion under the Name of Canada; and on and after that Day those Three Provinces shall form and be One Dominion under that Name accordingly. (4) |
| Construction of subsequent Provisions of Act | 4. | Unless it is otherwise expressed or implied, the Name Canada shall be taken to mean Canada as constituted under this Act. (5) |
| Four Provinces | 5. | Canada shall be divided into Four Provinces, named Ontario, Quebec, Nova Scotia, and New Brunswick. (6) |
| Provinces of Ontario and Quebec | 6. | The Parts of the Province of Canada (as it exists at the passing of this Act) which formerly constituted respectively the Provinces of Upper Canada and Lower Canada shall be deemed to be severed, and shall form Two separate Provinces. The Part which formerly constituted the Province of Upper Canada shall constitute the Province of Ontario; and the Part which formerly constituted the Province of Lower Canada shall constitute the Province of Quebec. |
| Provinces of Nova Scotia and New | 7. | The Provinces of Nova Scotia and New Brunswick shall have the same Limits as at the passing of this Act. |

Brunswick

- Decennial Census** **8.** In the general Census of the Population of Canada which is hereby required to be taken in the Year One thousand eight hundred and seventy-one, and in every Tenth Year thereafter, the respective Populations of the Four Provinces shall be distinguished.

III. EXECUTIVE POWER

- Declaration of Executive Power in the Queen** **9.** The Executive Government and Authority of and over Canada is hereby declared to continue and be vested in the Queen.
- Application of Provisions referring to Governor General** **10.** The Provisions of this Act referring to the Governor General extend and apply to the Governor General for the Time being of Canada, or other the Chief Executive Officer or Administrator for the Time being carrying on the Government of Canada on behalf and in the Name of the Queen, by whatever Title he is designated.
- Constitution of Privy Council for Canada** **11.** There shall be a Council to aid and advise in the Government of Canada, to be styled the Queen's Privy Council for Canada; and the Persons who are to be Members of that Council shall be from Time to Time chosen and summoned by the Governor General and sworn in as Privy Councillors, and Members thereof may be from Time to Time removed by the Governor General.
- All Powers under Acts to be exercised by Governor General with Advice of Privy Council, or alone** **12.** All Powers, Authorities, and Functions which under any Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of Upper Canada, Lower Canada, Canada, Nova Scotia, or New Brunswick, are at the Union vested in or exercisable by the respective Governors or Lieutenant Governors of those Provinces, with the Advice, or with the Advice and Consent, of the respective Executive Councils thereof, or in conjunction with those Councils, or with any Number of Members thereof, or by those Governors or Lieutenant Governors individually, shall, as far as the same continue in existence and capable of being exercised after the Union in relation to the Government of Canada, be vested in and exercisable by the Governor General, with the Advice or with the Advice and Consent of or in conjunction with the Queen's Privy Council for Canada, or any Members thereof, or by the Governor General individually, as the Case requires, subject nevertheless (except with respect to such as exist under Acts of the Parliament of Great Britain or of the Parliament of the United Kingdom of Great Britain and Ireland) to be abolished or altered by the Parliament of Canada. ⁽⁷⁾
- Application of Provisions referring to Governor General in Council** **13.** The Provisions of this Act referring to the Governor General in Council shall be construed as referring to the Governor General acting by and with the Advice of the Queen's Privy Council for Canada.
- Power to Her Majesty to authorize Governor General to** **14.** It shall be lawful for the Queen, if Her Majesty thinks fit, to authorize the Governor General from Time to Time to appoint any Person or

- appoint Deputies** any Persons jointly or severally to be his Deputy or Deputies within any Part or Parts of Canada, and in that Capacity to exercise during the Pleasure of the Governor General such of the Powers, Authorities, and Functions of the Governor General as the Governor General deems it necessary or expedient to assign to him or them, subject to any Limitations or Directions expressed or given by the Queen; but the Appointment of such a Deputy or Deputies shall not affect the Exercise by the Governor General himself of any Power, Authority, or Function.
- Command of Armed Forces to continue to be vested in the Queen** **15.** The Command-in-Chief of the Land and Naval Militia, and of all Naval and Military Forces, of and in Canada, is hereby declared to continue and be vested in the Queen.
- Seat of Government of Canada** **16.** Until the Queen otherwise directs, the Seat of Government of Canada shall be Ottawa.

IV. LEGISLATIVE POWER

- Constitution of Parliament of Canada** **17.** There shall be One Parliament for Canada, consisting of the Queen, an Upper House styled the Senate, and the House of Commons.
- Privileges, etc., of Houses** **18.** The privileges, immunities, and powers to be held, enjoyed, and exercised by the Senate and by the House of Commons, and by the members thereof respectively, shall be such as are from time to time defined by Act of the Parliament of Canada, but so that any Act of the Parliament of Canada defining such privileges, immunities, and powers shall not confer any privileges, immunities, or powers exceeding those at the passing of such Act held, enjoyed, and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland, and by the members thereof. [\(8\)](#)
- First Session of the Parliament of Canada** **19.** The Parliament of Canada shall be called together not later than Six Months after the Union. [\(9\)](#)
- [Repealed]** **20.** Repealed. [\(10\)](#)

THE SENATE

- Number of Senators** **21.** The Senate shall, subject to the Provisions of this Act, consist of One Hundred and five Members, who shall be styled Senators. [\(11\)](#)
- Representation of Provinces in Senate** **22.** In relation to the Constitution of the Senate Canada shall be deemed to consist of *Four* Divisions:
1. Ontario;
 2. Quebec;

3. The Maritime Provinces, Nova Scotia and New Brunswick, and Prince Edward Island;
4. The Western Provinces of Manitoba, British Columbia, Saskatchewan, and Alberta;

which Four Divisions shall (subject to the Provisions of this Act) be equally represented in the Senate as follows: Ontario by twenty-four senators; Quebec by twenty-four senators; the Maritime Provinces and Prince Edward Island by twenty-four senators, ten thereof representing Nova Scotia, ten thereof representing New Brunswick, and four thereof representing Prince Edward Island; the Western Provinces by twenty-four senators, six thereof representing Manitoba, six thereof representing British Columbia, six thereof representing Saskatchewan, and six thereof representing Alberta; Newfoundland shall be entitled to be represented in the Senate by six members; the Yukon Territory and the Northwest Territories shall be entitled to be represented in the Senate by one member each.

In the Case of Quebec each of the Twenty-four Senators representing that Province shall be appointed for One of the Twenty-four Electoral Divisions of Lower Canada specified in Schedule A. to Chapter One of the Consolidated Statutes of Canada. [\(12\)](#)

Qualifications of Senator

23. The Qualifications of a Senator shall be as follows:

- (1) He shall be of the full age of Thirty Years:
- (2) He shall be either a natural-born Subject of the Queen, or a Subject of the Queen naturalized by an Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of One of the Provinces of Upper Canada, Lower Canada, Canada, Nova Scotia, or New Brunswick, before the Union, or of the Parliament of Canada after the Union:
- (3) He shall be legally or equitably seised as of Freehold for his own Use and Benefit of Lands or Tenements held in Free and Common Socage, or seised or possessed for his own Use and Benefit of Lands or Tenements held in Franc-alleu or in Roture, within the Province for which he is appointed, of the Value of Four thousand Dollars, over and above all Rents, Dues, Debts, Charges, Mortgages, and Incumbrances due or payable out of or charged on or affecting the same:
- (4) His Real and Personal Property shall be together worth Four thousand Dollars over and above his Debts and Liabilities:
- (5) He shall be resident in the Province for which he is appointed:

(6) In the Case of Quebec he shall have his Real Property Qualification in the Electoral Division for which he is appointed, or shall be resident in that Division. [\(13\)](#)

- Summons of Senator** 24. The Governor General shall from Time to Time, in the Queen's Name, by Instrument under the Great Seal of Canada, summon qualified Persons to the Senate; and, subject to the Provisions of this Act, every Person so summoned shall become and be a Member of the Senate and a Senator.
- [Repealed]** 25. Repealed. [\(14\)](#)
- Addition of Senators in certain cases** 26. If at any Time on the Recommendation of the Governor General the Queen thinks fit to direct that Four or Eight Members be added to the Senate, the Governor General may by Summons to Four or Eight qualified Persons (as the Case may be), representing equally the Four Divisions of Canada, add to the Senate accordingly. [\(15\)](#)
- Reduction of Senate to normal Number** 27. In case of such Addition being at any Time made, the Governor General shall not summon any Person to the Senate, except on a further like Direction by the Queen on the like Recommendation, to represent one of the Four Divisions until such Division is represented by Twenty-four Senators and no more. [\(16\)](#)
- Maximum Number of Senators** 28. The Number of Senators shall not at any Time exceed One Hundred and thirteen. [\(17\)](#)
- Tenure of Place in Senate** 29. (1) Subject to subsection (2), a Senator shall, subject to the provisions of this Act, hold his place in the Senate for life.
- Retirement upon attaining age of seventy-five years** (2) A Senator who is summoned to the Senate after the coming into force of this subsection shall, subject to this Act, hold his place in the Senate until he attains the age of seventy-five years. [\(18\)](#)
- Resignation of Place in Senate** 30. A Senator may by Writing under his Hand addressed to the Governor General resign his Place in the Senate, and thereupon the same shall be vacant.
- Disqualification of Senators** 31. The Place of a Senator shall become vacant in any of the following Cases:
- (1) If for Two consecutive Sessions of the Parliament he fails to give his Attendance in the Senate:
 - (2) If he takes an Oath or makes a Declaration or Acknowledgment of Allegiance, Obedience, or Adherence to a Foreign Power, or does an Act whereby he becomes a Subject or Citizen, or entitled to the Rights or Privileges of a Subject or Citizen, of a Foreign Power:
 - (3) If he is adjudged Bankrupt or Insolvent, or applies for the Benefit of any Law relating to Insolvent Debtors, or becomes a public

Defaulter:

- (4) If he is attainted of Treason or convicted of Felony or of any infamous Crime:
- (5) If he ceases to be qualified in respect of Property or of Residence; provided, that a Senator shall not be deemed to have ceased to be qualified in respect of Residence by reason only of his residing at the Seat of the Government of Canada while holding an Office under that Government requiring his Presence there.

Summons on Vacancy in Senate	32.	When a Vacancy happens in the Senate by Resignation, Death, or otherwise, the Governor General shall by Summons to a fit and qualified Person fill the Vacancy.
Questions as to Qualifications and Vacancies in Senate	33.	If any Question arises respecting the Qualification of a Senator or a Vacancy in the Senate the same shall be heard and determined by the Senate.
Appointment of Speaker of Senate	34.	The Governor General may from Time to Time, by Instrument under the Great Seal of Canada, appoint a Senator to be Speaker of the Senate, and may remove him and appoint another in his Stead. (19)
Quorum of Senate	35.	Until the Parliament of Canada otherwise provides, the Presence of at least Fifteen Senators, including the Speaker, shall be necessary to constitute a Meeting of the Senate for the Exercise of its Powers.
Voting in Senate	36.	Questions arising in the Senate shall be decided by a Majority of Voices, and the Speaker shall in all Cases have a Vote, and when the Voices are equal the Decision shall be deemed to be in the Negative.

THE HOUSE OF COMMONS

Constitution of House of Commons in Canada	37.	The House of Commons shall, subject to the Provisions of this Act, consist of two hundred and ninety-five members of whom ninety-nine shall be elected for Ontario, seventy-five for Quebec, eleven for Nova Scotia, ten for New Brunswick, fourteen for Manitoba, thirty-two for British Columbia, four for Prince Edward Island, twenty-six for Alberta, fourteen for Saskatchewan, seven for Newfoundland, one for the Yukon Territory and two for the Northwest Territories. (20)
Summoning of House of Commons	38.	The Governor General shall from Time to Time, in the Queen's Name, by Instrument under the Great Seal of Canada, summon and call together the House of Commons.
Senators not to sit in House of Commons	39.	A Senator shall not be capable of being elected or of sitting or voting as a Member of the House of Commons.
Electoral districts of the four Provinces	40.	Until the Parliament of Canada otherwise provides, Ontario, Quebec, Nova Scotia, and New Brunswick shall, for the Purposes of the Election of Members to serve in the House of Commons, be divided

into Electoral Districts as follows:

1. Ontario

Ontario shall be divided into the Counties, Ridings of Counties, Cities, Parts of Cities, and Towns enumerated in the First Schedule to this Act, each whereof shall be an Electoral District, each such District as numbered in that Schedule being entitled to return One Member.

2. Quebec

Quebec shall be divided into Sixty-five Electoral Districts, composed of the Sixty-five Electoral Divisions into which Lower Canada is at the passing of this Act divided under Chapter Two of the Consolidated Statutes of Canada, Chapter Seventy-five of the Consolidated Statutes for Lower Canada, and the Act of the Province of Canada of the Twenty-third Year of the Queen, Chapter One, or any other Act amending the same in force at the Union, so that each such Electoral Division shall be for the Purposes of this Act an Electoral District entitled to return One Member.

3. Nova Scotia

Each of the Eighteen Counties of Nova Scotia shall be an Electoral District. The County of Halifax shall be entitled to return Two Members, and each of the other Counties One Member.

4. New Brunswick

Each of the Fourteen Counties into which New Brunswick is divided, including the City and County of St. John, shall be an Electoral District. The City of St. John shall also be a separate Electoral District. Each of those Fifteen Electoral Districts shall be entitled to return One Member. [\(21\)](#)

Continuance of existing Election Laws until Parliament of Canada otherwise provides

- 41.** Until the Parliament of Canada otherwise provides, all Laws in force in the several Provinces at the Union relative to the following Matters or any of them, namely, — the Qualifications and Disqualifications of Persons to be elected or to sit or vote as Members of the House of Assembly or Legislative Assembly in the several Provinces, the Voters at Elections of such Members, the Oaths to be taken by Voters, the Returning Officers, their Powers and Duties, the Proceedings at Elections, the Periods during which Elections may be continued, the Trial of controverted Elections, and Proceedings incident thereto, the vacating of Seats of Members, and the Execution of new Writs in case of Seats vacated otherwise than by Dissolution, — shall respectively apply to Elections of Members to serve in the House of Commons for the same several Provinces.

Provided that, until the Parliament of Canada otherwise provides, at any Election for a Member of the House of Commons for the District of Algoma, in addition to Persons qualified by the Law of the Province of Canada to vote, every Male British Subject, aged Twenty-one Years or upwards, being a Householder, shall have a Vote. [\(22\)](#)

[Repealed]

42.

[\(23\)](#)

Repealed. —

- | | | |
|--|------------|--|
| [Repealed] | 43. | Repealed. (24) |
| As to Election of Speaker of House of Commons | 44. | The House of Commons on its first assembling after a General Election shall proceed with all practicable Speed to elect One of its Members to be Speaker. |
| As to filling up Vacancy in Office of Speaker | 45. | In case of a Vacancy happening in the Office of Speaker by Death, Resignation, or otherwise, the House of Commons shall with all practicable Speed proceed to elect another of its Members to be Speaker. |
| Speaker to preside | 46. | The Speaker shall preside at all Meetings of the House of Commons. |
| Provision in case of Absence of Speaker | 47. | Until the Parliament of Canada otherwise provides, in case of the Absence for any Reason of the Speaker from the Chair of the House of Commons for a Period of Forty-eight consecutive Hours, the House may elect another of its Members to act as Speaker, and the Member so elected shall during the Continuance of such Absence of the Speaker have and execute all the Powers, Privileges, and Duties of Speaker. (25) |
| Quorum of House of Commons | 48. | The Presence of at least Twenty Members of the House of Commons shall be necessary to constitute a Meeting of the House for the Exercise of its Powers, and for that Purpose the Speaker shall be reckoned as a Member. |
| Voting in House of Commons | 49. | Questions arising in the House of Commons shall be decided by a Majority of Voices other than that of the Speaker, and when the Voices are equal, but not otherwise, the Speaker shall have a Vote. |
| Duration of House of Commons | 50. | Every House of Commons shall continue for Five Years from the Day of the Return of the Writs for choosing the House (subject to be sooner dissolved by the Governor General), and no longer. (26) |
| Readjustment of representation in Commons | 51. | (1) The number of members of the House of Commons and the representation of the provinces therein shall, on the coming into force of this subsection and thereafter on the completion of each decennial census, be readjusted by such authority, in such manner, and from such time as the Parliament of Canada from time to time provides, subject and according to the following rules: |

Rules

1. There shall be assigned to each of the provinces a number of members equal to the number obtained by dividing the total population of the provinces by two hundred and seventy-nine and by dividing the population of each province by the quotient so obtained, counting any remainder in excess of 0.50 as one after the said process of division.
2. If the total number of members that would be assigned to a province by the application of rule 1 is less than the total number assigned to that province on the date of coming into force of this subsection, there shall be added to the number of members so assigned such number of members

as will result in the province having the same number of members as were assigned on that date. [\(27\)](#)

**Yukon Territory,
Northwest
Territories and
Nunavut**

(2) The Yukon Territory as bounded and described in the schedule to chapter Y-2 of the Revised Statutes of Canada, 1985, shall be entitled to one member, the Northwest Territories as bounded and described in section 2 of chapter N-27 of the Revised Statutes of Canada, 1985, as amended by section 77 of chapter 28 of the Statutes of Canada, 1993, shall be entitled to one member, and Nunavut as bounded and described in section 3 of chapter 28 of the Statutes of Canada, 1993, shall be entitled to one member. [\(28\)](#)

**Constitution of
House of Commons**

51A. Notwithstanding anything in this Act a province shall always be entitled to a number of members in the House of Commons not less than the number of senators representing such province. [\(29\)](#)

**Increase of Number
of House of
Commons**

52. The Number of Members of the House of Commons may be from Time to Time increased by the Parliament of Canada, provided the proportionate Representation of the Provinces prescribed by this Act is not thereby disturbed.

MONEY VOTES; ROYAL ASSENT

**Appropriation and
Tax Bills**

53. Bills for appropriating any Part of the Public Revenue, or for imposing any Tax or Impost, shall originate in the House of Commons.

**Recommendation of
Money Votes**

54. It shall not be lawful for the House of Commons to adopt or pass any Vote, Resolution, Address, or Bill for the Appropriation of any Part of the Public Revenue, or of any Tax or Impost, to any Purpose that has not been first recommended to that House by Message of the Governor General in the Session in which such Vote, Resolution, Address, or Bill is proposed.

**Royal Assent to
Bills, etc.**

55. Where a Bill passed by the Houses of the Parliament is presented to the Governor General for the Queen's Assent, he shall declare, according to his Discretion, but subject to the Provisions of this Act and to Her Majesty's Instructions, either that he assents thereto in the Queen's Name, or that he withholds the Queen's Assent, or that he reserves the Bill for the Signification of the Queen's Pleasure.

**Disallowance by
Order in Council of
Act assented to by
Governor General**

56. Where the Governor General assents to a Bill in the Queen's Name, he shall by the first convenient Opportunity send an authentic Copy of the Act to One of Her Majesty's Principal Secretaries of State, and if the Queen in Council within Two Years after Receipt thereof by the Secretary of State thinks fit to disallow the Act, such Disallowance (with a Certificate of the Secretary of State of the Day on which the Act was received by him) being signified by the Governor General, by Speech or Message to each of the Houses of the Parliament or by Proclamation, shall annul the Act from and after the Day of such Signification.

Signification of Queen's Pleasure on Bill reserved

- 57.** A Bill reserved for the Signification of the Queen's Pleasure shall not have any Force unless and until, within Two Years from the Day on which it was presented to the Governor General for the Queen's Assent, the Governor General signifies, by Speech or Message to each of the Houses of the Parliament or by Proclamation, that it has received the Assent of the Queen in Council.

An Entry of every such Speech, Message, or Proclamation shall be made in the Journal of each House, and a Duplicate thereof duly attested shall be delivered to the proper Officer to be kept among the Records of Canada.

V. PROVINCIAL CONSTITUTIONS

EXECUTIVE POWER

Appointment of Lieutenant Governors of Provinces

- 58.** For each Province there shall be an Officer, styled the Lieutenant Governor, appointed by the Governor General in Council by Instrument under the Great Seal of Canada.

Tenure of Office of Lieutenant Governor

- 59.** A Lieutenant Governor shall hold Office during the Pleasure of the Governor General; but any Lieutenant Governor appointed after the Commencement of the First Session of the Parliament of Canada shall not be removeable within Five Years from his Appointment, except for Cause assigned, which shall be communicated to him in Writing within One Month after the Order for his Removal is made, and shall be communicated by Message to the Senate and to the House of Commons within One Week thereafter if the Parliament is then sitting, and if not then within One Week after the Commencement of the next Session of the Parliament.

Salaries of Lieutenant Governors

- 60.** The Salaries of the Lieutenant Governors shall be fixed and provided by the Parliament of Canada. [\(30\)](#)

Oaths, etc., of Lieutenant Governor

- 61.** Every Lieutenant Governor shall, before assuming the Duties of his Office, make and subscribe before the Governor General or some Person authorized by him Oaths of Allegiance and Office similar to those taken by the Governor General.

Application of Provisions referring to Lieutenant Governor

- 62.** The Provisions of this Act referring to the Lieutenant Governor extend and apply to the Lieutenant Governor for the Time being of each Province, or other the Chief Executive Officer or Administrator for the Time being carrying on the Government of the Province, by whatever Title he is designated.

Appointment of Executive Officers for Ontario and Quebec

- 63.** The Executive Council of Ontario and of Quebec shall be composed of such Persons as the Lieutenant Governor from Time to Time thinks fit, and in the first instance of the following Officers, namely, — the Attorney General, the Secretary and Registrar of the Province, the Treasurer of the Province, the Commissioner of Crown Lands, and

the Commissioner of Agriculture and Public Works, with in Quebec the Speaker of the Legislative Council and the Solicitor General. [\(31\)](#)

- | | | |
|---|------------|---|
| Executive Government of Nova Scotia and New Brunswick | 64. | The Constitution of the Executive Authority in each of the Provinces of Nova Scotia and New Brunswick shall, subject to the Provisions of this Act, continue as it exists at the Union until altered under the Authority of this Act. (32) |
| Powers to be exercised by Lieutenant Governor of Ontario or Quebec with Advice, or alone | 65. | All Powers, Authorities, and Functions which under any Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of Upper Canada, Lower Canada, or Canada, were or are before or at the Union vested in or exercisable by the respective Governors or Lieutenant Governors of those Provinces, with the Advice or with the Advice and Consent of the respective Executive Councils thereof, or in conjunction with those Councils, or with any Number of Members thereof, or by those Governors or Lieutenant Governors individually, shall, as far as the same are capable of being exercised after the Union in relation to the Government of Ontario and Quebec respectively, be vested in and shall or may be exercised by the Lieutenant Governor of Ontario and Quebec respectively, with the Advice or with the Advice and Consent of or in conjunction with the respective Executive Councils, or any Members thereof, or by the Lieutenant Governor individually, as the Case requires, subject nevertheless (except with respect to such as exist under Acts of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland,) to be abolished or altered by the respective Legislatures of Ontario and Quebec. (33) |
| Application of Provisions referring to Lieutenant Governor in Council | 66. | The Provisions of this Act referring to the Lieutenant Governor in Council shall be construed as referring to the Lieutenant Governor of the Province acting by and with the Advice of the Executive Council thereof. |
| Administration in Absence, etc., of Lieutenant Governor | 67. | The Governor General in Council may from Time to Time appoint an Administrator to execute the Office and Functions of Lieutenant Governor during his Absence, Illness, or other Inability. |
| Seats of Provincial Governments | 68. | Unless and until the Executive Government of any Province otherwise directs with respect to that Province, the Seats of Government of the Provinces shall be as follows, namely, — of Ontario, the City of Toronto; of Quebec, the City of Quebec; of Nova Scotia, the City of Halifax; and of New Brunswick, the City of Fredericton. |

LEGISLATIVE POWER

1. ONTARIO

- | | | |
|--------------------------------|------------|--|
| Legislature for Ontario | 69. | There shall be a Legislature for Ontario consisting of the Lieutenant Governor and of One House, styled the Legislative Assembly of Ontario. |
| Electoral districts | 70. | The Legislative Assembly of Ontario shall be composed of |

Eighty-two Members, to be elected to represent the Eighty-two Electoral Districts set forth in the First Schedule to this Act. [\(34\)](#)

2. QUEBEC

- | | | |
|---|------------|--|
| Legislature for Quebec | 71. | There shall be a Legislature for Quebec consisting of the Lieutenant Governor and of Two Houses, styled the Legislative Council of Quebec and the Legislative Assembly of Quebec. (35) |
| Constitution of Legislative Council | 72. | The Legislative Council of Quebec shall be composed of Twenty-four Members, to be appointed by the Lieutenant Governor, in the Queen's Name, by Instrument under the Great Seal of Quebec, one being appointed to represent each of the Twenty-four Electoral Divisions of Lower Canada in this Act referred to, and each holding Office for the Term of his Life, unless the Legislature of Quebec otherwise provides under the Provisions of this Act. |
| Qualification of Legislative Councillors | 73. | The Qualifications of the Legislative Councillors of Quebec shall be the same as those of the Senators for Quebec. |
| Resignation, Disqualification, etc. | 74. | The Place of a Legislative Councillor of Quebec shall become vacant in the Cases, <i>mutatis mutandis</i> , in which the Place of Senator becomes vacant. |
| Vacancies | 75. | When a Vacancy happens in the Legislative Council of Quebec by Resignation, Death, or otherwise, the Lieutenant Governor, in the Queen's Name, by Instrument under the Great Seal of Quebec, shall appoint a fit and qualified Person to fill the Vacancy. |
| Questions as to Vacancies, etc. | 76. | If any Question arises respecting the Qualification of a Legislative Councillor of Quebec, or a Vacancy in the Legislative Council of Quebec, the same shall be heard and determined by the Legislative Council. |
| Speaker of Legislative Council | 77. | The Lieutenant Governor may from Time to Time, by Instrument under the Great Seal of Quebec, appoint a Member of the Legislative Council of Quebec to be Speaker thereof, and may remove him and appoint another in his Stead. |
| Quorum of Legislative Council | 78. | Until the Legislature of Quebec otherwise provides, the Presence of at least Ten Members of the Legislative Council, including the Speaker, shall be necessary to constitute a Meeting for the Exercise of its Powers. |
| Voting in Legislative Council | 79. | Questions arising in the Legislative Council of Quebec shall be decided by a Majority of Voices, and the Speaker shall in all Cases have a Vote, and when the Voices are equal the Decision shall be deemed to be in the Negative. |
| Constitution of Legislative Assembly of Quebec | 80. | The Legislative Assembly of Quebec shall be composed of Sixty-five Members, to be elected to represent the Sixty-five Electoral Divisions or Districts of Lower Canada in this Act referred to, subject to Alteration thereof by the Legislature of Quebec: Provided that it shall not be lawful to present to the Lieutenant |

Governor of Quebec for Assent any Bill for altering the Limits of any of the Electoral Divisions or Districts mentioned in the Second Schedule to this Act, unless the Second and Third Readings of such Bill have been passed in the Legislative Assembly with the Concurrence of the Majority of the Members representing all those Electoral Divisions or Districts, and the Assent shall not be given to such Bill unless an Address has been presented by the Legislative Assembly to the Lieutenant Governor stating that it has been so passed. [\(36\)](#)

3. ONTARIO AND QUEBEC

- | | | |
|--|------------|--|
| [Repealed] | 81. | Repealed. (37) |
| Summoning of Legislative Assemblies | 82. | The Lieutenant Governor of Ontario and of Quebec shall from Time to Time, in the Queen's Name, by Instrument under the Great Seal of the Province, summon and call together the Legislative Assembly of the Province. |
| Restriction on election of Holders of offices | 83. | Until the Legislature of Ontario or of Quebec otherwise provides, a Person accepting or holding in Ontario or in Quebec any Office, Commission, or Employment, permanent or temporary, at the Nomination of the Lieutenant Governor, to which an annual Salary, or any Fee, Allowance, Emolument, or Profit of any Kind or Amount whatever from the Province is attached, shall not be eligible as a Member of the Legislative Assembly of the respective Province, nor shall he sit or vote as such; but nothing in this Section shall make ineligible any Person being a Member of the Executive Council of the respective Province, or holding any of the following Offices, that is to say, the Offices of Attorney General, Secretary and Registrar of the Province, Treasurer of the Province, Commissioner of Crown Lands, and Commissioner of Agriculture and Public Works, and in Quebec Solicitor General, or shall disqualify him to sit or vote in the House for which he is elected, provided he is elected while holding such Office. (38) |
| Continuance of existing Election Laws | 84. | Until the legislatures of Ontario and Quebec respectively otherwise provide, all Laws which at the Union are in force in those Provinces respectively, relative to the following Matters, or any of them, namely, — the Qualifications and Disqualifications of Persons to be elected or to sit or vote as Members of the Assembly of Canada, the Qualifications or Disqualifications of Voters, the Oaths to be taken by Voters, the Returning Officers, their Powers and Duties, the Proceedings at Elections, the Periods during which such Elections may be continued, and the Trial of controverted Elections and the Proceedings incident thereto, the vacating of the Seats of Members and the issuing and execution of new Writs in case of Seats vacated otherwise than by Dissolution, — shall respectively apply to Elections of Members to serve in the respective Legislative Assemblies of Ontario and Quebec. |

Provided that, until the Legislature of Ontario otherwise provides, at

any Election for a Member of the Legislative Assembly of Ontario for the District of Algoma, in addition to Persons qualified by the Law of the Province of Canada to vote, every Male British Subject, aged Twenty-one Years or upwards, being a Householder, shall have a Vote. ⁽³⁹⁾

- | | | |
|---|------------|---|
| Duration of Legislative Assemblies | 85. | Every Legislative Assembly of Ontario and every Legislative Assembly of Quebec shall continue for Four Years from the Day of the Return of the Writs for choosing the same (subject nevertheless to either the Legislative Assembly of Ontario or the Legislative Assembly of Quebec being sooner dissolved by the Lieutenant Governor of the Province), and no longer. ⁽⁴⁰⁾ |
| Yearly Session of Legislature | 86. | There shall be a Session of the Legislature of Ontario and of that of Quebec once at least in every Year, so that Twelve Months shall not intervene between the last Sitting of the Legislature in each Province in one Session and its first Sitting in the next Session. ⁽⁴¹⁾ |
| Speaker, Quorum, etc. | 87. | The following Provisions of this Act respecting the House of Commons of Canada shall extend and apply to the Legislative Assemblies of Ontario and Quebec, that is to say, — the Provisions relating to the Election of a Speaker originally and on Vacancies, the Duties of the Speaker, the Absence of the Speaker, the Quorum, and the Mode of voting, as if those Provisions were here re-enacted and made applicable in Terms to each such Legislative Assembly. |

4. NOVA SCOTIA AND NEW BRUNSWICK

- | | | |
|---|------------|---|
| Constitutions of Legislatures of Nova Scotia and New Brunswick | 88. | The Constitution of the Legislature of each of the Provinces of Nova Scotia and New Brunswick shall, subject to the Provisions of this Act, continue as it exists at the Union until altered under the Authority of this Act. ⁽⁴²⁾ |
|---|------------|---|

5. ONTARIO, QUEBEC, AND NOVA SCOTIA

- | | | |
|-------------------|------------|---------------------------|
| [Repealed] | 89. | Repealed. ⁽⁴³⁾ |
|-------------------|------------|---------------------------|

6. THE FOUR PROVINCES

- | | | |
|---|------------|--|
| Application to Legislatures of Provisions respecting Money Votes, etc. | 90. | The following Provisions of this Act respecting the Parliament of Canada, namely, — the Provisions relating to Appropriation and Tax Bills, the Recommendation of Money Votes, the Assent to Bills, the Disallowance of Acts, and the Signification of Pleasure on Bills reserved, — shall extend and apply to the Legislatures of the several Provinces as if those Provisions were here re-enacted and made applicable in Terms to the respective Provinces and the Legislatures |
|---|------------|--|

thereof, with the Substitution of the Lieutenant Governor of the Province for the Governor General, of the Governor General for the Queen and for a Secretary of State, of One Year for Two Years, and of the Province for Canada.

VI. DISTRIBUTION OF LEGISLATIVE POWERS

POWERS OF THE PARLIAMENT

**Legislative
Authority of
Parliament of
Canada**

91. It shall be lawful for the Queen, by and with the Advice and Consent of the Senate and House of Commons, to make Laws for the Peace, Order, and good Government of Canada, in relation to all Matters not coming within the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces; and for greater Certainty, but not so as to restrict the Generality of the foregoing Terms of this Section, it is hereby declared that (notwithstanding anything in this Act) the exclusive Legislative Authority of the Parliament of Canada extends to all Matters coming within the Classes of Subjects next hereinafter enumerated; that is to say,

1. Repealed. [\(44\)](#)
- 1A. The Public Debt and Property. [\(45\)](#)
2. The Regulation of Trade and Commerce.
- 2A. Unemployment insurance. [\(46\)](#)
3. The raising of Money by any Mode or System of Taxation.
4. The borrowing of Money on the Public Credit.
5. Postal Service.
6. The Census and Statistics.
7. Militia, Military and Naval Service, and Defence.
8. The fixing of and providing for the Salaries and Allowances of Civil and other Officers of the Government of Canada.
9. Beacons, Buoys, Lighthouses, and Sable Island.
10. Navigation and Shipping.
11. Quarantine and the Establishment and Maintenance of Marine Hospitals.
12. Sea Coast and Inland Fisheries.
13. Ferries between a Province and any British or Foreign Country or between Two Provinces.
14. Currency and Coinage.
15. Banking, Incorporation of Banks, and the Issue of Paper Money.
16. Savings Banks.

17. Weights and Measures.
18. Bills of Exchange and Promissory Notes.
19. Interest.
20. Legal Tender.
21. Bankruptcy and Insolvency.
22. Patents of Invention and Discovery.
23. Copyrights.
24. Indians, and Lands reserved for the Indians.
25. Naturalization and Aliens.
26. Marriage and Divorce.
27. The Criminal Law, except the Constitution of Courts of Criminal Jurisdiction, but including the Procedure in Criminal Matters.
28. The Establishment, Maintenance, and Management of Penitentiaries.
29. Such Classes of Subjects as are expressly excepted in the Enumeration of the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces.

And any Matter coming within any of the Classes of Subjects enumerated in this Section shall not be deemed to come within the Class of Matters of a local or private Nature comprised in the Enumeration of the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces. ⁽⁴⁷⁾

EXCLUSIVE POWERS OF PROVINCIAL LEGISLATURES

Subjects of exclusive Provincial Legislation 92.

In each Province the Legislature may exclusively make Laws in relation to Matters coming within the Classes of Subjects next hereinafter enumerated; that is to say,

1. Repealed. ⁽⁴⁸⁾
2. Direct Taxation within the Province in order to the raising of a Revenue for Provincial Purposes.
3. The borrowing of Money on the sole Credit of the Province
4. The Establishment and Tenure of Provincial Offices and the Appointment and Payment of Provincial Officers.
5. The Management and Sale of the Public Lands belonging to the Province and of the Timber and Wood thereon.
6. The Establishment, Maintenance, and Management of Public and Reformatory Prisons in and for the Province.

7. The Establishment, Maintenance, and Management of Hospitals, Asylums, Charities, and Eleemosynary Institutions in and for the Province, other than Marine Hospitals.
8. Municipal Institutions in the Province.
9. Shop, Saloon, Tavern, Auctioneer, and other Licences in order to the raising of a Revenue for Provincial, Local, or Municipal Purposes.
10. Local Works and Undertakings other than such as are of the following Classes:
 - (a) Lines of Steam or other Ships, Railways, Canals, Telegraphs, and other Works and Undertakings connecting the Province with any other or others of the Provinces, or extending beyond the Limits of the Province:
 - (b) Lines of Steam Ships between the Province and any British or Foreign Country:
 - (c) Such Works as, although wholly situate within the Province, are before or after their Execution declared by the Parliament of Canada to be for the general Advantage of Canada or for the Advantage of Two or more of the Provinces.
11. The Incorporation of Companies with Provincial Objects.
12. The Solemnization of Marriage in the Province.
13. Property and Civil Rights in the Province.
14. The Administration of Justice in the Province, including the Constitution, Maintenance, and Organization of Provincial Courts, both of Civil and of Criminal Jurisdiction, and including Procedure in Civil Matters in those Courts.
15. The Imposition of Punishment by Fine, Penalty, or Imprisonment for enforcing any Law of the Province made in relation to any Matter coming within any of the Classes of Subjects enumerated in this Section.
16. Generally all Matters of a merely local or private Nature in the Province.

NON-RENEWABLE NATURAL RESOURCES, FORESTRY RESOURCES AND ELECTRICAL ENERGY

- | | |
|--|---|
| Laws respecting non-renewable natural resources, forestry resources and electrical energy | <p>92A. (1) In each province, the legislature may exclusively make laws in relation to</p> <ul style="list-style-type: none"> (a) exploration for non-renewable natural resources in the province; (b) development, conservation and management of non-renewable natural resources and forestry resources in the province, including laws in relation to the rate of primary production therefrom; and (c) development, conservation and management of sites and facilities in the province for the generation and production of electrical energy. |
| Export from provinces of resources | <p>(2) In each province, the legislature may make laws in relation to the export from the province to another part of Canada of the primary production from non-renewable natural resources and forestry resources in the province and the production from facilities in the province for the generation of electrical energy, but such laws may not authorize or provide for discrimination in prices or in supplies exported to another part of Canada.</p> |
| Authority of Parliament | <p>(3) Nothing in subsection (2) derogates from the authority of Parliament to enact laws in relation to the matters referred to in that subsection and, where such a law of Parliament and a law of a province conflict, the law of Parliament prevails to the extent of the conflict.</p> |
| Taxation of resources | <p>(4) In each province, the legislature may make laws in relation to the raising of money by any mode or system of taxation in respect of</p> <ul style="list-style-type: none"> (a) non-renewable natural resources and forestry resources in the province and the primary production therefrom, and (b) sites and facilities in the province for the generation of electrical energy and the production therefrom, <p>whether or not such production is exported in whole or in part from the province, but such laws may not authorize or provide for taxation that differentiates between production exported to another part of Canada and production not exported from the province.</p> |
| "Primary production" | <p>(5) The expression "primary production" has the meaning assigned by the Sixth Schedule.</p> |
| Existing powers or rights | <p>(6) Nothing in subsections (1) to (5) derogates from any powers or rights that a legislature or government of a province had immediately before the coming into force of this section. ⁽⁴⁹⁾</p> |

EDUCATION**Legislation
respecting Education**

93. In and for each Province the Legislature may exclusively make Laws in relation to Education, subject and according to the following Provisions:

- (1) Nothing in any such Law shall prejudicially affect any Right or Privilege with respect to Denominational Schools which any Class of Persons have by Law in the Province at the Union:
- (2) All the Powers, Privileges, and Duties at the Union by Law conferred and imposed in Upper Canada on the Separate Schools and School Trustees of the Queen's Roman Catholic Subjects shall be and the same are hereby extended to the Dissident Schools of the Queen's Protestant and Roman Catholic Subjects in Quebec:
- (3) Where in any Province a System of Separate or Dissident Schools exists by Law at the Union or is thereafter established by the Legislature of the Province, an Appeal shall lie to the Governor General in Council from any Act or Decision of any Provincial Authority affecting any Right or Privilege of the Protestant or Roman Catholic Minority of the Queen's Subjects in relation to Education:
- (4) In case any such Provincial Law as from Time to Time seems to the Governor General in Council requisite for the due Execution of the Provisions of this Section is not made, or in case any Decision of the Governor General in Council on any Appeal under this Section is not duly executed by the proper Provincial Authority in that Behalf, then and in every such Case, and as far only as the Circumstances of each Case require, the Parliament of Canada may make remedial Laws for the due Execution of the Provisions of this Section and of any Decision of the Governor General in Council under this Section. [\(50\)](#)

Quebec

93A. Paragraphs (1) to (4) of section 93 do not apply to Quebec. [\(50.1\)](#)

**UNIFORMITY OF LAWS IN ONTARIO,
NOVA SCOTIA, AND NEW BRUNSWICK**

**Legislation for
Uniformity of Laws
in Three Provinces**

- 94.** Notwithstanding anything in this Act, the Parliament of Canada may make Provision for the Uniformity of all or any of the Laws relative to Property and Civil Rights in Ontario, Nova Scotia, and New Brunswick, and of the Procedure of all or any of the Courts in those Three Provinces, and from and after the passing of any Act in that Behalf the Power of the Parliament of Canada to make Laws in relation to any Matter comprised in any such Act shall, notwithstanding anything in this Act, be unrestricted; but any Act of the Parliament of Canada making Provision for such Uniformity shall not have effect in any Province unless and until it is adopted and enacted as Law by the Legislature thereof.

OLD AGE PENSIONS

**Legislation
respecting old age
pensions and
supplementary
benefits**

- 94A.** The Parliament of Canada may make laws in relation to old age pensions and supplementary benefits, including survivors' and disability benefits irrespective of age, but no such law shall affect the operation of any law present or future of a provincial legislature in relation to any such matter. [\(51\)](#)

AGRICULTURE AND IMMIGRATION

**Concurrent Powers
of Legislation
respecting
Agriculture, etc.**

- 95.** In each Province the Legislature may make Laws in relation to Agriculture in the Province, and to Immigration into the Province; and it is hereby declared that the Parliament of Canada may from Time to Time make Laws in relation to Agriculture in all or any of the Provinces, and to Immigration into all or any of the Provinces; and any Law of the Legislature of a Province relative to Agriculture or to Immigration shall have effect in and for the Province as long and as far only as it is not repugnant to any Act of the Parliament of Canada.

VII. JUDICATURE

**Appointment of
Judges**

- 96.** The Governor General shall appoint the Judges of the Superior, District, and County Courts in each Province, except those of the Courts of Probate in Nova Scotia and New Brunswick.

**Selection of Judges
in Ontario, etc.**

- 97.** Until the Laws relative to Property and Civil Rights in Ontario, Nova Scotia, and New Brunswick, and the Procedure of the Courts in those Provinces, are made uniform, the Judges of the Courts of those Provinces appointed by the Governor General shall be selected from the respective Bars of those Provinces.

**Selection of Judges
in Quebec**

- 98.** The Judges of the Courts of Quebec shall be selected from the Bar of that Province.

- Tenure of office of Judges** **99.** (1) Subject to subsection two of this section, the Judges of the Superior Courts shall hold office during good behaviour, but shall be removable by the Governor General on Address of the Senate and House of Commons.
- Termination at age 75** (2) A Judge of a Superior Court, whether appointed before or after the coming into force of this section, shall cease to hold office upon attaining the age of seventy-five years, or upon the coming into force of this section if at that time he has already attained that age. [\(52\)](#)
- Salaries, etc., of Judges** **100.** The Salaries, Allowances, and Pensions of the Judges of the Superior, District, and County Courts (except the Courts of Probate in Nova Scotia and New Brunswick), and of the Admiralty Courts in Cases where the Judges thereof are for the Time being paid by Salary, shall be fixed and provided by the Parliament of Canada. [\(53\)](#)
- General Court of Appeal, etc.** **101.** The Parliament of Canada may, notwithstanding anything in this Act, from Time to Time provide for the Constitution, Maintenance, and Organization of a General Court of Appeal for Canada, and for the Establishment of any additional Courts for the better Administration of the Laws of Canada. [\(54\)](#)

VIII. REVENUES; DEBTS; ASSETS; TAXATION

- Creation of Consolidated Revenue Fund** **102.** All Duties and Revenues over which the respective Legislatures of Canada, Nova Scotia, and New Brunswick before and at the Union had and have Power of Appropriation, except such Portions thereof as are by this Act reserved to the respective Legislatures of the Provinces, or are raised by them in accordance with the special Powers conferred on them by this Act, shall form One Consolidated Revenue Fund, to be appropriated for the Public Service of Canada in the Manner and subject to the Charges in this Act provided.
- Expenses of Collection, etc.** **103.** The Consolidated Revenue Fund of Canada shall be permanently charged with the Costs, Charges, and Expenses incident to the Collection, Management, and Receipt thereof, and the same shall form the First Charge thereon, subject to be reviewed and audited in such Manner as shall be ordered by the Governor General in Council until the Parliament otherwise provides.
- Interest of Provincial Public Debts** **104.** The annual Interest of the Public Debts of the several Provinces of Canada, Nova Scotia, and New Brunswick at the Union shall form the Second Charge on the Consolidated Revenue Fund of Canada.
- Salary of Governor General** **105.** Unless altered by the Parliament of Canada, the Salary of the Governor General shall be Ten thousand Pounds Sterling Money of the United Kingdom of Great Britain and Ireland, payable out of the Consolidated Revenue Fund of Canada, and the same shall form the Third Charge thereon. [\(55\)](#)
- Appropriation from Time to Time** **106.** Subject to the several Payments by this Act charged on the Consolidated Revenue Fund of Canada, the same shall be appropriated by the Parliament of Canada for the Public Service.

- Transfer of Stocks, etc.** **107.** All Stocks, Cash, Banker's Balances, and Securities for Money belonging to each Province at the Time of the Union, except as in this Act mentioned, shall be the Property of Canada, and shall be taken in Reduction of the Amount of the respective Debts of the Provinces at the Union.
- Transfer of Property in Schedule** **108.** The Public Works and Property of each Province, enumerated in the Third Schedule to this Act, shall be the Property of Canada.
- Property in Lands, Mines, etc.** **109.** All Lands, Mines, Minerals, and Royalties belonging to the several Provinces of Canada, Nova Scotia, and New Brunswick at the Union, and all Sums then due or payable for such Lands, Mines, Minerals, or Royalties, shall belong to the several Provinces of Ontario, Quebec, Nova Scotia, and New Brunswick in which the same are situate or arise, subject to any Trusts existing in respect thereof, and to any Interest other than that of the Province in the same. [\(56\)](#)
- Assets connected with Provincial Debts** **110.** All Assets connected with such Portions of the Public Debt of each Province as are assumed by that Province shall belong to that Province.
- Canada to be liable for Provincial Debts** **111.** Canada shall be liable for the Debts and Liabilities of each Province existing at the Union.
- Debts of Ontario and Quebec** **112.** Ontario and Quebec conjointly shall be liable to Canada for the Amount (if any) by which the Debt of the Province of Canada exceeds at the Union Sixty-two million five hundred thousand Dollars, and shall be charged with Interest at the Rate of Five per Centum per Annum thereon.
- Assets of Ontario and Quebec** **113.** The Assets enumerated in the Fourth Schedule to this Act belonging at the Union to the Province of Canada shall be the Property of Ontario and Quebec conjointly.
- Debt of Nova Scotia** **114.** Nova Scotia shall be liable to Canada for the Amount (if any) by which its Public Debt exceeds at the Union Eight million Dollars, and shall be charged with Interest at the Rate of Five per Centum per Annum thereon. [\(57\)](#)
- Debt of New Brunswick** **115.** New Brunswick shall be liable to Canada for the Amount (if any) by which its Public Debt exceeds at the Union Seven million Dollars, and shall be charged with Interest at the Rate of Five per Centum per Annum thereon.
- Payment of interest to Nova Scotia and New Brunswick** **116.** In case the Public Debts of Nova Scotia and New Brunswick do not at the Union amount to Eight million and Seven million Dollars respectively, they shall respectively receive by half -yearly Payments in advance from the Government of Canada Interest at Five per Centum per Annum on the Difference between the actual Amounts of their respective Debts and such stipulated Amounts.
- Provincial Public Property** **117.** The several Provinces shall retain all their respective Public Property not otherwise disposed of in this Act, subject to the Right of Canada to assume any Lands or Public Property required for Fortifications or for the Defence of the Country.

- [Repealed]** **118.** Repealed. [\(58\)](#)
- Further Grant to
New Brunswick** **119.** New Brunswick shall receive by half-yearly Payments in advance from Canada for the Period of Ten Years from the Union an additional Allowance of Sixty-three thousand Dollars per Annum; but as long as the Public Debt of that Province remains under Seven million Dollars, a Deduction equal to the Interest at Five per Centum per Annum on such Deficiency shall be made from that Allowance of Sixty-three thousand Dollars. [\(59\)](#)
- Form of Payments** **120.** All Payments to be made under this Act, or in discharge of Liabilities created under any Act of the Provinces of Canada, Nova Scotia, and New Brunswick respectively, and assumed by Canada, shall, until the Parliament of Canada otherwise directs, be made in such Form and Manner as may from Time to Time be ordered by the Governor General in Council.
- Canadian
Manufactures, etc.** **121.** All Articles of the Growth, Produce, or Manufacture of any one of the Provinces shall, from and after the Union, be admitted free into each of the other Provinces.
- Continuance of
Customs and Excise
Laws** **122.** The Customs and Excise Laws of each Province shall, subject to the Provisions of this Act, continue in force until altered by the Parliament of Canada. [\(60\)](#)
- Exportation and
Importation as
between Two
Provinces** **123.** Where Customs Duties are, at the Union, leviable on any Goods, Wares, or Merchandises in any Two Provinces, those Goods, Wares, and Merchandises may, from and after the Union, be imported from one of those Provinces into the other of them on Proof of Payment of the Customs Duty leviable thereon in the Province of Exportation, and on Payment of such further Amount (if any) of Customs Duty as is leviable thereon in the Province of Importation. [\(61\)](#)
- Lumber Dues in
New Brunswick** **124.** Nothing in this Act shall affect the Right of New Brunswick to levy the Lumber Dues provided in Chapter Fifteen of Title Three of the Revised Statutes of New Brunswick, or in any Act amending that Act before or after the Union, and not increasing the Amount of such Dues; but the Lumber of any of the Provinces other than New Brunswick shall not be subject to such Dues. [\(62\)](#)
- Exemption of Public
Lands, etc.** **125.** No Lands or Property belonging to Canada or any Province shall be liable to Taxation.
- Provincial
Consolidated
Revenue Fund** **126.** Such Portions of the Duties and Revenues over which the respective Legislatures of Canada, Nova Scotia, and New Brunswick had before the Union Power of Appropriation as are by this Act reserved to the respective Governments or Legislatures of the Provinces, and all Duties and Revenues raised by them in accordance with the special Powers conferred upon them by this Act, shall in each Province form One Consolidated Revenue Fund to be appropriated for the Public Service of the Province.

IX. MISCELLANEOUS PROVISIONS

GENERAL

- | | | |
|---|-------------|---|
| [Repealed] | 127. | Repealed. (63) |
| Oath of Allegiance, etc. | 128. | Every Member of the Senate or House of Commons of Canada shall before taking his Seat therein take and subscribe before the Governor General or some Person authorized by him, and every Member of a Legislative Council or Legislative Assembly of any Province shall before taking his Seat therein take and subscribe before the Lieutenant Governor of the Province or some Person authorized by him, the Oath of Allegiance contained in the Fifth Schedule to this Act; and every Member of the Senate of Canada and every Member of the Legislative Council of Quebec shall also, before taking his Seat therein, take and subscribe before the Governor General, or some Person authorized by him, the Declaration of Qualification contained in the same Schedule. |
| Continuance of existing Laws, Courts, Officers, etc. | 129. | Except as otherwise provided by this Act, all Laws in force in Canada, Nova Scotia, or New Brunswick at the Union, and all Courts of Civil and Criminal Jurisdiction, and all legal Commissions, Powers, and Authorities, and all Officers, Judicial, Administrative, and Ministerial, existing therein at the Union, shall continue in Ontario, Quebec, Nova Scotia, and New Brunswick respectively, as if the Union had not been made; subject nevertheless (except with respect to such as are enacted by or exist under Acts of the Parliament of Great Britain or of the Parliament of the United Kingdom of Great Britain and Ireland), to be repealed, abolished, or altered by the Parliament of Canada, or by the Legislature of the respective Province, according to the Authority of the Parliament or of that Legislature under this Act. (64) |
| Transfer of Officers to Canada | 130. | Until the Parliament of Canada otherwise provides, all Officers of the several Provinces having Duties to discharge in relation to Matters other than those coming within the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces shall be Officers of Canada, and shall continue to discharge the Duties of their respective Offices under the same Liabilities, Responsibilities, and Penalties as if the Union had not been made. (65) |
| Appointment of new Officers | 131. | Until the Parliament of Canada otherwise provides, the Governor General in Council may from Time to Time appoint such Officers as the Governor General in Council deems necessary or proper for the effectual Execution of this Act. |
| Treaty Obligations | 132. | The Parliament and Government of Canada shall have all Powers necessary or proper for performing the Obligations of Canada or of any Province thereof, as Part of the British Empire, towards Foreign Countries, arising under Treaties between the Empire and such Foreign Countries. |
| Use of English and French Languages | 133. | Either the English or the French Language may be used by any Person in the Debates of the Houses of the Parliament of Canada |

and of the Houses of the Legislature of Quebec; and both those Languages shall be used in the respective Records and Journals of those Houses; and either of those Languages may be used by any Person or in any Pleading or Process in or issuing from any Court of Canada established under this Act, and in or from all or any of the Courts of Quebec.

The Acts of the Parliament of Canada and of the Legislature of Quebec shall be printed and published in both those Languages. [\(66\)](#)

ONTARIO AND QUEBEC

Appointment of Executive Officers for Ontario and Quebec

134. Until the Legislature of Ontario or of Quebec otherwise provides, the Lieutenant Governors of Ontario and Quebec may each appoint under the Great Seal of the Province the following Officers, to hold Office during Pleasure, that is to say, — the Attorney General, the Secretary and Registrar of the Province, the Treasurer of the Province, the Commissioner of Crown Lands, and the Commissioner of Agriculture and Public Works, and in the Case of Quebec the Solicitor General, and may, by Order of the Lieutenant Governor in Council, from Time to Time prescribe the Duties of those Officers, and of the several Departments over which they shall preside or to which they shall belong, and of the Officers and Clerks thereof, and may also appoint other and additional Officers to hold Office during Pleasure, and may from Time to Time prescribe the Duties of those Officers, and of the several Departments over which they shall preside or to which they shall belong, and of the Officers and Clerks thereof. [\(67\)](#)

Powers, Duties, etc. of Executive Officers

135. Until the Legislature of Ontario or Quebec otherwise provides, all Rights, Powers, Duties, Functions, Responsibilities, or Authorities at the passing of this Act vested in or imposed on the Attorney General, Solicitor General, Secretary and Registrar of the Province of Canada, Minister of Finance, Commissioner of Crown Lands, Commissioner of Public Works, and Minister of Agriculture and Receiver General, by any Law, Statute, or Ordinance of Upper Canada, Lower Canada, or Canada, and not repugnant to this Act, shall be vested in or imposed on any Officer to be appointed by the Lieutenant Governor for the Discharge of the same or any of them; and the Commissioner of Agriculture and Public Works shall perform the Duties and Functions of the Office of Minister of Agriculture at the passing of this Act imposed by the Law of the Province of Canada, as well as those of the Commissioner of Public Works. [\(68\)](#)

Great Seals

136. Until altered by the Lieutenant Governor in Council, the Great Seals of Ontario and Quebec respectively shall be the same, or of the same Design, as those used in the Provinces of Upper Canada and Lower Canada respectively before their Union as the Province of Canada.

Construction of

137. The words "and from thence to the End of the then next ensuing

temporary Acts

Session of the Legislature," or Words to the same Effect, used in any temporary Act of the Province of Canada not expired before the Union, shall be construed to extend and apply to the next Session of the Parliament of Canada if the Subject Matter of the Act is within the Powers of the same as defined by this Act, or to the next Sessions of the Legislatures of Ontario and Quebec respectively if the Subject Matter of the Act is within the Powers of the same as defined by this Act.

As to Errors in Names

138. From and after the Union the Use of the Words "Upper Canada" instead of "Ontario," or "Lower Canada" instead of "Quebec," in any Deed, Writ, Process, Pleading, Document, Matter, or Thing shall not invalidate the same.

As to issue of Proclamations before Union, to commence after Union

139. Any Proclamation under the Great Seal of the Province of Canada issued before the Union to take effect at a Time which is subsequent to the Union, whether relating to that Province, or to Upper Canada, or to Lower Canada, and the several Matters and Things therein proclaimed, shall be and continue of like Force and Effect as if the Union had not been made. [\(69\)](#)

As to issue of Proclamations after Union

140. Any Proclamation which is authorized by any Act of the Legislature of the Province of Canada to be issued under the Great Seal of the Province of Canada, whether relating to that Province, or to Upper Canada, or to Lower Canada, and which is not issued before the Union, may be issued by the Lieutenant Governor of Ontario or of Quebec, as its Subject Matter requires, under the Great Seal thereof; and from and after the Issue of such Proclamation the same and the several Matters and Things therein proclaimed shall be and continue of the like Force and Effect in Ontario or Quebec as if the Union had not been made. [\(70\)](#)

Penitentiary

141. The Penitentiary of the Province of Canada shall, until the Parliament of Canada otherwise provides, be and continue the Penitentiary of Ontario and of Quebec. [\(71\)](#)

Arbitration respecting Debts, etc.

142. The Division and Adjustment of the Debts, Credits, Liabilities, Properties, and Assets of Upper Canada and Lower Canada shall be referred to the Arbitrament of Three Arbitrators, One chosen by the Government of Ontario, One by the Government of Quebec, and One by the Government of Canada; and the Selection of the Arbitrators shall not be made until the Parliament of Canada and the Legislatures of Ontario and Quebec have met; and the Arbitrator chosen by the Government of Canada shall not be a Resident either in Ontario or in Quebec. [\(72\)](#)

Division of Records

143. The Governor General in Council may from Time to Time order that such and so many of the Records, Books, and Documents of the Province of Canada as he thinks fit shall be appropriated and delivered either to Ontario or to Quebec, and the same shall thenceforth be the Property of that Province; and any Copy thereof or Extract therefrom, duly certified by the Officer having charge of the Original thereof, shall be admitted as Evidence. [\(73\)](#)

Constitution of

144. The Lieutenant Governor of Quebec may from Time to Time, by

**Townships in
Quebec**

Proclamation under the Great Seal of the Province, to take effect from a Day to be appointed therein, constitute Townships in those Parts of the Province of Quebec in which Townships are not then already constituted, and fix the Metes and Bounds thereof.

X. INTERCOLONIAL RAILWAY

[Repealed] 145. Repealed. [\(74\)](#)

XI. ADMISSION OF OTHER COLONIES**Power to admit
Newfoundland, etc.,
into the Union**

146. It shall be lawful for the Queen, by and with the Advice of Her Majesty's Most Honourable Privy Council, on Addresses from the Houses of the Parliament of Canada, and from the Houses of the respective Legislatures of the Colonies or Provinces of Newfoundland, Prince Edward Island, and British Columbia, to admit those Colonies or Provinces, or any of them, into the Union, and on Address from the Houses of the Parliament of Canada to admit Rupert's Land and the North-western Territory, or either of them, into the Union, on such Terms and Conditions in each Case as are in the Addresses expressed and as the Queen thinks fit to approve, subject to the Provisions of this Act; and the Provisions of any Order in Council in that Behalf shall have effect as if they had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland. [\(75\)](#)

**As to
Representation of
Newfoundland and
Prince Edward
Island in Senate**

147. In case of the Admission of Newfoundland and Prince Edward Island, or either of them, each shall be entitled to a Representation in the Senate of Canada of Four Members, and (notwithstanding anything in this Act) in case of the Admission of Newfoundland the normal Number of Senators shall be Seventy-six and their maximum Number shall be Eighty-two; but Prince Edward Island when admitted shall be deemed to be comprised in the third of the Three Divisions into which Canada is, in relation to the Constitution of the Senate, divided by this Act, and accordingly, after the Admission of Prince Edward Island, whether Newfoundland is admitted or not, the Representation of Nova Scotia and New Brunswick in the Senate shall, as Vacancies occur, be reduced from Twelve to Ten Members respectively, and the Representation of each of those Provinces shall not be increased at any Time beyond Ten, except under the Provisions of this Act for the Appointment of Three or Six additional Senators under the Direction of the Queen. [\(76\)](#)

Schedules**The First Schedule**

[The Second Schedule](#)

[The Third Schedule](#)

[The Fourth Schedule](#)

[The Fifth Schedule](#)

[The Sixth Schedule](#)

DOCUMENT 4

LLEI CONSTITUCIONAL 1982

Presentació

Aquest document inclou una altra llei de rang constitucional que també hem tractat en repetides ocasions tot al llarg de la recerca: la Llei Constitucional de 1982. Tècnicament, aquesta Llei és un annex (*schedule*) a la **Llei de 1982 sobre el Canadà**, llei en virtut de la qual el parlament del Regne Unit (Westminster) renuncià per sempre més a legislar sobre afers referits al Canadà (vegeu nota 79). La LC 1982 representa la modificació més important que s'ha donat d'ençà 1867. Incorpora, en la seva primera part (articles 1 a 34), la també reiteradament esmentada **Carta Canadenca de Drets i Llibertats**, de gran rellevància. Un altre tret significatiu d'aquest document és que, a diferència de la LC de 1867, tant la versió francesa (Annex A), com la versió anglesa (Annex B) són oficials. Cal destacar també la importància del seu art. 52 que estableix, per primera vegada, la supremacia de la constitució en l'ordenament jurídic, a l'hora que especifica què s'inclou en el terme "Constitució del Canadà". I precisament el que s'inclou en gran part es detalla en un annex titulat "Modernització de la Constitució", que també reproduïxo. Per altra banda, malgrat que és una norma relativament recent, la LC 1982 ha conegut ja algunes esmenes o modificacions que també s'incorporen en el text següent, que es troba actualitzat a data 31 de desembre del 2000.

Finalment el text que presento també l'he obtingut de la web del Departament de Justícia del govern federal canadenc (www.justice.gc.ca), i que a continuació de l'annex suara esmentat figuren les notes referides tant al Document 3 com al propi Document 4.

The Canada Act, 1982

including the

Constitution Act, 1982

1982, c. 11 (U.K.)

[29th March 1982]

An Act to give effect to a request by the Senate and House of Commons of Canada

Whereas Canada has requested and consented to the enactment of an Act of the Parliament of the United Kingdom to give effect to the provisions hereinafter set forth and the Senate and the House of Commons of Canada in Parliament assembled have submitted an address to Her Majesty requesting that Her Majesty may graciously be pleased to cause a Bill to be laid before the Parliament of the United Kingdom for that Purpose.

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The Constitution Act, 1982 set out in schedule B to this Act is hereby enacted for and shall have the force of law in Canada and shall come unto force as provided in that Act.
2. No Act of the Parliament of the United Kingdom passed after the Constitution Act, 1982 comes into force shall extend to Canada as part of its law.
3. So far as it is not contained in Schedule B, the French version of this Act is set out in Schedule A to this Act and has the same authority in Canada as the English version thereof.
4. This Act may be cited as the Canada Act 1982.

SCHEDULE A

[Loi de 1982 sur Le Canada](#)

SCHEDULE B

[CONSTITUTION ACT, 1982](#)

[LOI CONSTITUTIONNELLE DE 1982](#)

Last HTML revision: 1 October, 1995.

[W.F.M.](#)



Constitution Acts 1867 to 1982



Department of Justice Ministère de la Justice
Canada Canada

Français

The Constitution Act, 1982

Part

I Canadian Charter of Rights and Freedoms

Guarantee of Rights and Freedoms

Fundamental Freedoms

Democratic Rights

Mobility Rights

Legal Rights

Equality Rights

Official Languages of Canada

Minority Language Educational Rights

Enforcement

General

Application of Charter

Citation

II Rights of the Aboriginal Peoples of Canada

III Equalization and Regional Disparities

IV Constitutional Conference

IV.I Constitutional Conferences

V Procedure for Amending Constitution of Canada

VI Amendment to the Constitution Act, 1867

VII General

SCHEDULE B

CONSTITUTION ACT, 1982⁽⁷⁹⁾

PART I CANADIAN CHARTER OF RIGHTS AND FREEDOMS

Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law:

Guarantee of Rights and Freedoms

Rights and freedoms in Canada

1. The *Canadian Charter of Rights and Freedoms* guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

Fundamental Freedoms

Fundamental freedoms

2. Everyone has the following fundamental freedoms:
 - (a) freedom of conscience and religion;
 - (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;
 - (c) freedom of peaceful assembly; and
 - (d) freedom of association.

)

Democratic Rights

- Democratic rights of citizens** **3.** Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein.
- Maximum duration of legislative bodies** **4.** (1) No House of Commons and no legislative assembly shall continue for longer than five years from the date fixed for the return of the writs of a general election of its members. [\(80\)](#)
- Continuation in special circumstances** (2) In time of real or apprehended war, invasion or insurrection, a House of Commons may be continued by Parliament and a legislative assembly may be continued by the legislature beyond five years if such continuation is not opposed by the votes of more than one-third of the members of the House of Commons or the legislative assembly, as the case may be. [\(81\)](#)
- Annual sitting of legislative bodies** **5.** There shall be a sitting of Parliament and of each legislature at least once every twelve months. [\(82\)](#)

Mobility Rights

- Mobility of citizens** **6.** (1) Every citizen of Canada has the right to enter, remain in and leave Canada.
- Rights to move and gain livelihood** (2) Every citizen of Canada and every person who has the status of a permanent resident of Canada has the right
- (a to move to and take up residence in any
) province; and
- (b to pursue the gaining of a livelihood in any
) province.
- Limitation** (3) The rights specified in subsection (2) are subject to
- (a any laws or practices of general application in
) force in a province other than those that discriminate among persons primarily on the basis of province of present or previous residence; and

- (b) any laws providing for reasonable residency
-) requirements as a qualification for the receipt of publicly provided social services.

Affirmative action programs

(4) Subsections (2) and (3) do not preclude any law, program or activity that has as its object the amelioration in a province of conditions of individuals in that province who are socially or economically disadvantaged if the rate of employment in that province is below the rate of employment in Canada.

Legal Rights

- | | | |
|--|------------|---|
| Life, liberty and security of person | 7. | Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice. |
| Search or seizure | 8. | Everyone has the right to be secure against unreasonable search or seizure. |
| Detention or imprisonment | 9. | Everyone has the right not to be arbitrarily detained or imprisoned. |
| Arrest or detention | 10. | Everyone has the right on arrest or detention <ul style="list-style-type: none"> (a) to be informed promptly of the reasons therefor;) (b) to retain and instruct counsel without delay and) to be informed of that right; and (c) to have the validity of the detention determined) by way of <i>habeas corpus</i> and to be released if the detention is not lawful. |
| Proceedings in criminal and penal matters | 11. | Any person charged with an offence has the right <ul style="list-style-type: none"> (a) to be informed without unreasonable delay of the) specific offence; (b) to be tried within a reasonable time;) (c) not to be compelled to be a witness in) proceedings against that person in respect of the offence; (d) to be presumed innocent until proven guilty) according to law in a fair and public hearing by an independent and impartial tribunal; (e) not to be denied reasonable bail without just |

-) cause;
- (f) except in the case of an offence under military law tried before a military tribunal, to the benefit of trial by jury where the maximum punishment for the offence is imprisonment for five years or a more severe punishment;
- (g) not to be found guilty on account of any act or
-) omission unless, at the time of the act or omission, it constituted an offence under Canadian or international law or was criminal according to the general principles of law recognized by the community of nations;
- (h) if finally acquitted of the offence, not to be tried
-) for it again and, if finally found guilty and punished for the offence, not to be tried or punished for it again; and
- (i) if found guilty of the offence and if the punishment for the offence has been varied between the time of commission and the time of sentencing, to the benefit of the lesser punishment.

Treatment or punishment	12.	Everyone has the right not to be subjected to any cruel and unusual treatment or punishment.
Self-crimination	13.	A witness who testifies in any proceedings has the right not to have any incriminating evidence so given used to incriminate that witness in any other proceedings, except in a prosecution for perjury or for the giving of contradictory evidence.
Interpreter	14.	A party or witness in any proceedings who does not understand or speak the language in which the proceedings are conducted or who is deaf has the right to the assistance of an interpreter.

Equality Rights

Equality before and under law and equal protection and benefit of law	15.	(1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.
Affirmative action programs		(2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental

or physical disability. [\(83\)](#)

Official Languages of Canada

- | | | |
|---|--------------|---|
| Official languages of Canada | 16. | (1) English and French are the official languages of Canada and have equality of status and equal rights and privileges as to their use in all institutions of the Parliament and government of Canada. |
| Official languages of New Brunswick | | (2) English and French are the official languages of New Brunswick and have equality of status and equal rights and privileges as to their use in all institutions of the legislature and government of New Brunswick. |
| Advancement of status and use | | (3) Nothing in this Charter limits the authority of Parliament or a legislature to advance the equality of status or use of English and French. |
| English and French linguistic communities in New Brunswick | 16.1. | (1) The English linguistic community and the French linguistic community in New Brunswick have equality of status and equal rights and privileges, including the right to distinct educational institutions and such distinct cultural institutions as are necessary for the preservation and promotion of those communities. |
| Role of the legislature and government of New Brunswick | | (2) The role of the legislature and government of New Brunswick to preserve and promote the status, rights and privileges referred to in subsection (1) is affirmed. (83.1) |
| Proceedings of Parliament | 17. | (1) Everyone has the right to use English or French in any debates and other proceedings of Parliament. (84) |
| Proceedings of New Brunswick legislature | | (2) Everyone has the right to use English or French in any debates and other proceedings of the legislature of New Brunswick. (85) |
| Parliamentary statutes and records | 18. | (1) The statutes, records and journals of Parliament shall be printed and published in English and French and both language versions are equally authoritative. (86) |
| New Brunswick statutes and records | | (2) The statutes, records and journals of the legislature of New Brunswick shall be printed and published in English and French and both language versions are equally authoritative. (87) |
| Proceedings in courts established by Parliament | 19. | (1) Either English or French may be used by any person in, or in any pleading in or process issuing from, any court established by Parliament. (88) |
| Proceedings in New | | (2) Either English or French may be used by any person in, or in |

Brunswick courts

any pleading in or process issuing from, any court of New Brunswick. [\(89\)](#)

Communications by public with federal institutions

20. (1) Any member of the public in Canada has the right to communicate with, and to receive available services from, any head or central office of an institution of the Parliament or government of Canada in English or French, and has the same right with respect to any other office of any such institution where

- (a) there is a significant demand for communications
-) with and services from that office in such language; or
- (b) due to the nature of the office, it is reasonable
-) that communications with and services from that office be available in both English and French.

Communications by public with New Brunswick institutions

(2) Any member of the public in New Brunswick has the right to communicate with, and to receive available services from, any office of an institution of the legislature or government of New Brunswick in English or French.

Continuation of existing constitutional provisions

21. Nothing in sections 16 to 20 abrogates or derogates from any right, privilege or obligation with respect to the English and French languages, or either of them, that exists or is continued by virtue of any other provision of the Constitution of Canada. [\(90\)](#)

Rights and privileges preserved

22. Nothing in sections 16 to 20 abrogates or derogates from any legal or customary right or privilege acquired or enjoyed either before or after the coming into force of this Charter with respect to any language that is not English or French.

Minority Language Educational Rights**Language of instruction**

23. (1) Citizens of Canada

- (a) whose first language learned and still understood is that
-) of the English or French linguistic minority population of the province in which they reside, or
- (b) who have received their primary school instruction in
-) Canada in English or French and reside in a province where the language in which they received that instruction is the language of the English or French linguistic minority population of the province,

have the right to have their children receive primary and secondary

school instruction in that language in that province. (91)

Continuity of language instruction

(2) Citizens of Canada of whom any child has received or is receiving primary or secondary school instruction in English or French in Canada, have the right to have all their children receive primary and secondary school instruction in the same language.

Application where numbers warrant

(3) The right of citizens of Canada under subsections (1) and (2) to have their children receive primary and secondary school instruction in the language of the English or French linguistic minority population of a province

- (a) applies wherever in the province the number of children of citizens who have such a right is sufficient to warrant the provision to them out of public funds of minority language instruction; and
- (b) includes, where the number of those children so warrants, the right to have them receive that instruction in minority language educational facilities provided out of public funds.

Enforcement

Enforcement of guaranteed rights and freedoms

24. (1) Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.

Exclusion of evidence bringing administration of justice into disrepute

(2) Where, in proceedings under subsection (1), a court concludes that evidence was obtained in a manner that infringed or denied any rights or freedoms guaranteed by this Charter, the evidence shall be excluded if it is established that, having regard to all the circumstances, the admission of it in the proceedings would bring the administration of justice into disrepute.

General

Aboriginal rights and freedoms not affected by Charter

25. The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including

- (a) any rights or freedoms that have been recognized

-) by the Royal Proclamation of October 7, 1763;
and
- (b any rights or freedoms that now exist by way of
) land claims agreements
or may be so acquired. [\(92\)](#)

- Other rights and freedoms not affected by Charter** **26.** The guarantee in this Charter of certain rights and freedoms shall not be construed as denying the existence of any other rights or freedoms that exist in Canada.
- Multicultural heritage** **27.** This Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians.
- Rights guaranteed equally to both sexes** **28.** Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons.
- Rights respecting certain schools preserved** **29.** Nothing in this Charter abrogates or derogates from any rights or privileges guaranteed by or under the Constitution of Canada in respect of denominational, separate or dissentient schools. [\(93\)](#)
- Application to territories and territorial authorities** **30.** A reference in this Charter to a Province or to the legislative assembly or legislature of a province shall be deemed to include a reference to the Yukon Territory and the Northwest Territories, or to the appropriate legislative authority thereof, as the case may be.
- Legislative powers not extended** **31.** Nothing in this Charter extends the legislative powers of any body or authority.

Application of Charter

- Application of Charter** **32.** (1) This Charter applies
- (a to the Parliament and government of Canada in
) respect of all matters within the authority of Parliament including all matters relating to the Yukon Territory and Northwest Territories; and
 - (b to the legislature and government of each
) province in respect of all matters within the authority of the legislature of each province.
- Exception** (2) Notwithstanding subsection (1), section 15 shall not have effect until three years after this section comes into force.
- Exception where express declaration** **33.** (1) Parliament or the legislature of a province may expressly declare in an Act of Parliament or of the legislature, as the case may

be, that the Act or a provision thereof shall operate notwithstanding a provision included in section 2 or sections 7 to 15 of this Charter.

Operation of exception

(2) An Act or a provision of an Act in respect of which a declaration made under this section is in effect shall have such operation as it would have but for the provision of this Charter referred to in the declaration.

Five year limitation

(3) A declaration made under subsection (1) shall cease to have effect five years after it comes into force or on such earlier date as may be specified in the declaration.

Re-enactment

(4) Parliament or the legislature of a province may re-enact a declaration made under subsection (1).

Five year limitation

(5) Subsection (3) applies in respect of a re-enactment made under subsection (4).

Citation

Citation

34. This Part may be cited as the *Canadian Charter of Rights and Freedoms*.

PART II

RIGHTS OF THE ABORIGINAL PEOPLES OF CANADA

Recognition of existing aboriginal and treaty rights

35. (1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.

Definition of "aboriginal peoples of Canada"

(2) In this Act, "aboriginal peoples of Canada" includes the Indian, Inuit and Métis peoples of Canada.

Land claims agreements

(3) For greater certainty, in subsection (1) "treaty rights" includes rights that now exist by way of land claims agreements or may be so acquired.

Aboriginal and treaty rights are guaranteed equally to both sexes

(4) Notwithstanding any other provision of this Act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons. ⁽⁹⁴⁾

Commitment to participation in

35.1 The government of Canada and the provincial governments are committed to the principle that, before any amendment is made to

**constitutional
conference**

Class 24 of section 91 of the "*Constitution Act, 1867*", to section 25 of this Act or to this Part,

- (a) a constitutional conference that includes in its agenda an item relating to the proposed amendment, composed of the Prime Minister of Canada and the first ministers of the provinces, will be convened by the Prime Minister of Canada; and
- (b) the Prime Minister of Canada will invite representatives of the aboriginal peoples of Canada to participate in the discussions on that item. [\(95\)](#)

PART III EQUALIZATION AND REGIONAL DISPARITIES

**Commitment to
promote equal
opportunities**

- 36.** (1) Without altering the legislative authority of Parliament or of the provincial legislatures, or the rights of any of them with respect to the exercise of their legislative authority, Parliament and the legislatures, together with the government of Canada and the provincial governments, are committed to

- (a) promoting equal opportunities for the well-being of Canadians;
- (b) furthering economic development to reduce disparity in opportunities; and
- (c) providing essential public services of reasonable quality to all Canadians.

**Commitment
respecting public
services**

- (2) Parliament and the government of Canada are committed to the principle of making equalization payments to ensure that provincial governments have sufficient revenues to provide reasonably comparable levels of public services at reasonably comparable levels of taxation. [\(96\)](#)

PART IV CONSTITUTIONAL CONFERENCE

- 37.** [\(97\)](#)

**PART IV.I
CONSTITUTIONAL CONFERENCES**

37.1 (98)

**PART V
PROCEDURE FOR AMENDING CONSTITUTION OF
CANADA⁽⁹⁹⁾**

**General procedure
for amending
Constitution of
Canada**

38. (1) An amendment to the Constitution of Canada may be made by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by

- (a) resolutions of the Senate and House of
) Commons; and
- (b) resolutions of the legislative assemblies of at least
) two-thirds of the provinces that have, in the aggregate, according to the then latest general census, at least fifty per cent of the population of all the provinces.

**Majority of
members**

(2) An amendment made under subsection (1) that derogates from the legislative powers, the proprietary rights or any other rights or privileges of the legislature or government of a province shall require a resolution supported by a majority of the members of each of the Senate, the House of Commons and the legislative assemblies required under subsection (1).

**Expression of
dissent**

(3) An amendment referred to in subsection (2) shall not have effect in a province the legislative assembly of which has expressed its dissent thereto by resolution supported by a majority of its members prior to the issue of the proclamation to which the amendment relates unless that legislative assembly, subsequently, by resolution supported by a majority of its members, revokes its dissent and authorizes the amendment.

**Revocation of
dissent**

(4) A resolution of dissent made for the purposes of subsection (3) may be revoked at any time before or after the issue of the proclamation to which it relates.

**Restriction on
proclamation**

39. (1) A proclamation shall not be issued under subsection 38(1) before the expiration of one year from the adoption of the resolution

initiating the amendment procedure thereunder, unless the legislative assembly of each province has previously adopted a resolution of assent or dissent.

Idem

(2) A proclamation shall not be issued under subsection 38(1) after the expiration of three years from the adoption of the resolution initiating the amendment procedure thereunder.

Compensation

40.

Where an amendment is made under subsection 38(1) that transfers provincial legislative powers relating to education or other cultural matters from provincial legislatures to Parliament, Canada shall provide reasonable compensation to any province to which the amendment does not apply.

Amendment by unanimous consent

41.

An amendment to the Constitution of Canada in relation to the following matters may be made by proclamation issued by the Governor General under the Great Seal of Canada only where authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province:

- (a the office of the Queen, the Governor General) and the Lieutenant Governor of a province;
- (b the right of a province to a number of members) in the House of Commons not less than the number of Senators by which the province is entitled to be represented at the time this Part comes into force;
- (c subject to section 43, the use of the English or) the French language;
- (d the composition of the Supreme Court of) Canada; and
- (e an amendment to this Part.)

Amendment by general procedure

42.

(1) An amendment to the Constitution of Canada in relation to the following matters may be made only in accordance with subsection 38(1):

- (a the principle of proportionate representation of) the provinces in the House of Commons prescribed by the Constitution of Canada;
- (b the powers of the Senate and the method of) selecting Senators;
- (c the number of members by which a province is) entitled to be represented in the Senate and the residence qualifications of Senators;
- (d subject to paragraph 41(d), the Supreme Court) of Canada;
- (e the extension of existing provinces into the

-) territories; and
- (f) notwithstanding any other law or practice, the establishment of new provinces.

Exception

(2) Subsections 38(2) to (4) do not apply in respect of amendments in relation to matters referred to in subsection (1).

Amendment of provisions relating to some but not all provinces

43. An amendment to the Constitution of Canada in relation to any provision that applies to one or more, but not all, provinces, including

- (a) any alteration to boundaries between provinces,
-) and
- (b) any amendment to any provision that relates to
-) the use of the English or the French language within a province,

may be made by proclamation issued by the Governor General under the Great Seal of Canada only where so authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province to which the amendment applies.

Amendments by Parliament

44. Subject to sections 41 and 42, Parliament may exclusively make laws amending the Constitution of Canada in relation to the executive government of Canada or the Senate and House of Commons.

Amendments by provincial legislatures

45. Subject to section 41, the legislature of each province may exclusively make laws amending the constitution of the province.

Initiation of amendment procedures

46. (1) The procedures for amendment under sections 38, 41, 42 and 43 may be initiated either by the Senate or the House of Commons or by the legislative assembly of a province.

Revocation of authorization

(2) A resolution of assent made for the purposes of this Part may be revoked at any time before the issue of a proclamation authorized by it.

Amendments without Senate resolution

47. (1) An amendment to the Constitution of Canada made by proclamation under section 38, 41, 42 or 43 may be made without a resolution of the Senate authorizing the issue of the proclamation if, within one hundred and eighty days after the adoption by the House of Commons of a resolution authorizing its issue, the Senate has not adopted such a resolution and if, at any time after the expiration of that period, the House of Commons again adopts the resolution.

Computation of period

(2) Any period when Parliament is prorogued or dissolved shall not be counted in computing the one hundred and eighty day period referred to in subsection (1).

- Advice to issue proclamation** **48.** The Queen's Privy Council for Canada shall advise the Governor General to issue a proclamation under this Part forthwith on the adoption of the resolutions required for an amendment made by proclamation under this Part.
- Constitutional conference** **49.** A constitutional conference composed of the Prime Minister of Canada and the first ministers of the provinces shall be convened by the Prime Minister of Canada within fifteen years after this Part comes into force to review the provisions of this Part.

PART VI AMENDMENT TO THE CONSTITUTION ACT, 1867

- 50.** [\(100\)](#)
- 51.** [\(101\)](#)

PART VII GENERAL

- Primacy of Constitution of Canada** **52.** (1) The Constitution of Canada is the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect.
- Constitution of Canada** (2) The Constitution of Canada includes
- (a) the *Canada Act 1982*, including this Act;
)
- (b) the Acts and orders referred to in the schedule;
) and
- (c) any amendment to any Act or order referred to
) in paragraph (a) or (b).
- Amendments to Constitution of Canada** (3) Amendments to the Constitution of Canada shall be made only in accordance with the authority contained in the Constitution of Canada.
- Repeals and new names** **53.** (1) The enactments referred to in Column I of the schedule are hereby repealed or amended to the extent indicated in Column II thereof and, unless repealed, shall continue as law in Canada under

the names set out in Column III thereof.

Consequential amendments		(2) Every enactment, except the <i>Canada Act 1982</i> , that refers to an enactment referred to in the schedule by the name in Column I thereof is hereby amended by substituting for that name the corresponding name in Column III thereof, and any British North America Act not referred to in the schedule may be cited as the <i>Constitution Act</i> followed by the year and number, if any, of its enactment.
Repeal and consequential amendments	54.	Part IV is repealed on the day that is one year after this Part comes into force and this section may be repealed and this Act renumbered, consequentially upon the repeal of Part IV and this section, by proclamation issued by the Governor General under the Great Seal of Canada. (102)
[Repealed]	54.1	(103)
French version of Constitution of Canada	55.	A French version of the portions of the Constitution of Canada referred to in the schedule shall be prepared by the Minister of Justice of Canada as expeditiously as possible and, when any portion thereof sufficient to warrant action being taken has been so prepared, it shall be put forward for enactment by proclamation issued by the Governor General under the Great Seal of Canada pursuant to the procedure then applicable to an amendment of the same provisions of the Constitution of Canada.
English and French versions of certain constitutional texts	56.	Where any portion of the Constitution of Canada has been or is enacted in English and French or where a French version of any portion of the Constitution is enacted pursuant to section 55, the English and French versions of that portion of the Constitution are equally authoritative.
English and French versions of this Act	57.	The English and French versions of this Act are equally authoritative.
Commencement	58.	Subject to section 59, this Act shall come into force on a day to be fixed by proclamation issued by the Queen or the Governor General under the Great Seal of Canada. (104)
Commencement of paragraph 23(1)(a) in respect of Quebec	59.	(1) Paragraph 23(1)(a) shall come into force in respect of Quebec on a day to be fixed by proclamation issued by the Queen or the Governor General under the Great Seal of Canada.
Authorization of Quebec		(2) A proclamation under subsection (1) shall be issued only where authorized by the legislative assembly or government of Quebec. (105)
Repeal of this section		(3) This section may be repealed on the day paragraph 23(1)(a) comes into force in respect of Quebec and this Act amended and renumbered, consequentially upon the repeal of this section, by proclamation issued by the Queen or the Governor General under

the Great Seal of Canada.

Short title and citations

- 60.** This Act may be cited as the *Constitution Act, 1982*, and the Constitution Acts 1867 to 1975 (No. 2) and this Act may be cited together as the *Constitution Acts, 1867 to 1982*.

References

- 61.** A reference to the "*Constitution Acts, 1867 to 1982*" shall be deemed to include a reference to the "*Constitution Amendment Proclamation, 1983*". [\(106\)](#)

Schedule to the Constitution Act, 1982
Modernization of the Constitution

DOCUMENT 5

ACORD QUE ESTABLEIX EL CONSELL DE PREMIERS DE LES MARÍTIMES CPMt

Presentació

En aquest document es recull l'acord signat el 25 de maig de 1971 entre les tres províncies marítimes del Canadà (Nou Brunswick, Nova Escòcia i Illa del Príncep Eduard), en virtut del qual s'estableix el **Consell de *Premiers de les Marítimes***, i se'n detallen les funcions, la presidència, la periodicitat de les seves trobades, la unanimitat en la presa de decisions, etc. Com es pot veure, es tracta d'un document que compromet els llavors *premiers* de les tres províncies esmentades, i en conseqüència és de naturalesa intergovernamental en el sentit més estricte del concepte. El document va ser signat a la ciutat de Fredericton, a la província de Nou Brunswick.



Agreement

Français

THIS AGREEMENT MADE ON THE 25th day of May, 1971,

BETWEEN

HER MAJESTY THE QUEEN IN THE RIGHT OF
THE PROVINCE OF NEW BRUNSWICK
AS REPRESENTED BY THE PREMIER OF THE PROVINCE OF NEW BRUNSWICK

and

HER MAJESTY THE QUEEN IN THE RIGHT OF
THE PROVINCE OF NOVA SCOTIA
AS REPRESENTED BY THE PREMIER OF THE PROVINCE OF NOVA SCOTIA

and

HER MAJESTY THE QUEEN IN THE RIGHT OF
THE PROVINCE OF PRINCE EDWARD ISLAND
AS REPRESENTED BY THE PREMIER OF THE PROVINCE OF PRINCE EDWARD ISLAND

WHEREAS the Premiers of the Provinces of New Brunswick, Nova Scotia and Prince Edward Island are unanimous in their desire to promote unity of purpose among their respective Governments;

AND WHEREAS they wish to take steps to improve communication between their respective Governments and agencies thereof;

AND WHEREAS the said Provinces wish to establish the framework for joint undertakings;

AND WHEREAS at a meeting of the Premiers of the said Provinces held at Halifax on the 26th day of January, 1971, it was agreed to establish the Council of Maritime Premiers;

IT IS AGREED AS FOLLOWS:

COUNCIL OF MARITIME PREMIERS

1.01 There is hereby established the Council of Maritime Premiers, herein referred to as the "Council".

1.02 The Council shall consist of the persons from time to time holding the offices of the Premier of the Province of New Brunswick, the Premier of the Province of Nova Scotia and the Premier of the Province of Prince Edward Island.

1.03 The functions of the Council shall include:

- (a) discussion of matters of importance to the three Provinces;
- (b) initiation of studies on economic, social and cultural programs and policies which affect or concern the Maritime Provinces;
- (c) coordination of public policies which affect or concern the Maritime Provinces;
- (d) approval of joint submissions of the Maritime Provinces to the Government of Canada or any agencies thereof;
- (e) initiation and sustaining of joint programs of the three Provinces;
- (f) power to constitute a Maritime Provinces Commission, to define its duties and functions, and to appoint the members thereof.

1.04 The Chairmanship of the Council shall rotate among the three Premiers in each calendar year as the Council may determine from time to time.

1.05 The Council shall meet at least four times in each calendar year and may meet more frequently by agreement of the three Premiers.

1.06 The site of the meetings of the Council shall rotate among the three Provinces.

1.07 Decisions of the Council require unanimous consent of the members.

1.08.1 The fiscal year of the Council shall be from April 1st to the following March 31st.

1.08.2 The Council shall prepare an annual budget for its activities and operations and each Premier shall present it to the Government of his Province for approval.

1.08.3 Each Province shall contribute to the agreed budget amount on a proportionate basis by population as determined by the most recent population census undertaken by the Government of Canada.

1.09 Subject to paragraph 1.08, the Council shall employ such staff as it considers necessary for the proper functioning of the Council.

1.10 The Council shall have authority to appoint committees for the purpose of studying and reporting to the Council on specified subjects.

IN WITNESS WHEREOF the Premiers of the Provinces of New Brunswick, Nova Scotia and Prince Edward Island have executed these presents on behalf of the respective Provinces on the day and year first written above in the City of Fredericton, New Brunswick.

HER MAJESTY THE QUEEN in the right of
the Province of New Brunswick
as represented by

The Honourable Richard B. Hatfield

HER MAJESTY THE QUEEN in the right of
the Province of Nova Scotia
as represented by

The Honourable Gerald A. Regan

HER MAJESTY THE QUEEN in the right of
the Province of Prince Edward Island
as represented by

The Honourable Alexander B. Campbell

759

Français

HOME

DOCUMENT 6

LLEI DEL CONSELL DE *PREMIERS* DE LES MARÍTIMES **CPMt**

Presentació

L'any següent de la creació per acord polític del Consell de *Premiers* de les Marítimes es va donar un pas més en la seva institucionalització, mitjançant l'aprovació per separat, per part de cadascuna de les tres assemblees legislatives implicades (Nou Brunswick, Illa del Príncep Eduard i Nova Escòcia), d'aquesta Llei, de manera que es legalitzava aquesta institució. Es tracta d'un fet, com ja hem assenyalat en el cos de la recerca, que contrasta vivament amb la naturalesa convencional de les CPMFPT i àdhuc de la pròpia CPMPT d'àmbit pancanadenc. En el cas que reproduïxo es tracta de la Llei aprovada per l'assemblea legislativa de l'Illa del Príncep Eduard.

Each of the three Maritime provinces passed similar legislation to establish the Council of Maritime Premiers. The following is the text of the New Brunswick Act. The wording of the legislation in the other two provinces contains only minor differences. Please refer to the Council of Maritime Premiers Act R.S.N.S. 1989, c.105 for the Nova Scotia wording; and for Prince Edward Island, Council of Maritime Premiers Act, R.S.P.E.I. 1988, C-27.

Chacune des trois Provinces maritimes a adopté une loi semblable fondant le Conseil des Premiers ministres des Maritimes. Le texte de la loi du Nouveau-Brunswick est présenté ci-dessous. L'énoncé des lois respectives adoptées dans les deux autres provinces ne varie que légèrement. Veuillez consulter la Council of Maritime Premiers Act, R.S.N.S. 1989, c.105 pour le texte de la loi de la Nouvelle-Écosse et la Council of Maritime Premiers Act, R.S.P.E.I. 1988, C-27, pour celui de la loi de l'Île-du-Prince-Édouard.

Council Of Maritime Premiers Act

Loi sur le Conseil des Premiers ministres des Maritimes

Chapter Outline

Sommaire

Definitions	1
Agreement - accord	
Council - Conseil	
parties - parties	
Power of Cabinet in Council to enter agreements	2
Contents of agreement.....	3
Fiscal year of Council	4
Annual budget of Council.....	5
Appropriations by Provinces.....	6
Annual report of Council	7
Agreements to be tabled.....	8
Status of agreement of May, 1971.....	9

Définitions	1
accord - Agreement	
Conseil - Council	
parties - parties	
Pouvoir du Cabinet de conclure des accords.....	2
Contenu de l'accord	3
Année financière du Conseil	4
Budget annuel du Conseil	5
Affectations de crédits par les provinces.....	6
Rapport annuel du Conseil.....	7
Dépôts des accords.....	8
Statut de l'accord de mai 1971.....	9

WHEREAS the Provinces of New Brunswick, Nova Scotia and Prince Edward Island are unanimous in their desire to promote unity of purpose among their respective Governments: and

WHEREAS they wish to ensure maximum coordination of the activities of the Governments of the three Provinces and their agencies; and

WHEREAS the said Provinces wish to establish the framework for joint action and undertakings; and
WHEREAS the Maritime Union Study recommended the establishment of a Council of Maritime Premiers as one of the agencies for cooperative action among the said Provinces; and

CONSIDÉRANT que les provinces du Nouveau-Brunswick, de la Nouvelle-Écosse et de l'Île-du-Prince-Édouard ont exprimé à l'unanimité le désir d'encourager la poursuite d'objectifs communs par leurs gouvernements respectifs;

CONSIDÉRANT qu'elles désirent assurer la plus grande coordination entre les activités des Gouvernements des trois provinces et de leurs organismes;

CONSIDÉRANT que lesdites provinces désirent établir un cadre d'actions et d'initiatives communes;

CONSIDÉRANT que l'Étude sur l'union des provinces Maritimes a recommandé d'instituer un Conseil des Premiers ministres des Maritimes comme l'un des organismes poursuivant une action collective entres lesdites provinces;

WHEREAS by an Agreement dated the twenty-fifth day of May, 1971, the Premiers of the said Provinces agreed to general principles for the operation of a Council of Maritime Premiers for the purpose of pursuing the objectives herein recited; and

WHEREAS the said Premiers have met several times for such purpose; and

WHEREAS it is desirable to enact legislation in each of the said Provinces respecting a Council of Maritime Premiers;

THEREFORE Her Majesty, by and with the advice and consent of the Legislative Assembly of New Brunswick, enacts as follows:

1 In this Act

“Agreement” means an agreement among the Provinces of New Brunswick, Nova Scotia and Prince Edward Island referred to in section 2;

“Council” means the Council of Maritime Premiers established pursuant to this Act;

“parties” means Her Majesty the Queen in right of each of the Provinces of New Brunswick, Nova Scotia and Prince Edward Island represented by her respective Lieutenant-Governors in Council.

- 2 The Lieutenant-Governor in Council may
- (a) enter into an Agreement with the Provinces of Nova Scotia and Prince Edward Island for the establishment of a Council of Maritime Premiers comprised of the Premiers of the Provinces of New Brunswick, Nova Scotia and Prince Edward Island; and
 - (b) agree with the Provinces of Nova Scotia and Prince Edward Island to amend the Agreement.
- 3 The Agreement may
- (a) authorize the Council to do or cause to be done, on behalf of the parties, any or all such things as the parties thereto are otherwise empowered to do and deem necessary for or ancillary to the attainment of the objectives set forth in the preamble to this Act;
 - (b) provide for the financing of the operations of the Council and for cost-sharing arrangements; and
 - (c) contain such other provision as may be necessary or desirable to provide for the administration of the Council and for its operations.

CONSIDÉRANT que les Premiers ministres desdites provinces on donné leur adhésion, par un accord en date du 25 mai 1971, à des principes généraux quant au fonctionnement du Conseil des Premiers ministres des Maritimes en vue de poursuivre les objectifs mentionnés dans la présente loi;

CONSIDÉRANT que lesdits Premiers ministres se sont rencontrés à plusieurs occasions à cette fin;

ET CONSIDÉRANT qu’il est souhaitable que chacune desdites provinces adopte une loi à propos du Conseil des Premiers ministres des Maritimes;

PAR CONSÉQUENT, Sa Majesté, sur l’avis et du consentement de l’Assemblée législative du Nouveau-Brunswick, décrète :

1 Dans la présente loi

«accord» désigne un accord entre les provinces du Nouveau-Brunswick, de la Nouvelle-Écosse et de l’Île-du-Prince-Édouard, visé à l’article 2;

«Conseil» désigne le Conseil des Premiers ministres des Maritimes créé conformément à la présente loi;

«parties» désigne Sa Majesté la Reine du chef de chacune des provinces du Nouveau-Brunswick, de la Nouvelle-Écosse et de l’Île-du-Prince-Édouard représentées par leurs lieutenants-gouverneurs en conseil respectifs.

- 2 Le lieutenant-gouverneur en conseil peut
- a) conclure un accord avec les provinces de la Nouvelle-Écosse et de l’Île-du-Prince-Édouard en vue d’instituer un conseil des Premiers ministres des Maritimes, composé des Premiers ministres des provinces du Nouveau-Brunswick, de la Nouvelle-Écosse et de l’Île-du-Prince-Édouard; et
 - b) convenir avec les provinces de la Nouvelle-Écosse et de l’Île-du-Prince-Édouard de modifier l’accord.
- 3 L’accord peut
- a) autoriser le Conseil à accomplir ou à faire accomplir, au nom des parties tout ou partie de ce que les parties à l’accord ont par ailleurs le pouvoir d’accomplir et estiment nécessaire ou utile pour atteindre les objectifs énoncés dans le préambule de la présente loi;
 - b) prévoir le financement des activités du Conseil et le système de répartition des frais; et
 - c) contenir telles autres dispositions qui peuvent être nécessaires ou souhaitables pour le fonctionnement du Conseil et ses activités.

4 The fiscal year of the Council commences on the first day of April in each year and ends on the thirty-first day of March in the year next following.

5 The Council shall prepare an annual budget that shall be submitted to the Lieutenant-Governor in Council.

6 If the budget is approved by the Lieutenant-Governors in Council in the Provinces of New Brunswick, Nova Scotia and Prince Edward Island, there shall be introduced in the Legislature a resolution for an appropriation to enable the Province to meet its share of the budget.

7 Each year the Council shall prepare and publish a report on its activities in the preceding year.

8 Any Agreement or any amendment thereto made under this Act when the Legislature is in session shall be tabled during that session or, if it is not in session, shall be tabled at the next following session.

9 The Agreement dated the twenty-fifth day of May, 1971 shall be deemed to be an Agreement under this Act.

4 L'année financière du Conseil commence le 1^{er} avril de chaque année et se termine le 31 mars de l'année suivante.

5 Le Conseil doit établir un budget annuel qui doit être soumis au lieutenant-gouverneur en conseil.

6 Si le budget reçoit l'approbation des lieutenants-gouverneurs en conseil des provinces du Nouveau-Brunswick, de la Nouvelle-Écosse et de l'Île-du-Prince-Édouard, la Législature sera saisie d'une résolution portant affectation d'un crédit destiné à permettre à la province de prendre en charge la part du budget qui lui incombe.

7 Chaque année le Conseil doit établir et publier un rapport sur ses activités au cours de l'année précédente.

8 Tout accord conclue ou toute modification apportée à un accord en application de la présente loi doit, lorsque la Législature siège, être déposé au cours de cette session ou, si elle ne siège pas, au cours de la session suivante.

9 L'accord en date du 25 mai 1971 est réputé être un accord conclu en application de la présente loi.

DOCUMENT 7

PROTOCOL D'ENTESA SOBRE LA COOPERACIÓ AL CANADÀ ATLÀNTIC I D'ESTABLIMENT DEL CONSELL DE *PREMIERS* DE L'ATLÀNTIC, CPA

Presentació

La cooperació regional al Canadà Atlàntic va rebre un impuls molt important arran la signatura d'aquest protocol que en certa mesura representa la culminació -o si es vol, una fita- de tot un procés donat en els darrers decennis. La incorporació de la província de Terranova -no exempta d'una certa polèmica interna- pressuposava la seva implicació en la dinàmica regional adreçada a fer que el Canadà Atlàntic tingui més pes en el conjunt del Canadà.

*MEMORANDUM OF
UNDERSTANDING ON ATLANTIC
CANADA COOPERATION*

This Agreement made on the 15th day
of May, 2000.

BETWEEN

The Government of New Brunswick, as
represented by the Premier of the Province;

AND

The Government of Newfoundland and
Labrador, as represented by the Premier of
the Province;

AND

The Government of Nova Scotia, as
represented by the Premier of the Province;

AND

The Government of Prince Edward Island,
as represented by the Premier of the
Province.

WHEREAS the premiers of the
governments of New Brunswick,
Newfoundland and Labrador, Nova Scotia,
and Prince Edward Island are unanimous in
their desire to cooperate for the benefit of
the residents of Atlantic Canada;

AND WHEREAS the premiers of the said
provinces wish to enhance existing
mechanisms for cooperation and
communication between them;

AND WHEREAS the premiers of the said
provinces are committed to establishing a
framework for joint development of an
Atlantic Canada approach to national issues;

**THEREFORE BE IT RESOLVED
THAT** the premiers of New Brunswick,
Newfoundland and Labrador, Nova Scotia,
and Prince Edward Island hereby agree to
establish the Council of Atlantic Premiers,
hereafter referred to as the "Council".

*PROTOCOLE D'ENTENTE SUR LA
COOPÉRATION
AU CANADA ATLANTIQUE*

La présente entente a été conclue en ce 15^e
jour de mai 2000

ENTRE

le gouvernement du Nouveau-Brunswick,
représenté par le premier ministre de la
Province;

ET

le gouvernement de Terre-Neuve et du
Labrador, représenté par le premier ministre
de la Province;

ET

le gouvernement de la Nouvelle-Écosse,
représenté par le premier ministre de la
Province;

ET

le gouvernement de l'Île-du-Prince-Édouard,
représenté par le premier ministre de la
Province.

ATTENDU QUE les premiers ministres du
Nouveau-Brunswick, de Terre-Neuve et du
Labrador, de la Nouvelle-Écosse et de l'Île-du-
Prince-Édouard ont un désir commun de
coopérer, dans l'intérêt des résidents du
Canada atlantique;

ATTENDU QUE les premiers ministres
desdites provinces souhaitent améliorer les
méthodes actuellement utilisées pour coopérer
et communiquer entre eux;

ATTENDU QUE les premiers ministres
desdites provinces sont résolus à établir un
cadre qui leur permettra de déterminer
conjointement la position du Canada
atlantique à l'égard des questions nationales;

**PAR CONSÉQUENT, IL EST RÉSOLU
QUE** les premiers ministres du Nouveau-
Brunswick, de Terre-Neuve et du Labrador, de
la Nouvelle-Écosse et de l'Île-du-Prince-
Édouard conviennent par les présentes
d'établir le Conseil des premiers ministres de
l'Atlantique, ci-après désigné sous le nom de
« Conseil ».

MISSION STATEMENT FOR THE COUNCIL OF ATLANTIC PREMIERS

The Council will promote Atlantic Canadian interests on national issues by seeking to establish common views and positions and working to ensure that Atlantic Canadians and their interests are well represented in national debates.

The Council will strive to provide a climate in which Atlantic Canadians can fully participate and be competitive in the global economy, benefit from quality social services, and continue to enjoy the quality of life and environment that is unique to Atlantic Canada.

The Council will work with all their partners to foster and promote a sustainable and prosperous future for Atlantic Canada within a strong and united Canada which respects the diversity and equality of all its regions.

IN RESPECT OF THE ABOVE:

1. The Council shall consist of the persons from time to time holding the offices of the Premier of the Government of New Brunswick, the Premier of the Government of Newfoundland and Labrador, the Premier of the Government of Nova Scotia, and the Premier of the Government of Prince Edward Island.
2. The mandate of the Council shall include the following objectives:
 - 2.1 development of common Atlantic Canada positions for Annual Premiers' Conferences and First Ministers' Conferences;
 - 2.2 development of common Atlantic Canada positions on national issues;
 - 2.3 joint promotion of the interests of Atlantic Canadians;

ÉNONCÉ DE MISSION DU CONSEIL DES PREMIERS MINISTRES DE L'ATLANTIQUE

Le Conseil fait valoir les intérêts du Canada atlantique, en ce qui concerne les questions nationales, en cherchant à harmoniser les points de vue et positions et en s'assurant que les Canadiens de la région atlantique sont bien représentés dans les débats nationaux et que leurs intérêts sont défendus.

Le Conseil s'efforce de créer un climat qui permette aux Canadiens de la région atlantique de participer pleinement et de manière compétitive à l'économie mondiale, de bénéficier de services sociaux de qualité et de conserver la qualité de vie et l'environnement qui sont propres à cette région du Canada.

Le Conseil joint ses efforts à ceux de tous ses partenaires pour favoriser un avenir durable et prospère au Canada atlantique, à l'intérieur d'un Canada fort et uni, dans le respect de la diversité et de l'égalité de toutes ses régions.

RELATIVEMENT À CE QUI PRÉCÈDE :

1. Le Conseil se compose des personnes qui occupent le poste de premier ministre du gouvernement du Nouveau-Brunswick, de premier ministre du gouvernement de Terre-Neuve et du Labrador, de premier ministre du gouvernement de la Nouvelle-Écosse et de premier ministre du gouvernement de l'Île-du-Prince-Édouard.
2. Les objectifs suivants font partie du mandat du Conseil :
 - 2.1 élaborer des positions communes au Canada atlantique en vue des Conférences annuelles des premiers ministres provinciaux et des Conférences fédérales-provinciales des premiers ministres;
 - 2.2 harmoniser les positions du Canada atlantique à l'égard des questions nationales;
 - 2.3 défendre conjointement les intérêts des Canadiens de la région atlantique;

- | | |
|---|---|
| <p>2.4 coordination of joint activity in areas of mutual agreement, including but not limited to trade promotion, federal-provincial fiscal arrangements, and economic and social cooperation; and</p> <p>2.5 coordination of joint analysis and review of economic and fiscal, social, cultural and environmental programs and policies which affect or concern the Atlantic provinces.</p> | <p>2.4 assurer la coordination d'activités conjointes dans des domaines faisant l'objet d'un commun accord, notamment, sans s'y restreindre, la promotion commerciale, les accords fiscaux fédéraux-provinciaux ainsi que la coopération économique et sociale;</p> <p>2.5 coordonner une analyse et un examen mixtes des programmes et politiques économiques, fiscaux, sociaux, culturels et environnementaux qui touchent ou concernent les provinces de l'Atlantique.</p> |
| <p>3. In the pursuit of the objectives set out in clause 2, premiers commit to the following principles:</p> <p>3.1 maximize economic opportunities for Atlantic Canadians;</p> <p>3.2 seek to provide public services to Atlantic Canadians comparable to those received by residents in other regions of Canada;</p> <p>3.3 enhance Atlantic Canada's contribution to the Canadian economy and society;</p> <p>3.4 protect the linguistic and cultural rights of the people of Atlantic Canada;</p> <p>3.5 respect the principles of sustainable development; and</p> <p>3.6 foster a strong and united Canada.</p> | <p>3. Pour atteindre les objectifs énumérés au paragraphe 2, les premiers ministres s'engagent à respecter les principes suivants :</p> <p>3.1 exploiter au maximum les débouchés économiques qui s'offrent aux Canadiens de la région atlantique;</p> <p>3.2 chercher à assurer aux Canadiens de la région atlantique des services publics comparables à ceux dont bénéficient les résidents des autres régions du Canada;</p> <p>3.3 accroître la contribution du Canada atlantique à l'économie et à la société canadiennes;</p> <p>3.4 protéger les droits linguistiques et culturels de la population du Canada atlantique;</p> <p>3.5 respecter les principes du développement durable;</p> <p>3.6 favoriser l'existence d'un Canada fort et uni.</p> |
| <p>4. The Chair of the Council shall rotate among the four premiers.</p> | <p>4. Les quatre premiers ministres assurent à tour de rôle la présidence du Conseil.</p> |
| <p>5. The Chair of the Council will rotate with each meeting and the site of the meetings shall rotate with the Chair.</p> | <p>5. À chaque réunion, une rotation s'effectue à la présidence du Conseil et le lieu des réunions change en même temps que la présidence.</p> |
| <p>6. The Council shall meet at least twice in each calendar year and may meet more frequently by agreement of the four premiers.</p> | <p>6. Le Conseil se réunit au moins deux fois par année civile et il peut se réunir plus fréquemment si les quatre premiers ministres en conviennent.</p> |
| <p>7. The decisions of the Council require unanimous consent of the members.</p> | <p>7. Les décisions du Conseil exigent le consentement unanime des membres.</p> |

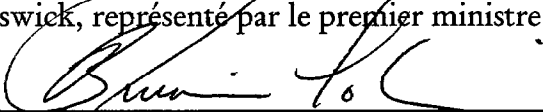
- | | |
|---|---|
| <p>8. The Council shall be supported by a committee comprising senior officials responsible for intergovernmental affairs in each province.</p> | <p>8. Le Conseil est appuyé par un comité de hauts fonctionnaires responsables des affaires intergouvernementales dans chaque province.</p> |
| <p>9. Administrative and logistical support for the Council will be provided by the Council of Maritime Premiers' Secretariat. The parties will agree upon the funding arrangements required for all parties to contribute to the cost of such support.</p> | <p>9. Le soutien administratif et logistique du Conseil est assuré par le Secrétariat du Conseil des premiers ministres des Maritimes. Les parties s'entendent sur les mécanismes de financement nécessaires pour que toutes les parties contribuent au coût des services de soutien.</p> |
| <p>10. The parties agree to review this agreement three years following the date of signing.</p> | <p>10. Les parties conviennent de revoir la présente entente trois ans après sa signature.</p> |

The parties hereto have executed this Agreement on the day and year first above written.

Les parties aux présentes ont signé le protocole d'entente à la date et au jour indiqués plus haut.



The Government of New Brunswick as represented by the Premier/ Le gouvernement du Nouveau-Brunswick, représenté par le premier ministre



The Government of Newfoundland and Labrador as represented by the Premier/ Le gouvernement de Terre-Neuve et du Labrador, représenté par le premier ministre



The Government of Nova Scotia as represented by the Premier/ Le gouvernement de la Nouvelle-Écosse, représenté par le premier ministre



The Government of Prince Edward Island as represented by the Premier/ Le gouvernement de l'Île-du-Prince-Édouard, représenté par le premier ministre