



**MASS CASUALTY
COMMISSION**
**COMMISSION
DES PERTES MASSIVES**

**Legislative Brief
Policing in Nova
Scotia**

Foundational Document

Prepared by: Commission Counsel

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NOTE 1:

This is a document provided for discussion purposes, based on a summary of the applicable law as assembled by Commission Counsel. The Commission welcomes input from Participants as to other laws or sections to be included in this overview.

SUBJECT MATTER

The purpose of this document is to situate the reader in the legal framework for policing in Nova Scotia at the time of the mass casualty in April 2020 (“the Events”).¹ It is intended to assist the Commission with the fulfillment of its mandate by identifying the laws under which police forces exist and operate in the province. It does not provide any commentary, evaluations, or recommendations.

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¹ This brief notes where the laws have changed since the Events. All underlining has been added unless otherwise indicated.

Legislative Brief: Policing in Nova Scotia

SUMMARY

I. Introduction

The purpose of this document is to provide the reader with the legal framework for policing in Nova Scotia at the time of the mass casualty in April 2020 (“the Events”).² It is intended to assist the Commission with the fulfillment of its mandate by identifying the laws under which police forces exist in the province. It does not provide any substantive commentary, evaluations, or recommendations.

There are 11 police forces in Nova Scotia: the RCMP and 10 municipal or regional police forces. The RCMP acts as a federal police force in all areas of Canada, including Nova Scotia, as a provincial police force under contract in Nova Scotia,³ and as a municipal police force in some parts of Nova Scotia.

Police services may also have formal or informal arrangements to assist each other on certain projects, emergencies, or types of investigations, which can be formalized in agreements or “Memoranda of Understanding”, and are beyond the scope of this brief.

II. Constitutional provisions

Constitution Act, 1867 (UK), 30 & 31 Vict, c 3, reprinted in RSC 1985, App II, No 5.

Key provisions

s.91	Federal government jurisdiction over “Peace, Order, and good Government of Canada”	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 <u>Peace, Order, and good Government of Canada</u> , in relation to all Matters not coming within the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces.
s. 91(27)	Federal government jurisdiction over criminal law and procedure.	[T]he 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, [...] <u>The Criminal Law</u> , except the Constitution of Courts of Criminal Jurisdiction, but including the Procedure in Criminal Matters.

² This brief notes where the laws have changed since the Events. All underlining has been added unless otherwise indicated.

³ Only Ontario and Quebec have provincial police forces (the Ontario Provincial Police (OPP) and La Sûreté du Québec (SQ), respectively). The Royal Newfoundland Constabulary acts as a provincial police force in only parts of Newfoundland and Labrador.

<i>Constitution Act, 1867 (UK), 30 & 31 Vict, c 3, reprinted in RSC 1985, App II, No 5.</i>		
Key provisions		
s. 92(14)	Provincial government jurisdiction over “the administration of justice in the Province”.	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 [...] The <u>Administration of Justice in the Province</u> , 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.
Web link: https://laws-lois.justice.gc.ca/eng/const/index.html		

Relevance: The *Constitution Act, 1867* gives both the federal government and the provinces particular powers when it comes to maintaining law and order. Section 92 gives the provinces exclusive power over the administration of justice, which includes policing within their provincial boundaries.⁴ The federal government’s powers in relation to law enforcement originate with section 91. The introductory words to that provision refer to the authority of the federal government to “make Laws for the Peace, Order, and good Government of Canada” and section 91(27) gives the federal government the exclusive power in relation to “The Criminal Law, except the Constitution of Courts of Criminal Jurisdiction, but including the Procedure in Criminal Matters.”⁵

III. Provincial legislation

1. Nova Scotia’s *Police Act*

<u>Police Act, S.N.S. 2004, c 31</u>	
Key provisions	
s. 3	The Minister [of Justice] is the constituted authority for the administration of justice within the Province
s. 5(1)	The Minister shall ensure that an adequate and effective level of policing is maintained throughout the Province.
s. 5(2)	The Minister shall promote the preservation of peace, the prevention of crime, the efficiency of police services and the improvement of police relationships with communities within the Province.

⁴ See e.g. *Bentley v Braidwood*, 2009 BCCA 604; *Sahaluk v Alberta (Transportation Safety Board)*, 2015 ABQB 142: “Section 92(14) of the *Constitution Act, 1867* bestows on a province the jurisdiction to enact laws in relation to the ‘Administration of Justice in the Province’. This provision is the constitutional foundation for provincial laws establishing [...] provincial police forces.”

⁵ The federal government has the power to enforce its own laws: P.W. Hogg, *Constitutional Law of Canada*, Vol. I, 4th ed. (looseleaf) (Toronto: Carswell, 1997), Chapter 19. The RCMP investigate certain federal offences nation-wide, such as offences related to controlled drugs and substances, terrorism, capital markets and commercial crime. This co-exists with the provincial power over the administration of justice.

Police Act, S.N.S. 2004, c 31	
Key provisions	
s. 5(3)	For the purpose of subsections (1) [...] and (2), the Minister may (a) issue a directive or a standard operating or administrative procedure to a police department or to the Serious Incident Response Team; (b) require a police department, board or advisory board or the Serious Incident Response Team to develop a directive or a standard operating or administrative procedure.
s. 6	The Minister may ... (d) provide to boards, advisory boards and other police authorities and chief officers information and advice respecting the management and operation of police departments, techniques in handling special problems, training and other information the Minister considers to be of assistance; (e) determine the adequacy and effectiveness of police services provided in a municipality through a system of audits, reviews and inspections and any other means the Minister determines to be appropriate; (i) establish programs and methods designed to create between the public and the police a mutual understanding of police functions, duties and responsibilities and to promote police relationships with the news media and the community.
s. 26(a)	There is hereby established a <u>Serious Incident Response Team</u> to provide oversight of policing by providing independent investigation of serious incidents involving police in the Province.
s. 27	The Governor in Council may establish a police service to be known as the <u>Nova Scotia Provincial Police</u> .
s. 30(1)	A member of the Provincial Police is charged with the enforcement of (a) the penal provisions of all the laws of the Province; (b) any penal laws in force in the Province, other than laws of a municipality; and (c) the laws of a municipality, where specified by the Minister.
s. 31	(1) The Provincial Police shall provide policing services including (a) crime prevention; (b) law enforcement; (c) assistance to victims of crime; (d) emergency and enhanced services; and (e) public order maintenance. (2) At the direction of the Minister, the Provincial Police shall provide emergency policing services to any municipality or part of a municipality policed by a municipal police department in the event of a service disruption or such other emergency determined as such by the Minister.

[Police Act, S.N.S. 2004, c 31](#)**Key provisions**

s.34	<p>(1) The Governor in Council may from time to time enter into an agreement with</p> <p>(a) <u>the Government of Canada for the use or employment of the Royal Canadian Mounted Police</u>; or</p> <p>(b) another government for the use or employment of its police department, to perform the functions of the Provincial Police.</p> <p>(3) Subject to the terms of the agreement referred to in subsection (1), while acting as the Provincial Police, the Royal Canadian Mounted Police or other police department shall be under the general control and supervision of the Minister.</p> <p>(4) Subject to the agreement entered into pursuant to subsection (1), the Royal Canadian Mounted Police or other police department shall perform the functions assigned to the Provincial Police by this Act.</p> <p>(5) For greater certainty, where the Governor in Council enters into an agreement with the Royal Canadian Mounted Police pursuant to subsection (1),</p> <p>(a) <i>the Royal Canadian Mounted Police Act</i> (Canada) applies;</p> <p>(b) the complaints process in that Act applies to members of the Royal Canadian Mounted Police when acting as the Provincial Police.</p>
s. 34A	<p>The Minister may, subject to the approval of the Governor in Council, enter into an agreement with the Government of Canada respecting policing and the administration of justice.</p>
s. 35	<p>(1) <u>Every municipality is responsible for the policing of and maintenance of law and order in the municipality</u> and for providing and maintaining an adequate, efficient and effective police department at its expense in accordance with its needs.</p> <p>(2) In providing an adequate, efficient and effective police department for the purpose of subsection (1), a municipality is responsible for providing all the necessary infrastructure and administration.</p> <p>(3) For the purpose of subsection (1), the service provided by a police department shall include</p> <p>(a) crime prevention;</p> <p>(b) law enforcement;</p> <p>(c) assistance to victims of crime;</p> <p>(d) emergency and enhanced services; and</p> <p>(e) public order maintenance.</p>
s. 36	<p>(1) The obligation of a municipality to provide policing services pursuant to Section 35 may be discharged by</p> <p>(a) <u>the establishment of a municipal police department pursuant to this Act</u>;</p> <p>(b) <u>entering into an agreement with the Province, the Government of Canada or another municipality for the use or employment of an established police department</u> or any portion of an established police department;</p> <p>(d) any other means approved by the Minister.</p> <p>(2) An agreement entered into pursuant to subsection (1) may contain such terms and conditions, including financial arrangements, as may be agreed upon and the municipality and the Minister have authority to enter into, perform and carry out the agreement.</p>

[Police Act, S.N.S. 2004, c 31](#)**Key provisions**

s. 42	<p>(1) A member of the Provincial Police, the Royal Canadian Mounted Police, a municipal police department, another police department providing policing services in the Province or the Serious Incident Response Team is a peace officer and has</p> <ul style="list-style-type: none"> (a) all the powers, authority, privileges, rights and immunities of a peace officer and constable under the common law, the Criminal Code (Canada) and any other federal or Provincial enactment; and (b) the power and authority to enforce and to act under every enactment of the Province and any reference in any enactment or in any law, by-law, ordinance or regulation of a municipality to a police officer, peace officer, constable, inspector or any term of similar meaning or import shall be construed to include a reference to a member of the Provincial Police, the Royal Canadian Mounted Police, a municipal police department, another police department providing policing services in the Province or the Serious Incident Response Team. <p>(2) Subject to this Act and the regulations, or any other enactment or an order of the Minister, the authority, responsibility and duty of a member of a municipal police department includes</p> <ul style="list-style-type: none"> (a) maintaining law and order; (b) the prevention of crime; (c) enforcing the penal provisions of the laws of the Province and any penal laws in force in the Province; (d) assisting victims of crime; (e) apprehending criminals and offenders who may lawfully be taken into custody; (f) laying charges and participating in prosecutions; (g) executing warrants that are to be executed by peace officers; (h) subject to an agreement respecting the policing of the municipality, enforcing municipal by-laws within the municipality; and (i) obeying the lawful orders of the chief officer, and the person shall discharge these responsibilities throughout the Province.
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Relevant regulations

[Police Regulations](#), NS Reg. 230/2005

[Serious Incident Response Team Regulations](#), NS Reg. 89/2012

Relevance: Nova Scotia's *Police Act* is the centerpiece legislation with regard to policing in the province. It sets out who has responsibility for policing, the duties and responsibilities of police officers, and allows both the province and municipalities to enter into agreements governing policing duties.

All of Nova Scotia is divided up into municipalities.⁶ The *Police Act* provides that all Nova Scotian municipalities are responsible for policing within their boundaries and must maintain an adequate, efficient and effective police department at their own expense.⁷ Municipalities may discharge this obligation by establishing a municipal police department or by contracting for the use of another established police service (including the RCMP). Accordingly, some municipalities in Nova Scotia are policed by a municipal police department governed by a municipal board of police commissioners, but many others are policed by the RCMP. This can be the RCMP as a provincial police force pursuant to an agreement between the province and the federal government, or the RCMP as a municipal police force via agreements directly with the federal government, depending on the size and choice of the municipality.⁸

⁶ See e.g. the Government of Nova Scotia's most recent annual report 2019 on municipal statistics: <https://beta.novascotia.ca/sites/default/files/documents/1-2476/municipal-statistics-annual-report-2019-en.pdf>

⁷ See s. 35(1) of the *Police Act*.

⁸ See "The Structure of Policing in Nova Scotia in April 2020" by Barry MacKnight, prepared for this Commission.

IV. Federal legislation

Royal Canadian Mounted Police Act, R.S.C., 1985, c. R-10	
Key provisions	
s. 3	There shall continue to be a police force for Canada, which shall consist of officers and other members and be known as the Royal Canadian Mounted Police.
s. 5(1)	The Governor in Council may appoint an officer, to be known as <u>the Commissioner of the Royal Canadian Mounted Police</u> , to hold office during pleasure, who, under the direction of the Minister, <u>has the control and management of the Force and all matters connected with the Force.</u>
s. 11.1(1)	Every officer is a peace officer in every part of Canada and has all the powers, authority, protection and privileges that a peace officer has by law until the officer ceases to be an officer.
s. 18	It is the duty of members who are peace officers, subject to the orders of the Commissioner, (a) to perform all duties that are assigned to peace officers in relation to the preservation of the peace, the prevention of crime and of offences against the laws of Canada and the laws in force in any province in which they may be employed, and the apprehension of criminals and offenders and others who may be lawfully taken into custody; (b) to execute all warrants, and perform all duties and services in relation thereto, that may, under this Act or the laws of Canada or the laws in force in any province, be lawfully executed and performed by peace officers; (d) to perform such other duties and functions as are prescribed by the Governor in Council or the Commissioner.
s. 20	(1) <u>The Minister may, with the approval of the Governor in Council, enter into an arrangement with the government of any province</u> for the use or employment of the Force, or any portion thereof, in aiding the administration of justice in the province and in carrying into effect the laws in force therein. (2) <u>The Minister may, with the approval of the Governor in Council and the lieutenant governor in council of any province, enter into an arrangement with any municipality</u> in the province for the use or employment of the Force, or any portion thereof, in aiding the administration of justice in the municipality and in carrying into effect the laws in force therein.

Royal Canadian Mounted Police Act, R.S.C., 1985, c. R-10**Key provisions**

S. 37	<p>It is the responsibility of every member</p> <ul style="list-style-type: none"> (a) to respect the rights of all persons; (b) to maintain the integrity of the law, law enforcement and the administration of justice; (c) to perform the member's duties promptly, impartially and diligently, in accordance with the law and without abusing the member's authority; (d) to avoid any actual, apparent or potential conflict of interests; (e) to ensure that any improper or unlawful conduct of any member is not concealed or permitted to continue; (f) to be incorruptible, never accepting or seeking special privilege in the performance of the member's duties or otherwise placing the member under any obligation that may prejudice the proper performance of the member's duties; (g) to act at all times in a courteous, respectful and honourable manner; and (h) to maintain the honour of the Force and its principles and purposes.
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Web link: <https://laws-lois.justice.gc.ca/eng/acts/r-10/>

Royal Canadian Mounted Police Regulations, 2014 SOR/2014-281 (passed under the RCMP Act)

s.14	<p>(1) In addition to the duties set out in the Act, it is the duty of members who are peace officers to</p> <ul style="list-style-type: none"> (a) <u>enforce all Acts of Parliament and regulations</u> and render assistance to departments of the Government of Canada as the Minister directs; (c) <u>maintain law and order in those provinces and municipalities with which the Minister has entered into an arrangement under section 20 of the Act and carry out the other duties that are specified in those arrangements;</u>
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Web link: <https://laws-lois.justice.gc.ca/eng/regulations/SOR-2014-281/page-1.html#h-808381>

Relevance: As noted in the previous section, the Nova Scotia *Police Act* authorizes the Nova Scotian government to enter into an agreement with the RCMP to act as Nova Scotia's provincial police force.⁹ An agreement for the RCMP to police rural areas in Nova Scotia has been in place in Nova Scotia since 1932.¹⁰ It also provides that municipalities may enter into agreements with the province or the Government of Canada for the RCMP to provide police services in their own municipalities, paid by the municipality.¹¹

Regardless of whether the RCMP is providing municipal, provincial or federal police services in Nova Scotia, the RCMP Act is clear that RCMP Commissioner has control and management of the Force and all matters connected with the Force.¹²

⁹ See s. 34(1) of the *Police Act*.

¹⁰ See <https://www.rcmp-grc.gc.ca/en/ns/about-division>.

¹¹ See s. 36(1)(b) of the *Police Act*.

¹² S. 5(1) of the *RCMP Act*.



CANADA

A Consolidation of

Codification administrative des

**THE CONSTITUTION ACTS
1867 to 1982**

**LOIS CONSTITUTIONNELLES
DE 1867 à 1982**

Current to January 1, 2021

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FOREWORD

Layout

The presentation of this codification and the accompanying notes follow, to the extent possible, the basic principles related to formatting legislative enactments that were put in place in January 2016. For certain elements particular to constitutional enactments that have no equivalent in other consolidated statutes, it was decided to draw upon the presentation of these enactments in their previously published form.

Consolidation

This consolidation contains the text of the *Constitution Act, 1867* (formerly the *British North America Act, 1867*), together with amendments made to it since its enactment, and the text of the *Canada Act 1982* and the *Constitution Act, 1982*, as amended since its enactment. The *Constitution Act, 1982* contains the *Canadian Charter of Rights and Freedoms* and other provisions, including the rights of Indigenous peoples and the procedures for amending the Constitution of Canada.

The *Constitution Act, 1982* also contains a schedule of repeals of certain constitutional enactments and provides for the renaming of others. The *British North America Act, 1949*, for example, is renamed as the *Newfoundland Act*. The new names of these enactments are used in this consolidation, but their former names may be found in the schedule.

The *Constitution Act, 1982* was enacted as Schedule B to the *Canada Act 1982*, 1982, c. 11 (U.K.). It is set out in this consolidation as a separate Act after the *Constitution Act, 1867* and the *Canada Act 1982*.

French Version

The French version of the *Constitution Act, 1867* set out herein is the conventional translation. It does not have the force of law since this Act was enacted by the Parliament of the United Kingdom in English only.

Section 55 of the *Constitution Act, 1982* provides that a “French version of the portions of the Constitution of Canada referred to in the schedule [to that Act] shall be prepared by the Minister of Justice of Canada as expeditiously as possible”. The French Constitutional Drafting Committee was established in 1984 with a mandate to assist the Minister of Justice in that task. The Committee’s

AVANT-PROPOS

Mise en page

La présentation de cette codification et des notes qui s’y rapportent suit dans la mesure du possible les principes de la mise en page des textes législatifs adoptée en janvier 2016. Pour les éléments particuliers à ces textes constitutionnels qui n’ont pas leur équivalent dans les autres lois codifiées, des décisions ont été prises quant à la présentation inspirées de l’apparence des textes dans les recueils où ils ont été publiés à l’origine.

Codification

La présente codification contient le texte de la *Loi constitutionnelle de 1867* (antérieurement l’*Acte de l’Amérique du Nord britannique, 1867*), avec les modifications apportées depuis son adoption, le texte de la *Loi de 1982 sur le Canada* ainsi que celui de la *Loi constitutionnelle de 1982* avec les modifications qui lui ont été apportées depuis son adoption. La *Loi constitutionnelle de 1982* renferme la *Charte canadienne des droits et libertés* et d’autres dispositions, notamment les droits des peuples autochtones et les procédures de modification de la Constitution du Canada.

De plus, l’annexe de la *Loi constitutionnelle de 1982* abroge certains textes constitutionnels et modifie le titre d’autres textes. Par exemple, l’*Acte de l’Amérique du Nord britannique, 1949* est devenu la *Loi sur Terre-Neuve*. Ce sont ces nouveaux titres qui figurent dans la présente codification. Quant aux anciens titres, ils figurent à l’annexe de la *Loi constitutionnelle de 1982*.

La *Loi constitutionnelle de 1982* a été adoptée comme annexe B de la *Loi de 1982 sur le Canada*, 1982, ch. 11 (R.-U.). Elle est toutefois présentée dans la présente codification comme loi distincte, après cette dernière loi et la *Loi constitutionnelle de 1867*.

Version française

La présente version française de la *Loi constitutionnelle de 1867* n’est qu’une traduction donnée à titre documentaire. Elle n’a pas force de loi puisque cette loi a été adoptée par le Parlement du Royaume-Uni en anglais seulement.

L’article 55 de la *Loi constitutionnelle de 1982* prévoit que le « ministre de la Justice du Canada est chargé de rédiger, dans les meilleurs délais, la version française des parties de la Constitution du Canada qui figurent à l’annexe [de cette loi] ». Le comité de rédaction constitutionnelle française a été créé en 1984 pour appuyer

Final Report, which contains forty-two constitutional enactments, was tabled by the Minister in both Houses of Parliament in December 1990. Another office consolidation prepared by the Department of Justice and presented on this site is based on the French version of the *Constitution Act, 1867* that was drafted by the Committee.

Amendment of the Constitution Act, 1867

The law embodied in the *Constitution Act, 1867* has been altered many times otherwise than by textual amendment, not only by the Parliament of the United Kingdom but also by the Parliament of Canada and the legislatures of the provinces in those cases where provisions of that Act are expressed to be subject to alteration by Parliament or the legislatures. A consolidation of the Constitution Acts including only those subsequent enactments that alter the text of the Act would therefore not produce a true statement of the law. In preparing this consolidation, an attempt has been made to reflect accurately the substance of the law contained in enactments modifying the provisions of the *Constitution Act, 1867*, whether by textual amendment or otherwise.

The various classes of enactments modifying the *Constitution Act, 1867* have been dealt with as follows:

I. Textual Amendments

1. Repeals

Repealed provisions (e.g. section 2) have been deleted from the text and quoted in an endnote.

2. Amendments

Amended provisions (e.g. section 4) are reproduced in the text in their amended form and the original provisions are quoted in an endnote.

3. Additions

Added provisions (e.g. section 51A) are included in the text.

4. Substitutions

Substituted provisions (e.g. section 18) are included in the text and the former provision is quoted in an endnote.

II. Non-textual Amendments

1. Alterations by United Kingdom Parliament

Provisions altered by the United Kingdom Parliament otherwise than by textual amendment (e.g. section 21)

le ministre dans cette mission. Le ministre de la Justice a déposé le rapport définitif du comité, comprenant quarante-deux textes constitutionnels, devant les deux chambres du Parlement en décembre 1990. Une autre codification administrative préparée par le ministère de la Justice et présentée sur ce site est fondée sur la version française rédigée par ce comité.

Modifications apportées à la Loi constitutionnelle de 1867

La *Loi constitutionnelle de 1867* a subi plusieurs modifications non textuelles, non seulement de la part du Parlement du Royaume-Uni, mais aussi, dans les cas où elle le permettait, de la part du Parlement du Canada et des législatures provinciales. Ces modifications ont été incluses en plus des modifications faites au texte original afin de donner tout l'état de la loi. La présente codification a donc pour objet de reproduire exactement la substance de la législation contenue dans tous les textes qui ont modifié les dispositions de la *Loi constitutionnelle de 1867*, par des modifications textuelles ou autres.

La méthodologie appliquée aux diverses catégories de dispositions qui ont modifié la *Loi constitutionnelle de 1867* est présentée ci-dessous.

I. Modifications textuelles

1. Abrogations

Les dispositions abrogées — l'article 2, par exemple — ont été retranchées du texte et sont citées dans une note en fin de texte.

2. Modifications

Les dispositions modifiées — l'article 4, par exemple — sont reproduites dans le texte sous leur nouvelle forme et les dispositions originales sont citées dans une note en fin de texte.

3. Adjonctions

Les dispositions ajoutées — l'article 51A, par exemple — ont été incluses dans le texte.

4. Substitutions

Les dispositions substituées — l'article 18, par exemple — ont été incluses dans le texte et les anciennes dispositions sont citées dans une note en fin de texte.

II. Modifications non textuelles

1. Changements apportés par le Parlement du Royaume-Uni

are included in the text in their altered form and the original provision is quoted in an endnote.

2. Additions by United Kingdom Parliament

Constitutional provisions added otherwise than by the insertion of additional provisions in the *Constitution Act, 1867* (e.g. provisions of the *Constitution Act, 1871* authorizing Parliament to legislate for any territory not included in a province) are not incorporated in the text but the additional provisions are quoted in an appropriate endnote.

3. Alterations by Parliament of Canada

Provisions subject to alteration by the Parliament of Canada (e.g. section 37) have been included in the text in their altered form, wherever possible, but where this was not feasible (e.g. section 40) the original section has been retained in the text and an endnote reference made to the Act of the Parliament of Canada effecting the alteration.

4. Alterations by the Legislatures

Provisions subject to alteration by the legislatures of the provinces, either by virtue of specific authority (e.g. sections 83 and 84) or by virtue of former head 1 of section 92 (e.g. sections 70 and 72), have been included in the text in their original form but the endnotes refer to the provincial enactments effecting the alteration. Amendments to the provincial enactments are not noted; these may be found by consulting the provincial statutes. In addition, only the enactments of the original provinces are referred to; corresponding enactments by the provinces that were created at a later date are not noted.

Spent Provisions

Endnote references are made to those sections that are spent or probably spent. For example, section 119 became spent by lapse of time and the endnote reference indicates this. In turn, section 140 is probably spent, but short of examining all statutes passed before Confederation there would be no way of ascertaining definitely whether or not the section is spent; the endnote reference therefore indicates that the section is probably spent.

Les dispositions que le Parlement du Royaume-Uni a changées autrement que par modification textuelle — l'article 21, par exemple — ont été incluses dans le texte sous leur nouvelle forme et les dispositions originales sont citées dans une note en fin de texte.

2. Adjonctions effectuées par le Parlement du Royaume-Uni

Les dispositions constitutionnelles ajoutées autrement que par des adjonctions à la *Loi constitutionnelle de 1867* — par exemple, les dispositions de la *Loi constitutionnelle de 1871* autorisant le Parlement à légiférer pour tout territoire non compris dans une province — ne sont pas incorporées au texte, mais sont citées dans une note en fin de texte.

3. Changements apportés par le Parlement du Canada

Les dispositions pouvant être modifiées par le Parlement du Canada — l'article 37, par exemple — ont été incluses dans le texte sous leur nouvelle forme, chaque fois que possible; dans le cas contraire — l'article 40, par exemple — le texte conserve l'article original avec, dans une note en fin de texte, un renvoi à la loi du Parlement du Canada qui a effectué le changement.

4. Changements apportés par les législatures

Les dispositions pouvant être modifiées par les législatures provinciales en vertu d'une autorisation expresse — les articles 83 et 84, par exemple — ou en vertu de l'ancien paragraphe 1 de l'article 92 — comme les articles 70 et 72, par exemple — ont été incluses dans le texte sous leur forme originale. Les renvois dans les notes en fin de texte portent sur les dispositions législatives provinciales à l'origine de ces changements. Toutefois, les modifications dont ces dispositions législatives provinciales ont été l'objet n'ont pas été incluses; on peut en prendre connaissance en consultant les lois des provinces. En outre, ces renvois ne se rapportent qu'aux dispositions législatives des quatre premières provinces. Les textes similaires adoptés par les provinces créées après 1867 ne sont pas inclus.

Dispositions périmées

Certains renvois dans les notes en fin de texte se rapportent aux articles périmés ou probablement périmés. Ainsi, l'article 119 est devenu périmé avec le temps, ce qu'indique le renvoi. Par ailleurs, l'article 140 est probablement périmé, mais il faudrait examiner toutes les lois adoptées avant la Confédération pour en être absolument certain; c'est la raison pour laquelle le renvoi dans la note en fin de texte signale que cet article est probablement périmé.

General

The enactments of the United Kingdom Parliament and the Parliament of Canada, and Orders in Council admitting territories, that are referred to in the endnotes may be found in Appendix II of the Appendices to the Revised Statutes of Canada, 1985 and in the annual volumes of the Statutes of Canada.

There are some inconsistencies in the capitalization of nouns in the English version. It was originally the practice to capitalize the first letter of all nouns in British statutes and the *Constitution Act, 1867* was so written, but this practice was discontinued and was never followed in Canadian statutes. In the original provisions included in this consolidation, nouns are written as they were enacted.

Généralités

Les dispositions adoptées par le Parlement du Royaume-Uni ou par le Parlement du Canada ainsi que les décrets portant admission de territoires, mentionnés dans les notes en fin de texte, sont inclus dans l'appendice II des Appendices des Lois révisées du Canada (1985) et dans les volumes annuels des Lois du Canada.

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CONSTITUTION ACT, 1867

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

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 *Constitution Act, 1867*.⁽²⁾

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⁾

LOI CONSTITUTIONNELLE DE 1867

30 & 31 Victoria, ch. 3 (R.-U.)

Loi concernant l'Union et le gouvernement du Canada, de la Nouvelle-Écosse et du Nouveau-Brunswick, ainsi que les objets qui s'y rattachent.

(29 mars 1867)

Considérant que les provinces du Canada, de la Nouvelle-Écosse et du Nouveau-Brunswick ont exprimé le désir de contracter une Union Fédérale pour ne former qu'une seule et même Puissance (*Dominion*) sous la couronne du Royaume-Uni de la Grande-Bretagne et d'Irlande, avec une constitution reposant sur les mêmes principes que celle du Royaume-Uni :

Considérant de plus qu'une telle union aurait l'effet de développer la prospérité des provinces et de favoriser les intérêts de l'Empire Britannique :

Considérant de plus qu'il est opportun, concurremment avec l'établissement de l'union par autorité du parlement, non seulement de décréter la constitution du pouvoir législatif de la Puissance, mais aussi de définir la nature de son gouvernement exécutif :

Considérant de plus qu'il est nécessaire de pourvoir à l'admission éventuelle d'autres parties de l'Amérique du Nord britannique dans l'union :⁽¹⁾

I. Préliminaires

Titre abrégé

1 Titre abrégé : *Loi constitutionnelle de 1867*.⁽²⁾

2 Abrogé.⁽³⁾

II. Union

Établissement de l'union

3 Il sera loisible à la Reine, de l'avis du Très-Honorable Conseil Privé de Sa Majesté, de déclarer par proclamation qu'à compter du jour y désigné, — mais pas plus tard que six mois après la passation de la présente loi, — les provinces du Canada, de la Nouvelle-Écosse et du Nouveau-Brunswick ne formeront qu'une seule et même Puissance sous le nom de Canada; et dès ce jour, ces trois provinces ne formeront, en conséquence, qu'une seule et même Puissance sous ce nom.⁽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 Brunswick

7 The Provinces of Nova Scotia and New Brunswick shall have the same Limits as at the passing of this Act.

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.

Interprétation des dispositions subséquentes de la loi

4 À moins que le contraire n'y apparaisse explicitement ou implicitement, le nom de Canada signifiera le Canada tel que constitué sous la présente loi.⁽⁵⁾

Quatre provinces

5 Le Canada sera divisé en quatre provinces, dénommées : Ontario, Québec, Nouvelle-Écosse et Nouveau-Brunswick.⁽⁶⁾

Provinces d'Ontario et Québec

6 Les parties de la province du Canada (telle qu'existant à la passation de la présente loi) qui constituaient autrefois les provinces respectives du Haut et du Bas-Canada, seront censées séparées et formeront deux provinces distinctes. La partie qui constituait autrefois la province du Haut-Canada formera la province d'Ontario; et la partie qui constituait la province du Bas-Canada formera la province de Québec.

Provinces de la Nouvelle-Écosse et du Nouveau-Brunswick

7 Les provinces de la Nouvelle-Écosse et du Nouveau-Brunswick auront les mêmes délimitations qui leur étaient assignées à l'époque de la passation de la présente loi.

Recensement décennal

8 Dans le recensement général de la population du Canada qui, en vertu de la présente loi, devra se faire en mil huit cent soixante et onze, et tous les dix ans ensuite, il sera fait une énumération distincte des populations respectives des quatre provinces.

III. Pouvoir exécutif

La Reine est investie du pouvoir exécutif

9 À la Reine continueront d'être et sont par la présente attribués le gouvernement et le pouvoir exécutifs du Canada.

Application des dispositions relatives au gouverneur-général

10 Les dispositions de la présente loi relatives au gouverneur général s'étendent et s'appliquent au gouverneur général du Canada, ou à tout autre Chef Exécutif ou Administrateur pour le temps d'alors, administrant le gouvernement du Canada au nom de la Reine, quel que soit le titre sous lequel il puisse être désigné.

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.⁽²⁾

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 appoint Deputies

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 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

Constitution du conseil privé

11 Il y aura, pour aider et aviser, dans l'administration du gouvernement du Canada, un conseil dénommé le Conseil Privé de la Reine pour le Canada; les personnes qui formeront partie de ce conseil seront, de temps à autre, choisies et mandées par le Gouverneur-Général et assermentées comme Conseillers Privés; les membres de ce conseil pourront, de temps à autre, être révoqués par le gouverneur-général.

Pouvoirs conférés au gouverneur-général, en conseil ou seul

12 Tous les pouvoirs, attributions et fonctions qui, — par une loi du parlement de la Grande-Bretagne, ou du parlement du Royaume-Uni de la Grande-Bretagne et d'Irlande, ou de la législature du Haut-Canada, du Bas-Canada, du Canada, de la Nouvelle-Écosse ou du Nouveau-Brunswick, lors de l'union, — sont conférés aux gouverneurs ou lieutenants-gouverneurs respectifs de ces provinces ou peuvent être par eux exercés, de l'avis ou de l'avis et du consentement des conseils exécutifs de ces provinces, ou avec la coopération de ces conseils, ou d'aucun nombre de membres de ces conseils, ou par ces gouverneurs ou lieutenants-gouverneurs individuellement, seront, — en tant qu'ils continueront d'exister et qu'ils pourront être exercés, après l'union, relativement au gouvernement du Canada, — conférés au gouverneur-général et pourront être par lui exercés, de l'avis ou de l'avis et du consentement ou avec la coopération du Conseil Privé de la Reine pour le Canada ou d'aucun de ses membres, ou par le gouverneur-général individuellement, selon le cas; mais ils pourront, néanmoins (sauf ceux existant en vertu de lois de la Grande-Bretagne ou du parlement du Royaume-Uni de la Grande-Bretagne et d'Irlande), être révoqués ou modifiés par le parlement du Canada.⁽²⁾

Application des dispositions relatives au gouverneur-général en conseil

13 Les dispositions de la présente loi relatives au gouverneur-général en conseil seront interprétées de manière à s'appliquer au gouverneur-général agissant de l'avis du Conseil Privé de la Reine pour le Canada.

Le gouverneur-général autorisé à s'adjoindre des députés

14 Il sera loisible à la Reine, si Sa Majesté le juge à propos, d'autoriser le gouverneur-général à nommer, de temps à autre, une ou plusieurs personnes, conjointement ou séparément, pour agir comme son ou ses députés dans aucune partie ou parties du Canada, pour, en cette capacité, exercer, durant le plaisir du gouverneur-général, les pouvoirs, attributions et fonctions du gouverneur-général, que le gouverneur-général jugera à propos ou nécessaire de lui ou leur assigner, sujet aux

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⁾

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⁾

restrictions ou instructions formulées ou communiquées par la Reine; mais la nomination de tel député ou députés ne pourra empêcher le gouverneur-général lui-même d'exercer les pouvoirs, attributions ou fonctions qui lui sont conférés.

Commandement des armées

15 À la Reine continuera d'être et est par la présente attribué le commandement en chef des milices de terre et de mer et de toutes les forces militaires et navales en Canada.

Siège du gouvernement du Canada

16 Jusqu'à ce qu'il plaise à la Reine d'en ordonner autrement, Ottawa sera le siège du gouvernement du Canada.

IV. Pouvoir législatif

Constitution du parlement du Canada

17 Il y aura, pour le Canada, un parlement qui sera composé de la Reine, d'une chambre haute appelée le Sénat, et de la Chambre des Communes.

Privilèges, etc., des chambres

18 Les privilèges, immunités et pouvoirs que posséderont et exerceront le Sénat et la Chambre des Communes et les membres de ces corps respectifs, seront ceux prescrits de temps à autre par loi du Parlement du Canada; mais de manière à ce qu'aucune loi du Parlement du Canada définissant tels privilèges, immunités et pouvoirs ne donnera aucuns privilèges, immunités ou pouvoirs excédant ceux qui, lors de la passation de la présente loi, sont possédés et exercés par la Chambre des Communes du Parlement du Royaume-Uni de la Grande-Bretagne et d'Irlande et par les membres de cette Chambre.⁽⁸⁾

Première session du parlement

19 Le parlement du Canada sera convoqué dans un délai de pas plus de six mois après l'union.⁽⁹⁾

20 Abrogé.⁽¹⁰⁾

Le Sénat

Nombre de sénateurs

21 Sujet aux dispositions de la présente loi, le Sénat se composera de cent cinq membres, qui seront appelés sénateurs.⁽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, the Northwest Territories and Nunavut 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,

Représentation des provinces au Sénat

22 En ce qui concerne la composition du Sénat, le Canada sera censé comprendre quatre divisions :

1. Ontario;
2. Québec;
3. les provinces Maritimes — la Nouvelle-Écosse et le Nouveau-Brunswick — ainsi que l'Île-du-Prince-Édouard;
4. les provinces de l'Ouest : le Manitoba, la Colombie-Britannique, la Saskatchewan et l'Alberta;

les quatre divisions doivent (subordonnement aux révisions de la présente loi) être également représentées dans le Sénat, ainsi qu'il suit : — Ontario par vingt-quatre sénateurs; Québec par vingt-quatre sénateurs; les Provinces maritimes et l'Île-du-Prince-Édouard par vingt-quatre sénateurs, dont dix représentent la Nouvelle-Écosse, dix le Nouveau-Brunswick, et quatre l'Île-du-Prince-Édouard; les Provinces de l'Ouest par vingt-quatre sénateurs, dont six représentent le Manitoba, six la Colombie-Britannique, six la Saskatchewan et six l'Alberta; la province de Terre-Neuve aura droit d'être représentée au Sénat par six sénateurs; le territoire du Yukon, les territoires du Nord-Ouest et le territoire du Nunavut ont le droit d'être représentés au Sénat par un sénateur chacun.

En ce qui concerne la province de Québec, chacun des vingt-quatre sénateurs la représentant, sera nommé pour l'un des vingt-quatre collèges électoraux du Bas-Canada énumérés dans la cédule A, annexée au chapitre premier des statuts refondus du Canada.⁽¹²⁾

Qualités exigées des sénateurs

23 Les qualifications d'un sénateur seront comme suit :

1. Il devra être âgé de trente ans révolus;
2. Il devra être sujet-né de la Reine, ou sujet de la Reine naturalisé par loi du parlement de la Grande-Bretagne, ou du parlement du Royaume-Uni de la Grande-Bretagne et d'Irlande, ou de la législature de l'une des provinces du Haut-Canada, du Bas-Canada, du Canada, de la Nouvelle-Écosse, ou du Nouveau-Brunswick, avant l'union, ou du parlement du Canada, après l'union;
3. Il devra posséder, pour son propre usage et bénéfice, comme propriétaire en droit ou en équité, des terres ou tenements tenus en franc et commun socage, — ou être en bonne saisine ou possession, pour son propre usage et bénéfice, de terres ou tenements tenus en franc-alleu ou en roture dans la province pour laquelle il est nommé, de la valeur de quatre mille piastres en sus

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.

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.

de toutes rentes, dettes, charges, hypothèques et redevances qui peuvent être attachées, dues et payables sur ces immeubles ou auxquelles ils peuvent être affectés;

4. Ses propriétés mobilières et immobilières devront valoir, somme toute, quatre mille piastres, en sus de toutes ses dettes et obligations;
5. Il devra être domicilié dans la province pour laquelle il est nommé;
6. En ce qui concerne la province de Québec, il devra être domicilié ou posséder sa qualification foncière dans le collège électoral dont la représentation lui est assignée.⁽¹³⁾

Nomination des sénateurs

24 Le gouverneur-général mandera de temps à autre au Sénat, au nom de la Reine et par instrument sous le grand sceau du Canada, des personnes ayant les qualifications voulues; et, sujettes aux dispositions de la présente loi, les personnes ainsi mandées deviendront et seront membres du Sénat et sénateurs.

25 Abrogé.⁽¹⁴⁾

Nombre de sénateurs augmenté en certains cas

26 Si en aucun temps, sur la recommandation du gouverneur-général, la Reine juge à propos d'ordonner que quatre ou huit membres soient ajoutés au Sénat, le gouverneur-général pourra, par mandat adressé à quatre ou huit personnes (selon le cas) ayant les qualifications voulues, représentant également les quatre divisions du Canada, les ajouter au Sénat.⁽¹⁵⁾

Réduction du Sénat au nombre régulier

27 Dans le cas où le nombre des sénateurs serait ainsi en aucun temps augmenté, le gouverneur-général ne mandera aucune personne au Sénat, sauf sur pareil ordre de la Reine donné à la suite de la même recommandation, tant que la représentation de chacune des quatre divisions du Canada ne sera pas revenue au nombre fixe de vingt-quatre sénateurs.⁽¹⁶⁾

Maximum du nombre des sénateurs

28 Le nombre des sénateurs ne devra en aucun temps excéder cent treize.⁽¹⁷⁾

Sénateurs nommés à vie

29 (1) Sous réserve du paragraphe (2), un sénateur occupe sa place au Sénat sa vie durant, sauf les dispositions de la présente loi.

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.

Retraite à l'âge de soixante-quinze ans

(2) Un sénateur qui est nommé au Sénat après l'entrée en vigueur du présent paragraphe occupe sa place au Sénat, sous réserve de la présente loi, jusqu'à ce qu'il atteigne l'âge de soixante-quinze ans.⁽¹⁸⁾

Les sénateurs peuvent se démettre de leurs fonctions

30 Un sénateur pourra, par écrit revêtu de son seing et adressé au gouverneur-général, se démettre de ses fonctions au Sénat, après quoi son siège deviendra vacant.

Cas dans lesquels les sièges des sénateurs deviendront vacants

31 Le siège d'un sénateur deviendra vacant dans chacun des cas suivants :

1. Si, durant deux sessions consécutives du parlement, il manque d'assister aux séances du Sénat;
2. S'il prête un serment, ou souscrit une déclaration ou reconnaissance d'allégeance, obéissance ou attachement à une puissance étrangère, ou s'il accomplit un acte qui le rend sujet ou citoyen, ou lui confère les droits et les privilèges d'un sujet ou citoyen d'une puissance étrangère;
3. S'il est déclaré en état de banqueroute ou de faillite, ou s'il a recours au bénéfice d'aucune loi concernant les faillis, ou s'il se rend coupable de concussion;
4. S'il est atteint de trahison ou convaincu de félonie, ou d'aucun crime infamant;
5. S'il cesse de posséder la qualification reposant sur la propriété ou le domicile; mais un sénateur ne sera pas réputé avoir perdu la qualification reposant sur le domicile par le seul fait de sa résidence au siège du gouvernement du Canada pendant qu'il occupe sous ce gouvernement une charge qui y exige sa présence.

Nomination en cas de vacance

32 Quand un siège deviendra vacant au Sénat par démission, décès ou toute autre cause, le gouverneur-général remplira la vacance en adressant un mandat à quelque personne capable et ayant les qualifications voulues.

Questions quant aux qualifications et vacances, etc.

33 S'il s'élève quelque question au sujet des qualifications d'un sénateur ou d'une vacance dans le Sénat, cette question sera entendue et décidée par le Sénat.

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 three hundred and eight members of whom one hundred and six shall be elected for Ontario, seventy-five for Quebec, eleven for Nova Scotia, ten for New Brunswick, fourteen for Manitoba, thirty-six for British Columbia, four for Prince Edward Island, twenty-eight for Alberta, fourteen for Saskatchewan, seven for Newfoundland, one for the Yukon Territory, two for the Northwest Territories and one for Nunavut.⁽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:

Orateur du Sénat

34 Le gouverneur-général pourra, de temps à autre, par instrument sous le grand sceau du Canada, nommer un sénateur comme orateur du Sénat, et le révoquer et en nommer un autre à sa place.⁽¹⁹⁾

Quorum du Sénat

35 Jusqu'à ce que le parlement du Canada en ordonne autrement, la présence d'au moins quinze sénateurs, y compris l'orateur, sera nécessaire pour constituer une assemblée du Sénat dans l'exercice de ses fonctions.

Votation dans le Sénat

36 Les questions soulevées dans le Sénat seront décidées à la majorité des voix, et dans tous les cas, l'orateur aura voix délibérative; quand les voix seront également partagées, la décision sera considérée comme rendue dans la négative.

La Chambre des Communes

Constitution de la Chambre des Communes

37 La Chambre des Communes sera, sujette aux dispositions de la présente loi, composée de trois cent huit membres, dont cent six représenteront Ontario, soixante-quinze Québec, onze la Nouvelle-Écosse, dix le Nouveau-Brunswick, quatorze le Manitoba, trente-six la Colombie-Britannique, quatre l'Île-du-Prince-Édouard, vingt-huit l'Alberta, quatorze la Saskatchewan, sept Terre-Neuve, un le territoire du Yukon, un les territoires du Nord-Ouest et un le territoire du Nunavut.⁽²⁰⁾

Convocation de la Chambre des Communes

38 Le gouverneur-général convoquera, de temps à autre, la Chambre des Communes au nom de la Reine, par instrument sous le grand sceau du Canada.

Exclusion des sénateurs de la Chambre des Communes

39 Un sénateur ne pourra ni être élu, ni siéger, ni voter comme membre de la Chambre des Communes.

Districts électoraux des quatre provinces

40 Jusqu'à ce que le parlement du Canada en ordonne autrement, les provinces d'Ontario, de Québec, de la Nouvelle-Écosse et du Nouveau-Brunswick seront, — en ce qui concerne l'élection des membres de la Chambre des Communes, — divisées en districts électoraux comme suit :

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.

1. ONTARIO

La province d'Ontario sera partagée en comtés, divisions de comtés (*Ridings*), cités, parties de cités et villes tels qu'énumérés dans la première annexe de la présente loi; chacune de ces divisions formera un district électoral, et chaque district désigné dans cette annexe aura droit d'élire un membre.

2. QUÉBEC

La province de Québec sera partagée en soixante-cinq districts électoraux, comprenant les soixante-cinq divisions électorales en lesquelles le Bas-Canada est actuellement divisé en vertu du chapitre deuxième des Statuts Refondus du Canada, du chapitre soixante-quinze des Statuts Refondus pour le Bas-Canada, et de l'acte de la province du Canada de la vingt-troisième année du règne de Sa Majesté la Reine, chapitre premier, ou de toute autre loi les amendant et en force à l'époque de l'union, de telle manière que chaque division électorale constitue, pour les fins de la présente loi, un district électoral ayant droit d'élire un membre.

3. NOUVELLE-ÉCOSSE

Chacun des dix-huit comtés de la Nouvelle-Écosse formera un district électoral. Le comté d'Halifax aura droit d'élire deux membres, et chacun des autres comtés, un membre.

4. NOUVEAU-BRUNSWICK

Chacun des quatorze comtés dont se compose le Nouveau-Brunswick, y compris la cité et le comté de St. Jean, formera un district électoral. La cité de St. Jean constituera également un district électoral par elle-même. Chacun de ces quinze districts électoraux aura droit d'élire un membre.⁽²¹⁾

Continuation des lois actuelles d'élection

41 Jusqu'à ce que le parlement du Canada en ordonne autrement, — toutes les lois en force dans les diverses provinces, à l'époque de l'union, concernant les questions suivantes ou aucune d'elles, savoir: — l'éligibilité ou l'inéligibilité des candidats ou des membres de la chambre d'assemblée ou assemblée législative dans les diverses provinces, — les votants aux élections de ces membres, — les serments exigés des votants, — les officiers-rapporteurs, leurs pouvoirs et leurs devoirs, — le mode de procéder aux élections, — le temps que celles-ci peuvent durer, — la décision des élections contestées et les procédures y incidentes, — les vacances des sièges en parlement et l'exécution de nouveaux brevets dans les cas de vacances occasionnées par d'autres causes que la dissolution, — s'appliqueront respectivement aux élections des membres envoyés à la Chambre des Communes par ces diverses 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⁾

42 Repealed.⁽²³⁾

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.

Mais, jusqu'à ce que le parlement du Canada en ordonne autrement, à chaque élection d'un membre de la Chambre des Communes pour le district d'Algoma, outre les personnes ayant droit de vote en vertu de la loi de la province du Canada, tout sujet anglais du sexe masculin, âgé de vingt-et-un ans ou plus et tenant feu et lieu, aura droit de vote.⁽²²⁾

42 Abrogé.⁽²³⁾

43 Abrogé.⁽²⁴⁾

Orateur de la Chambre des Communes

44 La Chambre des Communes, à sa première réunion après une élection générale, procédera, avec toute la diligence possible, à l'élection de l'un de ses membres comme orateur.

Quand la charge d'orateur deviendra vacante

45 Survenant une vacance dans la charge d'orateur, par décès, démission ou autre cause, la Chambre des Communes procédera, avec toute la diligence possible, à l'élection d'un autre de ses membres comme orateur.

L'orateur exerce la présidence

46 L'orateur présidera à toutes les séances de la Chambre des Communes.

Pourvu au cas de l'absence de l'orateur

47 Jusqu'à ce que le parlement du Canada en ordonne autrement, — si l'orateur, pour une raison quelconque, quitte le fauteuil de la Chambre des Communes pendant quarante-huit heures consécutives, la chambre pourra élire un autre de ses membres pour agir comme orateur; le membre ainsi élu aura et exercera, durant l'absence de l'orateur, tous les pouvoirs, privilèges et attributions de ce dernier.⁽²⁵⁾

Quorum de la Chambre des Communes

48 La présence d'au moins vingt membres de la Chambre des Communes sera nécessaire pour constituer une assemblée de la chambre dans l'exercice de ses pouvoirs; à cette fin, l'orateur sera compté comme un membre.

Votation dans la Chambre des Communes

49 Les questions soulevées dans la Chambre des Communes seront décidées à la majorité des voix, sauf celle de l'orateur, mais lorsque les voix seront également partagées, — et en ce cas seulement, — l'orateur pourra voter.

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 completion of each decennial census, be readjusted by such authority, in such manner, and from such time as the Parliament of Canada provides from time to time, 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 population of the province by the electoral quotient and rounding up any fractional remainder to one.
2. If the number of members assigned to a province by the application of rule 1 and section 51A is less than the total number assigned to that province on the date of the coming into force of the *Constitution Act, 1985 (Representation)*, 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⁾
3. After the application of rules 1 and 2 and section 51A, there shall, in respect of each province that meets the condition set out in rule 4, be added, if necessary, a number of members such that, on the completion of the readjustment, the number obtained by dividing the number of members assigned to that province by the total number of members assigned to all the provinces is as close as possible to, without being below, the number obtained by dividing the population of that province by the total population of all the provinces.
4. Rule 3 applies to a province if, on the completion of the preceding readjustment, the number obtained by dividing the number of members assigned to that province by the total number of members assigned to all the provinces was equal to or greater than the number obtained by dividing the population of that province by the total population of all the provinces, the population of each province being its population as at July 1 of the year of the decennial census that preceded that readjustment according to the estimates prepared for the purpose of that readjustment.

Durée de la Chambre des Communes

50 La durée de la Chambre des Communes ne sera que de cinq ans, à compter du jour du rapport des brevets d'élection, à moins qu'elle ne soit plus tôt dissoute par le gouverneur-général.⁽²⁶⁾

Révisions électorales

51 (1) À l'issue de chaque recensement décennal, il est procédé à la révision du nombre des députés et de la représentation des provinces à la Chambre des communes selon les pouvoirs conférés et les modalités de temps ou autres fixées en tant que de besoin par le Parlement du Canada, compte tenu des règles suivantes :

Règles

1. Il est attribué à chaque province le nombre de députés résultant de la division du chiffre de sa population par le quotient électoral, le résultat final comportant une partie décimale étant arrondis à l'unité supérieure.
2. Le nombre de députés d'une province demeure inchangé par rapport à la représentation qu'elle avait à la date d'entrée en vigueur de la *Loi constitutionnelle de 1985 (représentation électorale)* si l'application de la règle 1 et de l'article 51A il lui est attribué un nombre inférieur à cette représentation.
3. Après application des règles 1 et 2 et de l'article 51A, il est attribué, au besoin, à toute province qui remplit la condition énoncée à la règle 4 le nombre supplémentaire de députés nécessaire pour que, par suite de la révision, le résultat de la division du nombre de ses députés par le nombre total de députés des provinces se rapproche le plus possible du résultat de la division du chiffre de sa population par le chiffre de la population totale des provinces, sans toutefois lui être inférieur.
4. La règle 3 s'applique à la province si, par suite de la révision précédente, le résultat de la division du nombre de ses députés par le nombre total de députés des provinces est égal ou supérieur au résultat de la division du chiffre de sa population par le chiffre de la population total des provinces, ces chiffres étant ceux de la population au 1^{er} juillet de l'année du recensement décennal qui a précédé cette révision selon les estimations établies pour celle-ci.
5. Sauf indication contraire du contexte, dans les présentes règles, le chiffre de la population d'une province correspond à l'estimation du chiffre de sa population au 1^{er} juillet de l'année du recensement décennal le plus récent.

5. Unless the context indicates otherwise, in these rules, the population of a province is the estimate of its population as at July 1 of the year of the most recent decennial census.
6. In these rules, **electoral quotient** means
 - (a) 111,166, in relation to the readjustment following the completion of the 2011 decennial census, and
 - (b) in relation to the readjustment following the completion of any subsequent decennial census, the number obtained by multiplying the electoral quotient that was applied in the preceding readjustment by the number that is the average of the numbers obtained by dividing the population of each province by the population of the province as at July 1 of the year of the preceding decennial census according to the estimates prepared for the purpose of the preceding readjustment, and rounding up any fractional remainder of that multiplication to one.

Population estimates

(1.1) For the purpose of the rules in subsection (1), there is required to be prepared an estimate of the population of Canada and of each province as at July 1, 2001 and July 1, 2011 — and, in each year following the 2011 decennial census in which a decennial census is taken, as at July 1 of that year — by such authority, in such manner, and from such time as the Parliament of Canada provides from time to time.⁽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⁾

6. Dans les présentes règles, **quotient électoral** s'entend de ce qui suit :
 - a) 111 166, pour la révision à effectuer à l'issue du recensement décennal de 2011;
 - b) pour la révision à effectuer à l'issue de tout recensement décennal subséquent, le produit du quotient électoral appliqué lors de la révision précédente par la moyenne des résultats des divisions du chiffre de la population de chacune des provinces par le chiffre de sa population au 1^{er} juillet de l'année du recensement décennal précédent, selon les estimations établies pour la révision précédente, ce produit étant arrondi à l'unité supérieure s'il comporte une partie décimale.

Estimations de la population

(1.1) Pour l'application des règles du paragraphe (1) et selon les pouvoirs conférés et les modalités de temps ou autres fixées en tant que de besoin par le Parlement du Canada, il est procédé à une estimation du chiffre de la population du Canada et de chacune des provinces au 1^{er} juillet 2001 et au 1^{er} juillet 2011 et, au cours de chaque année de recensement décennal qui suit celui de 2011, à une estimation du chiffre de la population du Canada et de chacune des provinces au 1^{er} juillet de l'année en cause.⁽²⁷⁾

Yukon, Territoires du Nord-Ouest et Nunavut

(2) Le territoire du Yukon, les Territoires du Nord-Ouest et le Nunavut, dans les limites et selon la description qu'en donnent respectivement l'annexe du chapitre Y-2 des Lois révisées du Canada (1985), l'article 2 du chapitre N-27 des Lois révisées du Canada (1985), dans sa version modifiée par l'article 77 du chapitre 28 des Lois du Canada de 1993, ainsi que l'article 3 du chapitre 28 des Lois du Canada de 1993, ont droit à un député chacun.⁽²⁸⁾

Constitution de la Chambre des Communes

51A Nonobstant quoi que ce soit en la présente loi, une province doit toujours avoir droit à un nombre de membres dans la Chambre des Communes non inférieur au nombre de sénateurs représentant cette 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.

Augmentation du nombre des membres de la Chambre des Communes

52 Le nombre des membres de la Chambre des Communes pourra de temps à autre être augmenté par le parlement du Canada, pourvu que la proportion établie par la présente loi dans la représentation des provinces reste intacte.

Législation financière; Sanction royale

Bills pour lever des crédits et des impôts

53 Tout bill ayant pour but l'appropriation d'une portion quelconque du revenu public, ou la création de taxes ou d'impôts, devra originer dans la Chambre des Communes.

Recommandation des crédits

54 Il ne sera pas loisible à la Chambre des Communes d'adopter aucune résolution, adresse ou bill pour l'appropriation d'une partie quelconque du revenu public, ou d'aucune taxe ou impôt, à un objet qui n'aura pas, au préalable, été recommandé à la chambre par un message du gouverneur-général durant la session pendant laquelle telle résolution, adresse ou bill est proposé.

Sanction royale aux bills, etc.

55 Lorsqu'un bill voté par les chambres du parlement sera présenté au gouverneur-général pour la sanction de la Reine, le gouverneur-général devra déclarer à sa discrétion, mais sujet aux dispositions de la présente loi et aux instructions de Sa Majesté, ou qu'il le sanctionne au nom de la Reine, ou qu'il refuse cette sanction, ou qu'il réserve le bill pour la signification du bon plaisir de la Reine.

Désaveu, par ordonnance rendue en conseil, des lois sanctionnées par le gouverneur-général

56 Lorsque le gouverneur-général aura donné sa sanction à un bill au nom de la Reine, il devra, à la première occasion favorable, transmettre une copie authentique de la loi à l'un des principaux secrétaires d'État de Sa Majesté; si la Reine en conseil, dans les deux ans après que le secrétaire d'État l'aura reçu, juge à propos de la désavouer, ce désaveu, — accompagné d'un certificat du secrétaire d'État, constatant le jour où il aura reçu la loi — étant signifié par le gouverneur-général, par discours ou message, à chacune des chambres du parlement, ou par proclamation, annulera la loi à compter du jour de telle 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.

Signification du bon plaisir de la Reine quant aux bills réservés

57 Un bill réservé à la signification du bon plaisir de la Reine n'aura ni force ni effet avant et à moins que dans les deux ans à compter du jour où il aura été présenté au gouverneur-général pour recevoir la sanction de la Reine, ce dernier ne signifie, par discours ou message, à chacune des deux chambres du parlement, ou par proclamation, qu'il a reçu la sanction de la Reine en conseil.

Ces discours, messages ou proclamations, seront consignés dans les journaux de chaque chambre, et un double dûment certifié en sera délivré à l'officier qu'il appartient pour qu'il le dépose parmi les archives du Canada.

V. Constitutions provinciales

Pouvoir exécutif

Lieutenants-gouverneurs des provinces

58 Il y aura, pour chaque province, un officier appelé lieutenant-gouverneur, lequel sera nommé par le gouverneur-général en conseil par instrument sous le grand sceau du Canada.

Durée des fonctions des lieutenants-gouverneurs

59 Le lieutenant-gouverneur restera en charge durant le bon plaisir du gouverneur-général; mais tout lieutenant-gouverneur nommé après le commencement de la première session du parlement du Canada, ne pourra être révoqué dans le cours des cinq ans qui suivront sa nomination, à moins qu'il n'y ait cause; et cette cause devra lui être communiquée par écrit dans le cours d'un mois après qu'aura été rendu l'ordre décrétant sa révocation, et l'être aussi par message au Sénat et à la Chambre des Communes dans le cours d'une semaine après cette révocation si le parlement est alors en session, sinon, dans le délai d'une semaine après le commencement de la session suivante du parlement.

Salaires des lieutenants-gouverneurs

60 Les salaires des lieutenants-gouverneurs seront fixés et payés par le parlement du Canada.⁽³⁰⁾

Serments, etc., du lieutenant-gouverneur

61 Chaque lieutenant-gouverneur, avant d'entrer dans l'exercice de ses fonctions, prêtera et souscrira devant le gouverneur-général ou quelque personne à ce par lui autorisée, les serments d'allégeance et d'office prêtés par le gouverneur-général.

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 des dispositions relatives au lieutenant-gouverneur

62 Les dispositions de la présente loi relatives au lieutenant-gouverneur s'étendent et s'appliquent au lieutenant-gouverneur de chaque province ou à tout autre chef exécutif ou administrateur pour le temps d'alors administrant le gouvernement de la province, quel que soit le titre sous lequel il est désigné.

Conseils exécutifs d'Ontario et Québec

63 Le conseil exécutif d'Ontario et de Québec se composera des personnes que le lieutenant-gouverneur jugera, de temps à autre, à propos de nommer, et en premier lieu, des officiers suivants, savoir : le procureur-général, le secrétaire et registraire de la province, le trésorier de la province, le commissaire des terres de la couronne, et le commissaire d'agriculture et des travaux publics, et — dans la province de Québec — l'orateur du conseil législatif, et le solliciteur général.⁽³¹⁾

Gouvernement exécutif de la Nouvelle-Écosse et du Nouveau-Brunswick

64 La constitution de l'autorité exécutive dans chacune des provinces du Nouveau-Brunswick et de la Nouvelle-Écosse continuera, sujette aux dispositions de la présente loi, d'être celle en existence lors de l'union, jusqu'à ce qu'elle soit modifiée sous l'autorité de la présente loi.⁽³²⁾

Pouvoirs conférés au lieutenant-gouverneur d'Ontario ou Québec, en conseil ou seul

65 Tous les pouvoirs, attributions et fonctions qui — par une loi du parlement de la Grande-Bretagne, ou du parlement du Royaume-Uni de la Grande-Bretagne et d'Irlande, ou de la législature du Haut-Canada, du Bas-Canada ou du Canada, avant ou lors de l'union — étaient conférés aux gouverneurs ou lieutenants-gouverneurs respectifs de ces provinces ou pouvaient être par eux exercés, de l'avis, ou de l'avis et du consentement des conseils exécutifs respectifs de ces provinces, ou avec la coopération de ces conseils ou d'aucun nombre de membres de ces conseils, ou par ces gouverneurs ou lieutenants-gouverneurs individuellement, seront — en tant qu'ils pourront être exercés après l'union, relativement au gouvernement d'Ontario et Québec respectivement — conférés au lieutenant-gouverneur d'Ontario et Québec, respectivement, et pourront être par lui exercés, de l'avis ou de l'avis et du consentement ou avec la coopération des conseils exécutifs respectifs ou d'aucun de leurs membres, ou par le lieutenant-gouverneur individuellement, selon le cas; mais ils pourront, néanmoins (sauf ceux existant en vertu de lois de la Grande-Bretagne et d'Irlande), être révoqués ou modifiés par les législatures respectives d'Ontario et Québec.⁽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

Application des dispositions relatives aux lieutenants-gouverneurs en conseil

66 Les dispositions de la présente loi relatives au lieutenant-gouverneur en conseil seront interprétées comme s'appliquant au lieutenant-gouverneur de la province agissant de l'avis de son conseil exécutif.

Administration en l'absence, etc., du lieutenant-gouverneur

67 Le gouverneur-général en conseil pourra, au besoin, nommer un administrateur qui remplira les fonctions de lieutenant-gouverneur durant l'absence, la maladie ou autre incapacité de ce dernier.

Sièges des gouvernements provinciaux

68 Jusqu'à ce que le gouvernement exécutif d'une province en ordonne autrement, relativement à telle province, les sièges du gouvernement des provinces seront comme suit, savoir : pour Ontario, la cité de Toronto; pour Québec, la cité de Québec; pour la Nouvelle-Écosse, la cité d'Halifax; et pour le Nouveau-Brunswick, la cité de Frédéricton.

Pouvoir législatif

1. Ontario

Législature d'Ontario

69 Il y aura, pour Ontario, une législature composée du lieutenant-gouverneur et d'une seule chambre appelée l'assemblée législative d'Ontario.

Districts électoraux

70 L'assemblée législative d'Ontario sera composée de quatre-vingt-deux membres qui devront représenter les quatre-vingt-deux districts électoraux énumérés dans la première annexe de la présente loi.⁽³⁴⁾

2. Québec

Législature du Québec

71 Est instituée la Législature du Québec, composée du lieutenant-gouverneur et de deux chambres, le Conseil législatif du Québec et l'Assemblée législative du Québec.⁽³⁵⁾

Constitution du conseil législatif

72 Le conseil législatif de Québec se composera de vingt-quatre membres, qui seront nommés par le lieutenant-gouverneur au nom de la Reine, par instrument sous le grand sceau de Québec, et devront, chacun, représenter l'un des vingt-quatre collèges électoraux du Bas-Canada

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, *mutatis mutandis*, 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

mentionnés à la présente loi; ils seront nommés à vie, à moins que la législature de Québec n'en ordonne autrement sous l'autorité de la présente loi.

Qualités exigées des conseillers législatifs

73 Les qualifications des conseillers législatifs de Québec seront les mêmes que celles des sénateurs pour Québec.

Cas dans lesquels les sièges des conseillers législatifs deviennent vacants

74 La charge de conseiller législatif de Québec deviendra vacante dans les cas, *mutatis mutandis*, où celle de sénateur peut le devenir.

Vacances

75 Survenant une vacance dans le conseil législatif de Québec, par démission, décès ou autre cause, le lieutenant-gouverneur, au nom de la Reine, nommera, par instrument sous le grand sceau de Québec, une personne capable et ayant les qualifications voulues pour la remplir.

Questions quant aux vacances, etc.

76 S'il s'élève quelque question au sujet des qualifications d'un conseiller législatif de Québec ou d'une vacance dans le conseil législatif de Québec, elle sera entendue et décidée par le conseil législatif.

Orateur du conseil législatif

77 Le lieutenant-gouverneur pourra, de temps à autre, par instrument sous le grand sceau de Québec, nommer un membre du conseil législatif de Québec comme orateur de ce corps, et également le révoquer et en nommer un autre à sa place.

Quorum du conseil législatif

78 Jusqu'à ce que la législature de Québec en ordonne autrement, la présence d'au moins dix membres du conseil législatif, y compris l'orateur, sera nécessaire pour constituer une assemblée du conseil dans l'exercice de ses fonctions.

Votation dans le conseil législatif de Québec

79 Les questions soulevées dans le conseil législatif de Québec seront décidées à la majorité des voix, et, dans tous les cas, l'orateur aura voix délibérative; quand les voix seront également partagées, la décision sera considérée comme rendue dans la négative.

Constitution de l'assemblée législative de Québec

80 L'assemblée législative de Québec se composera de soixante-cinq membres, qui seront élus pour représenter

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

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

les soixante-cinq divisions ou districts électoraux du Bas-Canada, mentionnés à la présente loi, sauf toute modification que pourra y apporter la législature de Québec; mais il ne pourra être présenté au lieutenant-gouverneur de Québec, pour qu'il le sanctionne, aucun bill à l'effet de modifier les délimitations des divisions ou districts électoraux énumérés dans la deuxième annexe de la présente loi, à moins qu'il n'ait été passé à ses deuxième et troisième lectures dans l'assemblée législative avec le concours de la majorité des membres représentant toutes ces divisions ou districts électoraux; et la sanction ne sera donnée à aucun bill de cette nature à moins qu'une adresse n'ait été présentée au lieutenant-gouverneur par l'assemblée législative déclarant que tel bill a été ainsi passé.⁽³⁶⁾

3. Ontario et Québec

81 Abrogé.⁽³⁷⁾

Convocation des assemblées législatives

82 Le lieutenant-gouverneur d'Ontario et de Québec devra, de temps à autre, au nom de la Reine, par instrument sous le grand sceau de la province, convoquer l'assemblée législative de la province.

Restriction quant à l'élection des personnes ayant des emplois

83 Jusqu'à ce que la législature d'Ontario ou de Québec en ordonne autrement, — quiconque acceptera ou occupera dans la province d'Ontario ou dans celle de Québec, une charge, commission ou emploi, d'une nature permanente ou temporaire, à la nomination du lieutenant-gouverneur, auquel sera attaché un salaire annuel ou quelque honoraire, allocation, émolument ou profit d'un genre ou montant quelconque payé par la province, ne sera pas éligible comme membre de l'assemblée législative de cette province, ni ne devra y siéger ou voter en cette qualité; mais rien de contenu au présent article ne rendra inéligible aucune personne qui sera membre du conseil exécutif de chaque province respective ou qui remplira quelqu'une des charges suivantes, savoir : celles de procureur-général, secrétaire et registraire de la province, trésorier de la province, commissaire des terres de la couronne, et commissaire d'agriculture et des travaux publics, et, — dans la province de Québec, celle de solliciteur général, — ni ne la rendra inhabile à siéger ou à voter dans la chambre pour laquelle elle est élue, pourvu qu'elle soit élue pendant qu'elle occupera cette charge.⁽³⁸⁾

Continuation des lois actuelles d'élection

84 Jusqu'à ce que les législatures respectives de Québec et Ontario en ordonnent autrement, — toutes les lois en force dans ces provinces respectives, à l'époque de l'union, concernant les questions suivantes ou aucune

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.

d'elles, savoir : l'éligibilité ou l'inéligibilité des candidats ou des membres de l'assemblée du Canada, — les qualifications et l'absence des qualifications requises des votants, — les serments exigés des votants, — les officiers-rapporteurs, leurs pouvoirs et leurs devoirs, — le mode de procéder aux élections, — le temps que celles-ci peuvent durer, — la décision des élections contestées et les procédures y incidentes, — les vacances des sièges en parlement, et l'émission et l'exécution de nouveaux brevets dans les cas de vacances occasionnées par d'autres causes que la dissolution, — s'appliqueront respectivement aux élections des membres élus pour les assemblées législatives d'Ontario et Québec respectivement.

Mais, jusqu'à ce que la législature d'Ontario en ordonne autrement, à chaque élection d'un membre de l'assemblée législative d'Ontario pour le district d'Algoma, outre les personnes ayant droit de vote en vertu de la loi de la province du Canada, tout sujet anglais du sexe masculin âgé de vingt-et-un ans ou plus, et tenant feu et lieu, aura droit de vote.⁽³⁹⁾

Durée des assemblées législatives

85 La durée de l'assemblée législative d'Ontario et de l'assemblée législative de Québec ne sera que de quatre ans, à compter du jour du rapport des brevets d'élection, à moins qu'elle ne soit plus tôt dissoute par le lieutenant-gouverneur de la province.⁽⁴⁰⁾

Session annuelle de la législature

86 Il y aura une session de la législature d'Ontario et de celle de Québec, une fois au moins chaque année, de manière qu'il ne s'écoule pas un intervalle de douze mois entre la dernière séance d'une session de la législature dans chaque province, et sa première séance dans la session suivante.⁽⁴¹⁾

Orateur, quorum, etc.

87 Les dispositions suivantes de la présente loi, concernant la Chambre des Communes du Canada, s'étendront et s'appliqueront aux assemblées législatives d'Ontario et de Québec, savoir : les dispositions relatives à l'élection d'un orateur en première instance et lorsqu'il surviendra des vacances, — aux devoirs de l'orateur, — à l'absence de ce dernier, — au quorum et au mode de votation, — tout comme si ces dispositions étaient ici décrétées et expressément rendues applicables à chaque assemblée législative.

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

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,

4. Nouvelle-Écosse et Nouveau-Brunswick

Constitution des législatures de la Nouvelle-Écosse et du Nouveau-Brunswick

88 La constitution de la législature de chacune des provinces de la Nouvelle-Écosse et du Nouveau-Brunswick continuera, sujette aux dispositions de la présente loi, d'être celle en existence à l'époque de l'union, jusqu'à ce qu'elle soit modifiée sous l'autorité de la présente loi.⁽⁴²⁾

5. Ontario, Québec et Nouvelle-Écosse

89 Abrogé.⁽⁴³⁾

6. Les quatre provinces

Application aux législatures des dispositions relatives aux crédits, etc.

90 Les dispositions suivantes de la présente loi, concernant le parlement du Canada, savoir : — les dispositions relatives aux bills d'appropriation et d'impôts, à la recommandation de votes de deniers, à la sanction des bills, au désaveu des lois, et à la signification du bon plaisir quant aux bills réservés, — s'étendront et s'appliqueront aux législatures des différentes provinces, tout comme si elles étaient ici décrétées et rendues expressément applicables aux provinces respectives et à leurs législatures, en substituant toutefois le lieutenant-gouverneur de la province au gouverneur-général, le gouverneur-général à la Reine et au secrétaire d'État, un an à deux ans, et la province au Canada.

VI. Distribution des pouvoirs législatifs

Pouvoirs du parlement

Autorité législative du parlement du Canada

91 Il sera loisible à la Reine, de l'avis et du consentement du Sénat et de la Chambre des Communes, de faire des lois pour la paix, l'ordre et le bon gouvernement du Canada, relativement à toutes les matières ne tombant pas dans les catégories de sujets par la présente loi exclusivement assignés aux législatures des provinces; mais, pour plus de garantie, sans toutefois restreindre la généralité des termes ci-haut employés dans le présent article, il est par la présente déclaré que (nonobstant toute disposition contraire énoncée dans la présente loi) l'autorité législative exclusive du parlement du Canada s'étend à

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

toutes les matières tombant dans les catégories de sujets ci-dessous énumérés, savoir :

1. Abrogé.⁽⁴⁴⁾
- 1A. La dette et la propriété publiques.⁽⁴⁵⁾
2. La réglementation du trafic et du commerce.
- 2A. L'assurance-chômage.⁽⁴⁶⁾
3. Le prélèvement de deniers par tous modes ou systèmes de taxation.
4. L'emprunt de deniers sur le crédit public.
5. Le service postal.
6. Le recensement et les statistiques.
7. La milice, le service militaire et le service naval, et la défense du pays.
8. La fixation et le paiement des salaires et honoraires des officiers civils et autres du gouvernement du Canada.
9. Les amarques, les bouées, les phares et l'île de Sable.
10. La navigation et les bâtiments ou navires (*shipping*).
11. La quarantaine et l'établissement et maintien des hôpitaux de marine.
12. Les pêcheries des côtes de la mer et de l'intérieur.
13. Les passages d'eau (*ferries*) entre une province et tout pays britannique ou étranger, ou entre deux provinces.
14. Le cours monétaire et le monnayage.
15. Les banques, l'incorporation des banques et l'émission du papier-monnaie.
16. Les caisses d'épargne.
17. Les poids et mesures.
18. Les lettres de change et les billets promissaires.
19. L'intérêt de l'argent.
20. Les offres légales.
21. La banqueroute et la faillite.
22. Les brevets d'invention et de découverte.
23. Les droits d'auteur.
24. Les Indiens et les terres réservées pour les Indiens.
25. La naturalisation et les aubains.
26. Le mariage et le divorce.

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.

27. La loi criminelle, sauf la constitution des tribunaux de juridiction criminelle, mais y compris la procédure en matière criminelle.

28. L'établissement, le maintien, et l'administration des pénitenciers.

29. Les catégories de sujets expressément exceptés dans l'énumération des catégories de sujets exclusivement assignés par la présente loi aux législatures des provinces.

Et aucune des matières énoncées dans les catégories de sujets énumérés dans le présent article ne sera réputée tomber dans la catégorie des matières d'une nature locale ou privée comprises dans l'énumération des catégories de sujets exclusivement assignés par la présente loi aux législatures des provinces.⁽⁴⁷⁾

Pouvoirs exclusifs des législatures provinciales

Sujets soumis au contrôle exclusif de la législation provinciale

92 Dans chaque province la législature pourra exclusivement faire des lois relatives aux matières tombant dans les catégories de sujets ci-dessous énumérés, savoir :

1. Abrogé.⁽⁴⁸⁾
2. La taxation directe dans les limites de la province, dans le but de prélever un revenu pour des objets provinciaux;
3. Les emprunts de deniers sur le seul crédit de la province;
4. La création et la tenure des charges provinciales, et la nomination et le paiement des officiers provinciaux;
5. L'administration et la vente des terres publiques appartenant à la province, et des bois et forêts qui s'y trouvent;
6. L'établissement, l'entretien et l'administration des prisons publiques et des maisons de réforme dans la province;
7. L'établissement, l'entretien et l'administration des hôpitaux, asiles, institutions et hospices de charité dans la province, autres que les hôpitaux de marine;
8. Les institutions municipales dans la province;
9. Les licences de boutiques, de cabarets, d'auberges, d'encanteurs et autres licences, dans le but de prélever un revenu pour des objets provinciaux, locaux, ou municipaux;

- 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

92A (1) In each province, the legislature may exclusively make laws in relation to

- (a)** exploration for non-renewable natural resources in the province;
- (b)** development, conservation and management of non-renewable natural resources and forestry re-

- 10.** Les travaux et entreprises d'une nature locale, autres que ceux énumérés dans les catégories suivantes :
- a)** Lignes de bateaux à vapeur ou autres bâtiments, chemins de fer, canaux, télégraphes et autres travaux et entreprises reliant la province à une autre ou à d'autres provinces, ou s'étendant au-delà des limites de la province;
 - b)** Lignes de bateaux à vapeur entre la province et tout pays dépendant de l'empire britannique ou tout pays étranger;
 - c)** Les travaux qui, bien qu'entièrement situés dans la province, seront avant ou après leur exécution déclarés par le parlement du Canada être pour l'avantage général du Canada, ou pour l'avantage de deux ou d'un plus grand nombre des provinces;
- 11.** L'incorporation des compagnies pour des objets provinciaux;
- 12.** La célébration du mariage dans la province;
- 13.** La propriété et les droits civils dans la province;
- 14.** L'administration de la justice dans la province, y compris la création, le maintien et l'organisation de tribunaux de justice pour la province, ayant juridiction civile et criminelle, y compris la procédure en matières civiles dans ces tribunaux;
- 15.** L'infliction de punitions par voie d'amende, pénalité, ou emprisonnement, dans le but de faire exécuter toute loi de la province décrétée au sujet des matières tombant dans aucune des catégories de sujets énumérés dans le présent article;
- 16.** Généralement toutes les matières d'une nature purement locale ou privée dans la province.

Ressources naturelles non renouvelables, ressources forestières et énergie électrique

Compétence provinciale

92A (1) La législature de chaque province a compétence exclusive pour légiférer dans les domaines suivants :

- a)** prospection des ressources naturelles non renouvelables de la province;
- b)** exploitation, conservation et gestion des ressources naturelles non renouvelables et des ressources fores-

sources 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

(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.

Authority of Parliament

(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.

Taxation of resources

(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

(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,

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.

Primary production

(5) The expression *primary production* has the meaning assigned by the Sixth Schedule.

Existing powers or rights

(6) Nothing in subsections (1) to (5) derogates from any powers or rights that a legislature or government of a

tières de la province, y compris leur rythme de production primaire;

(c) aménagement, conservation et gestion des emplacements et des installations de la province destinés à la production d'énergie électrique.

Exportation hors des provinces

(2) La législature de chaque province a compétence pour légiférer en ce qui concerne l'exportation, hors de la province, à destination d'une autre partie du Canada, de la production primaire tirée des ressources naturelles non renouvelables et des ressources forestières de la province, ainsi que de la production d'énergie électrique de la province, sous réserve de ne pas adopter de lois autorisant ou prévoyant des disparités de prix ou des disparités dans les exportations destinées à une autre partie du Canada.

Pouvoir du Parlement

(3) Le paragraphe (2) ne porte pas atteinte au pouvoir du Parlement de légiférer dans les domaines visés à ce paragraphe, les dispositions d'une loi du Parlement adoptée dans ces domaines l'emportant sur les dispositions incompatibles d'une loi provinciale.

Taxation des ressources

(4) La législature de chaque province a compétence pour prélever des sommes d'argent par tout mode ou système de taxation :

(a) des ressources naturelles non renouvelables et des ressources forestières de la province, ainsi que de la production primaire qui en est tirée;

(b) des emplacements et des installations de la province destinés à la production d'énergie électrique, ainsi que de cette production même.

Cette compétence peut s'exercer indépendamment du fait que la production en cause soit ou non, en totalité ou en partie, exportée hors de la province, mais les lois adoptées dans ces domaines ne peuvent autoriser ou prévoir une taxation qui établisse une distinction entre la production exportée à destination d'une autre partie du Canada et la production non exportée hors de la province.

Production primaire

(5) L'expression *production primaire* a le sens qui lui est donné dans la sixième annexe.

Pouvoirs ou droits existants

(6) Les paragraphes (1) à (5) ne portent pas atteinte aux pouvoirs ou droits détenus par la législature ou le

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.⁽⁵¹⁾

gouvernement d'une province lors de l'entrée en vigueur du présent article.⁽⁴⁹⁾

Éducation

Législation au sujet de l'éducation

93 Dans chaque province, la législature pourra exclusivement décréter des lois relatives à l'éducation, sujettes et conformes aux dispositions suivantes :

1. Rien dans ces lois ne devra préjudicier à aucun droit ou privilège conféré, lors de l'union, par la loi à aucune classe particulière de personnes dans la province, relativement aux écoles séparées (*denominational*);
2. Tous les pouvoirs, privilèges et devoirs conférés et imposés par la loi dans le Haut-Canada, lors de l'union, aux écoles séparées et aux syndics d'écoles des sujets catholiques romains de Sa Majesté, seront et sont par la présente étendus aux écoles dissidentes des sujets protestants et catholiques romains de la Reine dans la province de Québec;
3. Dans toute province où un système d'écoles séparées ou dissidentes existera par la loi, lors de l'union, ou sera subséquentement établi par la législature de la province — il pourra être interjeté appel au gouverneur-général en conseil de toute loi ou décision d'aucune autorité provinciale affectant aucun des droits ou privilèges de la minorité protestante ou catholique romaine des sujets de Sa Majesté relativement à l'éducation;
4. Dans le cas où il ne serait pas décrété telle loi provinciale que, de temps à autre, le gouverneur-général en conseil jugera nécessaire pour donner suite et exécution aux dispositions du présent article, — ou dans le cas où quelque décision du gouverneur-général en conseil, sur appel interjeté en vertu du présent article, ne serait pas mise à exécution par l'autorité provinciale compétente — alors et en tout tel cas, et en tant seulement que les circonstances de chaque cas l'exigeront, le parlement du Canada pourra décréter des lois propres à y remédier pour donner suite et exécution aux dispositions du présent article, ainsi qu'à toute décision rendue par le gouverneur-général en conseil sous l'autorité de ce même article.⁽⁵⁰⁾

Québec

93A Les paragraphes (1) à (4) de l'article 93 ne s'appliquent pas au Québec.⁽⁵¹⁾

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.⁽⁵²⁾

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.

Uniformité des lois dans Ontario, la Nouvelle-Écosse et le Nouveau-Brunswick

Uniformité des lois dans trois provinces

94 Nonobstant toute disposition contraire énoncée dans la présente loi, — le parlement du Canada pourra adopter des mesures à l'effet de pourvoir à l'uniformité de toutes les lois ou de parties des lois relatives à la propriété et aux droits civils dans Ontario, la Nouvelle-Écosse et le Nouveau-Brunswick, et de la procédure dans tous les tribunaux ou aucun des tribunaux de ces trois provinces; et depuis et après la passation de toute loi à cet effet, le pouvoir du parlement du Canada de décréter des lois relatives aux sujets énoncés dans telles lois, sera illimité, nonobstant toute chose au contraire dans la présente loi; mais toute loi du parlement du Canada pourvoyant à cette uniformité n'aura d'effet dans une province qu'après avoir été adoptée et décrétée par la législature de cette province.

Pensions de vieillesse

Législation concernant les pensions de vieillesse et les prestations additionnelles

94A Le Parlement du Canada peut légiférer sur les pensions de vieillesse et prestations additionnelles, y compris des prestations aux survivants et aux invalides sans égard à leur âge, mais aucune loi ainsi édictée ne doit porter atteinte à l'application de quelque loi présente ou future d'une législature provinciale en ces matières.⁽⁵²⁾

Agriculture et Immigration

Pouvoir concurrent de décréter des lois au sujet de l'agriculture, etc.

95 Dans chaque province, la législature pourra faire des lois relatives à l'agriculture et à l'immigration dans cette province; et il est par la présente déclaré que le parlement du Canada pourra de temps à autre faire des lois relatives à l'agriculture et à l'immigration dans toutes les provinces ou aucune d'elles en particulier; et toute loi de la législature d'une province relative à l'agriculture ou à l'immigration n'y aura d'effet qu'aussi longtemps et que tant qu'elle ne sera incompatible avec aucune des lois du parlement du 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 (2) 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.⁽⁵³⁾

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.⁽⁵⁴⁾

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.⁽⁵⁵⁾

VII. Judicature

Nomination des juges

96 Le gouverneur-général nommera les juges des cours supérieures, de district et de comté dans chaque province, sauf ceux des cours de vérification dans la Nouvelle-Écosse et le Nouveau-Brunswick.

Choix des juges dans Ontario, etc.

97 Jusqu'à ce que les lois relatives à la propriété et aux droits civils dans Ontario, la Nouvelle-Écosse et le Nouveau-Brunswick, et à la procédure dans les cours de ces provinces, soient rendues uniformes, les juges des cours de ces provinces qui seront nommés par le gouverneur-général devront être choisis parmi les membres des barreaux respectifs de ces provinces.

Choix des juges dans Québec

98 Les juges des cours de Québec seront choisis parmi les membres du barreau de cette province.

Durée des fonctions des juges

99 (1) Sous réserve du paragraphe (2) du présent article, les juges des cours supérieures resteront en fonction durant bonne conduite, mais ils pourront être révoqués par le gouverneur général sur une adresse du Sénat et de la Chambre des Communes.

Cessation des fonctions à l'âge de 75 ans

(2) Un juge d'une cour supérieure, nommé avant ou après l'entrée en vigueur du présent article, cessera d'occuper sa charge lorsqu'il aura atteint l'âge de soixante-quinze ans, ou à l'entrée en vigueur du présent article si, à cette époque, il a déjà atteint ledit âge.⁽⁵³⁾

Salaires, etc. des juges

100 Les salaires, allocations et pensions des juges des cours supérieures, de district et de comté (sauf les cours de vérification dans la Nouvelle-Écosse et le Nouveau-Brunswick) et des cours de l'Amirauté, lorsque les juges de ces dernières sont alors salariés, seront fixés et payés par le parlement du Canada.⁽⁵⁴⁾

Cour générale d'appel, etc.

101 Le parlement du Canada pourra, nonobstant toute disposition contraire énoncée dans la présente loi, lorsque l'occasion le requerra, adopter des mesures à l'effet de créer, maintenir et organiser une cour générale d'appel pour le Canada, et établir des tribunaux additionnels pour la meilleure administration des lois du Canada.⁽⁵⁵⁾

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.⁽⁵⁶⁾

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.

VIII. Revenus; dettes; actifs; taxe

Création d'un fonds consolidé de revenu

102 Tous les droits et revenus que les législatures respectives du Canada, de la Nouvelle-Écosse et du Nouveau-Brunswick, avant et à l'époque de l'union, avaient le pouvoir d'approprier, — sauf ceux réservés par la présente loi aux législatures respectives des provinces, ou qui seront perçus par elles conformément aux pouvoirs spéciaux qui leur sont conférés par la présente loi, — formeront un fonds consolidé de revenu pour être approprié au service public du Canada de la manière et soumis aux charges prévues par la présente loi.

Frais de perception, etc.

103 Le fonds consolidé de revenu du Canada sera permanentement grevé des frais, charges et dépenses encourus pour le percevoir, administrer et recouvrer, lesquels constitueront la première charge sur ce fonds et pourront être soumis à telles révision et audition qui seront ordonnées par le gouverneur-général en conseil jusqu'à ce que le parlement y pourvoie autrement.

Intérêt des dettes publiques provinciales

104 L'intérêt annuel des dettes publiques des différentes provinces du Canada, de la Nouvelle-Écosse et du Nouveau-Brunswick, lors de l'union, constituera la seconde charge sur le fonds consolidé de revenu du Canada.

Traitement du gouverneur-général

105 Jusqu'à modification par le parlement du Canada, le salaire du gouverneur-général sera de dix mille louis, cours sterling du Royaume-Uni de la Grande-Bretagne et d'Irlande; cette somme sera acquittée sur le fonds consolidé de revenu du Canada et constituera la troisième charge sur ce fonds.⁽⁵⁶⁾

Emploi du fonds consolidé

106 Sujet aux différents paiements dont est grevé par la présente loi le fonds consolidé de revenu du Canada, ce fonds sera approprié par le parlement du Canada au service public.

Transfert des valeurs, etc.

107 Tous les fonds, argent en caisse, balances entre les mains des banquiers et valeurs appartenant à chaque province à l'époque de l'union, sauf les exceptions énoncées à la présente loi, deviendront la propriété du Canada et seront déduits du montant des dettes respectives des provinces lors de l'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.⁽⁵⁷⁾

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.⁽⁵⁸⁾

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

Transfert des propriétés énumérées dans l'annexe

108 Les travaux et propriétés publics de chaque province, énumérés dans la troisième annexe de la présente loi, appartiendront au Canada.

Propriété des terres, mines, etc.

109 Toutes les terres, mines, minéraux et réserves royales appartenant aux différentes provinces du Canada, de la Nouvelle-Écosse et du Nouveau-Brunswick lors de l'union, et toutes les sommes d'argent alors dues ou payables pour ces terres, mines, minéraux et réserves royales, appartiendront aux différentes provinces d'Ontario, Québec, la Nouvelle-Écosse et le Nouveau-Brunswick, dans lesquelles ils sont sis et situés, ou exigibles, restant toujours soumis aux charges dont ils sont grevés, ainsi qu'à tous intérêts autres que ceux que peut y avoir la province.⁽⁵⁷⁾

Actif et dettes provinciales

110 La totalité de l'actif inhérent aux portions de la dette publique assumées par chaque province, appartiendra à cette province.

Responsabilité des dettes provinciales

111 Le Canada sera responsable des dettes et obligations de chaque province existantes lors de l'union.

Responsabilité des dettes d'Ontario et Québec

112 Les provinces d'Ontario et Québec seront conjointement responsables envers le Canada de l'excédent (s'il en est) de la dette de la province du Canada, si, lors de l'union, elle dépasse soixante-deux millions cinq cent mille piastres, et tenues au paiement de l'intérêt de cet excédent au taux de cinq pour cent par année.

Actif d'Ontario et Québec

113 L'actif énuméré dans la quatrième annexe de la présente loi, appartenant, lors de l'union, à la province du Canada, sera la propriété d'Ontario et Québec conjointement.

Dette de la Nouvelle-Écosse

114 La Nouvelle-Écosse sera responsable envers le Canada de l'excédent (s'il en est) de sa dette publique si, lors de l'union, elle dépasse huit millions de piastres, et tenue au paiement de l'intérêt de cet excédent au taux de cinq pour cent par année.⁽⁵⁸⁾

Dette du Nouveau-Brunswick

115 Le Nouveau-Brunswick sera responsable envers le Canada de l'excédent (s'il en est) de sa dette publique, si lors de l'union, elle dépasse sept millions de piastres, et

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.

118 Repealed.⁽⁵⁹⁾

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.⁽⁶⁰⁾

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.

tenu au paiement de l'intérêt de cet excédent au taux de cinq pour cent par année.

Paiement d'intérêt à la Nouvelle-Écosse et au Nouveau-Brunswick

116 Dans le cas où, lors de l'union, les dettes publiques de la Nouvelle-Écosse et du Nouveau-Brunswick seraient respectivement moindres que huit millions et sept millions de piastres, ces provinces auront droit de recevoir, chacune, du gouvernement du Canada, en paiements semi-annuels et d'avance, l'intérêt au taux de cinq pour cent par année sur la différence qui existera entre le chiffre réel de leurs dettes respectives et le montant ainsi arrêté.

Propriétés publiques provinciales

117 Les diverses provinces conserveront respectivement toutes leurs propriétés publiques dont il n'est pas autrement disposé dans la présente loi, — sujettes au droit du Canada de prendre les terres ou les propriétés publiques dont il aura besoin pour les fortifications ou la défense du pays.

118 Abrogé.⁽⁵⁹⁾

Subvention additionnelle au Nouveau-Brunswick

119 Le Nouveau-Brunswick recevra du Canada, en paiements semi-annuels et d'avance, durant une période de dix ans à compter de l'union, une subvention supplémentaire de soixante-trois mille piastres par année; mais tant que la dette publique de cette province restera au dessous de sept millions de piastres, il sera déduit sur cette somme de soixante-trois mille piastres, un montant égal à l'intérêt à cinq pour cent par année sur telle différence.⁽⁶⁰⁾

Forme des paiements

120 Tous les paiements prescrits par la présente loi, ou destinés à éteindre les obligations contractées en vertu d'une loi des provinces du Canada, de la Nouvelle-Écosse et du Nouveau-Brunswick respectivement et assumés par le Canada, seront faits, jusqu'à ce que le parlement du Canada l'ordonne autrement, en la forme et manière que le gouverneur-général en conseil pourra prescrire de temps à autre.

Manufactures canadiennes, etc.

121 Tous articles du crû, de la provenance ou manufacture d'aucune des provinces seront, à dater de l'union, admis en franchise dans chacune des autres 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.⁽⁶¹⁾

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.⁽⁶²⁾

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.⁽⁶³⁾

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

127 Repealed.⁽⁶⁴⁾

Continuation des lois de douane et d'accise

122 Les lois de douane et d'accise de chaque province demeureront en force, sujettes aux dispositions de la présente loi, jusqu'à ce qu'elles soient modifiées par le parlement du Canada.⁽⁶¹⁾

Exportation et importation entre deux provinces

123 Dans le cas où des droits de douane seraient, à l'époque de l'union, imposables sur des articles, denrées ou marchandises, dans deux provinces, ces articles, denrées ou marchandises pourront, après l'union, être importés de l'une de ces deux provinces dans l'autre, sur preuve du paiement des droits de douane dont ils sont frappés dans la province d'où ils sont exportés, et sur paiement de tout surplus de droits de douane (s'il en est) dont ils peuvent être frappés dans la province où ils sont importés.⁽⁶²⁾

Impôts sur les bois au Nouveau-Brunswick

124 Rien dans la présente loi ne préjudiciera au privilège garanti au Nouveau-Brunswick de prélever sur les bois de construction les droits établis par le chapitre quinze du titre trois des statuts révisés du Nouveau-Brunswick, ou par toute loi l'amendant avant ou après l'union, mais n'augmentant pas le chiffre de ces droits; et les bois de construction des provinces autres que le Nouveau-Brunswick ne seront pas passibles de ces droits.⁽⁶³⁾

Terres publiques, etc., exemptées des taxes

125 Nulle terre ou propriété appartenant au Canada ou à aucune province en particulier ne sera sujette à la taxation.

Fonds consolidé du revenu provincial

126 Les droits et revenus que les législatures respectives du Canada, de la Nouvelle-Écosse et du Nouveau-Brunswick avaient, avant l'union, le pouvoir d'approprier, et qui sont, par la présente loi, réservés aux gouvernements ou législatures des provinces respectives, et tous les droits et revenus perçus par elles conformément aux pouvoirs spéciaux qui leur sont conférés par la présente loi, formeront dans chaque province un fonds consolidé de revenu qui sera approprié au service public de la province.

IX. Dispositions diverses

Dispositions générales

127 Abrogé.⁽⁶⁴⁾

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.⁽⁶⁵⁾

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.⁽⁶⁶⁾

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

Serment d'allégeance, etc.

128 Les membres du Sénat ou de la Chambre des Communes du Canada devront, avant d'entrer dans l'exercice de leurs fonctions, prêter et souscrire, devant le gouverneur-général ou quelque personne à ce par lui autorisée, — et pareillement, les membres du conseil législatif ou de l'assemblée législative d'une province devront, avant d'entrer dans l'exercice de leurs fonctions, prêter et souscrire, devant le lieutenant-gouverneur de la province ou quelque personne à ce par lui autorisée, — le serment d'allégeance énoncé dans la cinquième annexe de la présente loi; et les membres du Sénat du Canada et du conseil législatif de Québec devront aussi, avant d'entrer dans l'exercice de leurs fonctions, prêter et souscrire, devant le gouverneur-général ou quelque personne à ce par lui autorisée, la déclaration des qualifications énoncée dans la même annexe.

Les lois, tribunaux et fonctionnaires actuels continueront d'exister, etc.

129 Sauf toute disposition contraire prescrite par la présente loi, — toutes les lois en force en Canada, dans la Nouvelle-Écosse ou le Nouveau-Brunswick, lors de l'union, — tous les tribunaux de juridiction civile et criminelle, — toutes les commissions, pouvoirs et autorités ayant force légale, — et tous les officiers judiciaires, administratifs et ministériels, en existence dans ces provinces à l'époque de l'union, continueront d'exister dans les provinces d'Ontario, de Québec, de la Nouvelle-Écosse et du Nouveau-Brunswick respectivement, comme si l'union n'avait pas eu lieu; mais ils pourront, néanmoins (sauf les cas prévus par des lois du parlement de la Grande-Bretagne ou du parlement du Royaume-Uni de la Grande-Bretagne et d'Irlande), être révoqués, abolis ou modifiés par le parlement du Canada, ou par la législature de la province respectue, conformément à l'autorité du parlement ou de cette législature en vertu de la présente loi.⁽⁶⁵⁾

Fonctionnaires transférés au service du Canada

130 Jusqu'à ce que le parlement du Canada en ordonne autrement, — tous les officiers des diverses provinces ayant à remplir des devoirs relatifs à des matières autres que celles tombant dans les catégories de sujets assignés exclusivement par la présente loi aux législatures des provinces, seront officiers du Canada et continueront à remplir les devoirs de leurs charges respectives sous les mêmes obligations et pénalités que si l'union n'avait pas eu lieu.⁽⁶⁶⁾

Nomination des nouveaux officiers

131 Jusqu'à ce que le parlement du Canada en ordonne autrement, — le gouverneur-général en conseil pourra

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.⁽⁶⁷⁾

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.⁽⁶⁸⁾

de temps à autre nommer les officiers qu'il croira nécessaires ou utiles à l'exécution efficace de la présente loi.

Obligations naissant des traités

132 Le parlement et le gouvernement du Canada auront tous les pouvoirs nécessaires pour remplir envers les pays étrangers, comme portion de l'empire Britannique, les obligations du Canada ou d'aucune de ses provinces, naissant de traités conclus entre l'empire et ces pays étrangers.

Usage facultatif et obligatoire des langues française et anglaise

133 Dans les chambres du parlement du Canada et les chambres de la législature de Québec, l'usage de la langue française ou de la langue anglaise, dans les débats, sera facultatif; mais dans la rédaction des archives, procès-verbaux et journaux respectifs de ces chambres, l'usage de ces deux langues sera obligatoire; et dans toute plaidoirie ou pièce de procédure par-devant les tribunaux ou émanant des tribunaux du Canada qui seront établis sous l'autorité de la présente loi, et par-devant tous les tribunaux ou émanant des tribunaux de Québec, il pourra être fait également usage, à faculté, de l'une ou de l'autre de ces langues.

Les lois du parlement du Canada et de la législature de Québec devront être imprimées et publiées dans ces deux langues.⁽⁶⁷⁾

Ontario et Québec

Nomination des fonctionnaires exécutifs pour Ontario et Québec

134 Jusqu'à ce que la législature d'Ontario ou de Québec en ordonne autrement, — les lieutenants-gouverneurs d'Ontario et de Québec pourront, chacun, nommer sous le grand sceau de la province, les fonctionnaires suivants qui resteront en charge durant bon plaisir, savoir : le procureur-général, le secrétaire et registraire de la province, le trésorier de la province, le commissaire des terres de la couronne, et le commissaire d'agriculture et des travaux publics, et, — en ce qui concerne Québec, — le solliciteur-général; ils pourront aussi, par ordonnance du lieutenant-gouverneur en conseil, prescrire de temps à autre les attributions de ces fonctionnaires et des divers départements placés sous leur contrôle ou dont ils relèvent, et des officiers et employés y attachés; et ils pourront également nommer d'autres fonctionnaires qui resteront en charge durant bon plaisir, et prescrire, de temps à autre, leurs attributions et celles des divers départements placés sous leur contrôle ou dont ils relèvent, et des officiers et employés y attachés.⁽⁶⁸⁾

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.⁽⁶⁹⁾

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 temporary Acts

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

Pouvoirs, devoirs, etc., des fonctionnaires exécutifs

135 Jusqu'à ce que la législature d'Ontario ou de Québec en ordonne autrement, — tous les droits, pouvoirs, devoirs, fonctions, obligations ou attributions conférés ou imposés aux procureur-général, solliciteur-général, secrétaire et registraire de la province du Canada, ministre des finances, commissaire des terres de la couronne, commissaire des travaux publics, et ministre de l'agriculture et receveur-général, lors de la passation de la présente loi, par toute loi, statut ou ordonnance du Haut-Canada, du Bas-Canada ou du Canada, — n'étant pas d'ailleurs incompatibles avec la présente loi, — seront conférés ou imposés à tout fonctionnaire qui sera nommé par le lieutenant-gouverneur pour l'exécution de ces fonctions ou d'aucune d'elles; le commissaire d'agriculture et des travaux publics remplira les devoirs et les fonctions de ministre d'agriculture prescrits, lors de la passation de la présente loi, par la loi de la province du Canada, ainsi que ceux de commissaire des travaux publics.⁽⁶⁹⁾

Grands sceaux

136 Jusqu'à modification par le lieutenant-gouverneur en conseil, — les grands sceaux d'Ontario et de Québec respectivement seront les mêmes ou d'après le même modèle que ceux usités dans les provinces du Haut et du Bas-Canada respectivement avant leur union comme province du Canada.

Interprétation des lois temporaires

137 Les mots *et de là jusqu'à la fin de la prochaine session de la législature*, ou autres mots de la même teneur, employés dans une loi temporaire de la province du Canada non-expirée avant l'union, seront censés signifier la prochaine session du parlement du Canada, si l'objet de la loi tombe dans la catégorie des pouvoirs attribués à ce parlement et définis dans la présente constitution, si non, aux prochaines sessions des législatures d'Ontario et de Québec respectivement, si l'objet de la loi tombe dans la catégorie des pouvoirs attribués à ces législatures et définis dans la présente loi.

Citations erronées

138 Depuis et après l'époque de l'union, l'insertion des mots *Haut-Canada* au lieu d'*Ontario*, ou *Bas-Canada* au lieu de *Québec*, dans tout acte, bref, procédure, plaidoirie, document, matière ou chose, n'aura pas l'effet de l'invalider.

Proclamations ne devant prendre effet qu'après l'union

139 Toute proclamation sous le grand sceau de la province du Canada, lancée antérieurement à l'époque de l'union, pour avoir effet à une date postérieure à l'union,

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.⁽⁷⁰⁾

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.⁽⁷¹⁾

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.⁽⁷²⁾

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.⁽⁷³⁾

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.⁽⁷⁴⁾

Constitution of Townships in Quebec

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

qu'elle ait trait à cette province ou au Haut-Canada ou au Bas-Canada, et les diverses matières et choses y énoncées auront et continueront d'y avoir la même force et le même effet que si l'union n'avait pas eu lieu.⁽⁷⁰⁾

Proclamations lancées après l'union

140 Toute proclamation dont l'émission sous le grand sceau de la province du Canada est autorisée par quelque loi de la législature de la province du Canada, — qu'elle ait trait à cette province ou au Haut-Canada ou au Bas-Canada, — et qui n'aura pas été lancée avant l'époque de l'union, pourra l'être par le lieutenant-gouverneur d'Ontario ou de Québec (selon le cas), sous le grand sceau de la province; et, à compter de l'émission de cette proclamation, les diverses matières et choses y énoncées auront et continueront d'avoir la même force et le même effet dans Ontario ou Québec que si l'union n'avait pas eu lieu.⁽⁷¹⁾

Pénitencier

141 Le pénitencier de la province du Canada, jusqu'à ce que le parlement du Canada en ordonne autrement, sera et continuera d'être le pénitencier d'Ontario et de Québec.⁽⁷²⁾

Dettes renvoyées à l'arbitrage

142 Le partage et la répartition des dettes, crédits, obligations, propriétés et de l'actif du Haut et du Bas-Canada seront renvoyés à la décision de trois arbitres, dont l'un sera choisi par le gouvernement d'Ontario, l'un par le gouvernement de Québec, et l'autre par le gouvernement du Canada; le choix des arbitres n'aura lieu qu'après que le parlement du Canada et les législatures d'Ontario et de Québec auront été réunis; l'arbitre choisi par le gouvernement du Canada ne devra être domicilié ni dans Ontario ni dans Québec.⁽⁷³⁾

Partage des archives

143 Le gouverneur-général en conseil pourra de temps à autre ordonner que les archives, livres et documents de la province du Canada qu'il jugera à propos de désigner, soient remis et transférés à Ontario ou à Québec, et ils deviendront dès lors la propriété de cette province; toute copie ou extrait de ces documents, dûment certifiée par l'officier ayant la garde des originaux, sera reçue comme preuve.⁽⁷⁴⁾

Établissement de townships dans Québec

144 Le lieutenant-gouverneur de Québec pourra, de temps à autre, par proclamation sous le grand sceau de la province devant venir en force au jour y mentionné, établir des townships dans les parties de la province de Québec dans lesquelles il n'en a pas encore été établi, et en fixer les tenants et aboutissants.

X. Intercolonial Railway

145 Repealed.⁽⁷⁵⁾

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.⁽⁷⁶⁾

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.⁽⁷⁷⁾

X. Chemin de fer intercolonial

145 Abrogé.⁽⁷⁵⁾

XI. Admission des autres colonies

Pouvoir d'admettre Terre-Neuve, etc.

146 Il sera loisible à la Reine, de l'avis du très-honorable Conseil Privé de Sa Majesté, sur la présentation d'adresses de la part des chambres du Parlement du Canada, et des chambres des législatures respectives des colonies ou provinces de Terre-Neuve, de l'Île du Prince Édouard et de la Colombie Britannique, d'admettre ces colonies ou provinces, ou aucune d'elles dans l'union, — et, sur la présentation d'adresses de la part des chambres du parlement du Canada, d'admettre la Terre de Rupert et le Territoire du Nord-Ouest, ou l'une ou l'autre de ces possessions, dans l'union, aux termes et conditions, dans chaque cas, qui seront exprimés dans les adresses et que la Reine jugera convenable d'approuver, conformément à la présente; les dispositions de tous ordres en conseil rendus à cet égard, auront le même effet que si elles avaient été décrétées par le parlement du Royaume-Uni de la Grande-Bretagne et d'Irlande.⁽⁷⁶⁾

Représentation de Terre-Neuve et l'Île du Prince-Édouard au Sénat

147 Dans le cas de l'admission de Terre-Neuve et de l'Île du Prince Édouard, ou de l'une ou de l'autre de ces colonies, chacune aura droit d'être représentée par quatre membres dans le Sénat du Canada; et (nonobstant toute disposition contraire énoncée dans la présente loi) dans le cas de l'admission de Terre-Neuve, le nombre normal des sénateurs sera de soixante-seize et son maximum de quatre-vingt-deux; mais lorsque l'Île du Prince Édouard sera admise, elle sera censée comprise dans la troisième des trois divisions en lesquelles le Canada est, relativement à la composition du Sénat, partagé par la présente loi; et, en conséquence, après l'admission de l'Île du Prince Édouard, que Terre-Neuve soit admise ou non, la représentation de la Nouvelle-Écosse et du Nouveau-Brunswick dans le Sénat, au fur et à mesure que des sièges deviendront vacants, sera réduite de douze à dix membres respectivement; la représentation de chacune de ces provinces ne sera jamais augmentée au delà de dix membres, sauf sous l'autorité des dispositions de la présente loi relatives à la nomination de trois ou six sénateurs supplémentaires en conséquence d'un ordre de la Reine.⁽⁷⁷⁾

THE FIRST SCHEDULE⁽⁷⁸⁾

Electoral Districts of Ontario

A. EXISTING ELECTORAL DIVISIONS.

Counties

1. Prescott.
2. Glengarry.
3. Stormont.
4. Dundas.
5. Russell.
6. Carleton.
7. Prince Edward.
8. Halton.
9. Essex.

Ridings of Counties

10. North Riding of Lanark.
11. South Riding of Lanark.
12. North Riding of Leeds and North Riding of Grenville.
13. South Riding of Leeds.
14. South Riding of Grenville.
15. East Riding of Northumberland.
16. West Riding of Northumberland (excepting therefrom the Township of South Monaghan).
17. East Riding of Durham.
18. West Riding of Durham.
19. North Riding of Ontario.
20. South Riding of Ontario.
21. East Riding of York.
22. West Riding of York.
23. North Riding of York.
24. North Riding of Wentworth.
25. South Riding of Wentworth.
26. East Riding of Elgin.
27. West Riding of Elgin.
28. North Riding of Waterloo.
29. South Riding of Waterloo.
30. North Riding of Brant.
31. South Riding of Brant.
32. North Riding of Oxford.
33. South Riding of Oxford.
34. East Riding of Middlesex.

Cities, Parts of Cities, and Towns

35. West Toronto.
36. East Toronto.
37. Hamilton.
38. Ottawa.
39. Kingston.
40. London.
41. Town of Brockville, with the Township of Elizabethtown thereto attached.
42. Town of Niagara, with the Township of Niagara thereto attached.
43. Town of Cornwall, with the Township of Cornwall thereto attached.

B. NEW ELECTORAL DIVISIONS

44. The Provisional Judicial District of Algoma.

PREMIÈRE ANNEXE⁽⁷⁸⁾

Districts électoraux d'Ontario

A. DIVISIONS ÉLECTORALES ACTUELLES

Comtés

1. Prescott.
2. Glengarry.
3. Stormont.
4. Dundas.
5. Russell.
6. Carleton.
7. Prince Edouard.
8. Halton.
9. Essex.

Divisions de comtés

10. Division nord de Lanark.
11. Division sud de Lanark.
12. Division nord de Leeds et division nord de Grenville.
13. Division sud de Leeds.
14. Division sud de Grenville.
15. Division est de Northumberland.
16. Division ouest de Northumberland (sauf le township de Monaghan sud).
17. Division est de Durham.
18. Division ouest de Durham.
19. Division nord d'Ontario.
20. Division sud d'Ontario.
21. Division est d'York.
22. Division ouest d'York.
23. Division nord d'York.
24. Division nord de Wentworth.
25. Division sud de Wentworth.
26. Division est d'Elgin.
27. Division ouest d'Elgin.
28. Division nord de Waterloo.
29. Division sud de Waterloo.
30. Division nord de Brant.
31. Division sud de Brant.
32. Division nord d'Oxford.
33. Division sud d'Oxford.
34. Division est de Middlesex.

Cités, parties de cités et villes

35. Toronto ouest.
36. Toronto est.
37. Hamilton.
38. Ottawa.
39. Kingston.
40. London.
41. Ville de Brockville, avec le township d'Elizabethtown y annexé.
42. Ville de Niagara, avec le township de Niagara y annexé.
43. Ville de Cornwall, avec le township de Cornwall y annexé.

B. NOUVELLES DIVISIONS ÉLECTORALES

44. Le district judiciaire provisoire d'Algoma.

The County of BRUCE, divided into Two Ridings, to be called respectively the North and South Ridings:

- 45. The North Riding of Bruce to consist of the Townships of Bury, Lindsay, Eastnor, Albermarle, Amable, Arran, Bruce, Elderslie, and Saugeen, and the Village of Southampton.
- 46. The South Riding of Bruce to consist of the Townships of Kincardine (including the Village of Kincardine), Greenock, Brant, Huron, Kinloss, Culross, and Carrick.

The County of HURON, divided into Two Ridings, to be called respectively the North and South Ridings:

- 47. The North Riding to consist of the Townships of Ashfield, Wawanosh, Turnberry, Howick, Morris, Grey, Colborne, Hullett, including the Village of Clinton, and McKillop.
- 48. The South Riding to consist of the Town of Goderich and the Townships of Goderich, Tuckersmith, Stanley, Hay, Osborne, and Stephen.

The County of MIDDLESEX, divided into three Ridings, to be called respectively the North, West, and East Ridings:

- 49. The North Riding to consist of the Townships of McGillivray and Biddulph (taken from the County of Huron), and Williams East, Williams West, Adelaide, and Lobo.
- 50. The West Riding to consist of the Townships of Delaware, Carradoc, Metcalfe, Mosa and Ekfrid, and the Village of Strathroy.
[The East Riding to consist of the Townships now embraced therein, and be bounded as it is at present.]
- 51. The County of LAMBTON to consist of the Townships of Bosanquet, Warwick, Plympton, Sarnia, Moore, Enniskillen, and Brooke, and the Town of Sarnia.
- 52. The County of KENT to consist of the Townships of Chatham, Dover, East Tilbury, Romney, Raleigh, and Harwich, and the Town of Chatham.
- 53. The County of BOTHWELL to consist of the Townships of Sombra, Dawn, and Euphemia (taken from the County of Lambton), and the Townships of Zone, Camden with the Gore thereof, Orford, and Howard (taken from the County of Kent).

The County of GREY divided into Two Ridings to be called respectively the South and North Ridings:

- 54. The South Riding to consist of the Townships of Bentinck, Glenelg, Artemesia, Osprey, Normanby, Egremont, Proton, and Melancthon.
- 55. The North Riding to consist of the Townships of Collingwood, Euphrasia, Holland, Saint-Vincent, Sydenham, Sullivan, Derby, and Keppel, Sarawak and Brooke, and the Town of Owen Sound.

The County of PERTH divided into Two Ridings, to be called respectively the South and North Ridings:

- 56. The North Riding to consist of the Townships of Wallace, Elma, Logan, Ellice, Mornington, and North Easthope, and the Town of Stratford.
- 57. The South Riding to consist of the Townships of Blanchard, Downie, South Easthope, Fullarton, Hibbert, and the Villages of Mitchell and Ste. Marys.

Le comté de BRUCE, partagé en deux divisions appelées respectivement divisions nord et sud :

- 45. La division nord de Bruce comprendra les townships de Bury, Lindsay, Eastnor, Albemarle, Amabel, Arran, Bruce, Elderslie, et Saugeen, et le village de Southampton.
- 46. La division sud de Bruce comprendra les townships de Kincardine (y compris le village de Kincardine), Greenock, Brant, Huron, Kinross, Culross, et Carrick.

Le comté de HURON, séparé en deux divisions, appelées respectivement divisions nord et sud :

- 47. La division nord comprendra les townships d'Ashfield, Wawanosh, Turnbury, Howick, Morris, Grey, Colborne, Hullett, y compris le village de Clinton, et McKillop.
- 48. La division sud comprendra la ville de Goderich et les townships de Goderich, Tuckersmith, Stanley, Hay, Osborne et Stephen.

Le comté de MIDDLESEX, partagé en trois divisions, appelées respectivement divisions nord, ouest et est :

- 49. La division nord comprendra les townships de McGillivray et Biddulph (soustraits au comté de Huron) et Williams Est, Williams Ouest, Adélaïde et Lobo.
- 50. La division ouest comprendra les townships de Delaware, Carradoc, Metcalfe, Mosa, et Ekfrid et le village de Strathroy.
[La division est comprendra les townships qu'elle renferme actuellement, et sera bornée de la même manière.]
- 51. Le comté de LAMBTON comprendra les townships de Bosanquet, Warwick, Plympton, Sarnia, Moore, Enniskillen, et Brooke, et la ville de Sarnia.
- 52. Le comté de KENT comprendra les townships de Chatham, Dover, Tilbury Est, Romney, Raleigh, et Harwich, et la ville de Chatham.
- 53. Le comté de BOTHWELL comprendra les townships de Sombra, Dawn et Euphemia (soustraits au comté de Lambton), et les townships de Zone, Camden et son augmentation, Orford et Howard (soustraits au comté de Kent).

Le comté de GREY, partagé en deux divisions, appelées respectivement divisions sud et nord :

- 54. La division sud comprendra les townships de Bentinck, Glenelg, Artemesia, Osprey, Normandy, Egremont, Proton et Melancthon.
- 55. La division nord comprendra les townships de Collingwood, Euphrasia, Holland, Saint-Vincent, Sydenham, Sullivan, Derby et Keppel, Sarawak et Brooke, et la ville d'Owen Sound.

Le comté de PERTH, partagé en deux divisions, appelées respectivement divisions sud et nord :

- 56. La division nord comprendra les townships de Wallace, Elma, Logan, Ellice, Mornington, et Easthope Nord, et la ville de Stratford.
- 57. La division sud comprendra les townships de Blanchard, Downie, South Easthope, Fullarton, Hibbert et les villages de Mitchell et Ste. Marys.

The County of WELLINGTON divided into Three Ridings to be called respectively North, South and Centre Ridings:

- 58. The North Riding to consist of the Townships of Amaranth, Arthur, Luther, Minto, Maryborough, Peel, and the Village of Mount Forest.
- 59. The Centre Riding to consist of the Townships of Garafraxa, Erin, Eramosa, Nichol, and Pilkington, and the Villages of Fergus and Elora.
- 60. The South Riding to consist of the Town of Guelph, and the Townships of Guelph and Puslinch.

The County of NORFOLK, divided into Two Ridings, to be called respectively the South and North Ridings:

- 61. The South Riding to consist of the Townships of Charlotteville, Houghton, Walsingham, and Woodhouse, and with the Gore thereof.
- 62. The North Riding to consist of the Townships of Middleton, Townsend, and Windham, and the Town of Simcoe.
- 63. The County of HALDIMAND to consist of the Townships of Oneida, Seneca, Cayuga North, Cayuga South, Raynham, Walpole, and Dunn.
- 64. The County of MONCK to consist of the Townships of Canborough and Moulton, and Sherbrooke, and the Village of Dunnville (taken from the County of Haldimand), the Townships of Caister and Gainsborough (taken from the County of Lincoln), and the Townships of Pelham and Wainfleet (taken from the County of Welland).
- 65. The County of LINCOLN to consist of the Townships of Clinton, Grantham, Grimsby, and Louth, and the Town of St. Catherines.
- 66. The County of WELLAND to consist of the Townships of Bertie, Crowland, Humberstone, Stamford, Thorold, and Willoughby, and the Villages of Chippewa, Clifton, Fort Erie, Thorold, and Welland.
- 67. The County of PEEL to consist of the Townships of Chinguacousy, Toronto, and the Gore of Toronto, and the Villages of Brampton and Streetsville.
- 68. The County of CARDWELL to consist of the Townships of Albion and Caledon (taken from the County of Peel), and the Townships of Adjala and Mono (taken from the County of Simcoe).

The County of SIMCOE, divided into Two Ridings, to be called respectively the South and North Ridings:

- 69. The South Riding to consist of the Townships of West Gwillimbury, Tecumseth, Innisfil, Essa, Tosorontio, Mulmur, and the Village of Bradford.
- 70. The North Riding to consist of the Townships of Nottawasaga, Sunnidale, Vespra, Flos, Oro, Medonte, Orillia and Matchedash, Tiny and Tay, Balaklava and Robinson, and the Towns of Barrie and Collingwood.

The County of VICTORIA, divided into Two Ridings, to be called respectively the South and North Ridings:

- 71. The South Riding to consist of the Townships of Ops, Mariposa, Emily, Verulam, and the Town of Lindsay.
- 72. The North Riding to consist of the Townships of Anson, Bexley, Carden, Dalton, Digby, Eldon, Fenelon, Hindon, Laxton, Lutterworth, Macaulay and Draper, Sommerville, and Morrison, Muskoka, Monck and Watt (taken from the County of Simcoe), and any

Le comté de WELLINGTON, partagé en trois divisions, appelées respectivement divisions nord, sud et centre :

- 58. La division nord comprendra les townships de Amaranth, Arthur, Luther, Minto, Maryborough, Peel et le village de Mount Forest.
- 59. La division centre comprendra les townships de Garafraxa, Erin, Eramosa, Nichol, et Pilkington, et les villages de Fergus et Elora.
- 60. La division sud comprendra la ville de Guelph, et les townships de Guelph et Puslinch.

Le comté de NORFOLK, partagé en deux divisions, appelées respectivement divisions sud et nord :

- 61. La division sud comprendra les townships de Charlotteville, Houghton, Walsingham, et Woodhouse et son augmentation.
- 62. La division nord comprendra les townships de Middleton, Townsend, et Windham, et la ville de Simcoe.
- 63. Le comté d'HALDIMAND comprendra les townships de Oneida, Seneca, Cayuga nord, Cayuga sud, Raynham, Walpole et Dunn.
- 64. Le comté de MONCK comprendra les townships de Canborough et Moulton et Sherbrooke, et le village de Danville (soustraits au comté d'Haldimand), les townships de Caistor et Gainsborough (soustraits au comté de Lincoln) et les townships de Pelham et Wainfleet (soustraits au comté de Welland).
- 65. Le comté de LINCOLN comprendra les townships de Clinton, Grantham, Grimsby, et Louth, et la ville de Ste. Catherines.
- 66. Le comté de WELLAND comprendra les townships de Bertie, Crowland, Humberstone, Stamford, Thorold, et Willoughby, et les villages de Chippewa, Clifton, Fort Erié, Thorold et Welland.
- 67. Le comté de PEEL comprendra les townships de Chinguacousy, Toronto et l'augmentation de Toronto, et les villages de Brampton et Streetsville.
- 68. Le comté de CARDWELL comprendra les townships de Albion et Caledon (soustraits au comté de Peel), et les townships de Adjala et Mono (soustraits au comté de Simcoe).

Le comté de SIMCOE, partagé en deux divisions, appelées respectivement divisions sud et nord :

- 69. La division sud comprendra les townships de Gwillimbury ouest, Tecumseth, Innisfil, Essa, Tosorontio, Mulmur, et le village de Bradford.
- 70. La division nord comprendra les townships de Nottawasaga, Sunnidale, Vespra, Flos, Oro, Medonte, Orillia et Matchedash, Tiny et Tay, Balaklava et Robinson, et les villes de Barrie et Collingwood.

Le comté de VICTORIA, partagé en deux divisions, appelées respectivement divisions sud et nord :

- 71. La division sud comprendra les townships de Ops, Mariposa, Emily, Verulam et la ville de Lindsay.
- 72. La division nord comprendra les townships de Anson, Bexley, Carden, Dalton, Digby, Eldon, Fénélon, Hindon, Laxton, Lutterworth, Macaulay et Draper, Sommerville et Morrison, Muskoka, Monck et Watt (soustraits au comté de Simcoe), et tous autres townships arpentés au nord de cette division.

other surveyed Townships lying to the North of the said North Riding.

The County of PETERBOROUGH, divided into Two Ridings, to be called respectively the West and East Ridings:

- 73.** The West Riding to consist of the Townships of South Monaghan (taken from the County of Northumberland), North Monaghan, Smith, and Ennismore, and the Town of Peterborough.
- 74.** The East Riding to consist of the Townships of Asphodel, Belmont and Methuen, Douro, Dummer, Galway, Harvey, Minden, Stanhope and Dysart, Otonabee, and Snowden, and the Village of Ashburnham, and any other surveyed Townships lying to the North of the said East Riding.

The County of HASTINGS, divided into Three Ridings, to be called respectively the West, East, and North Ridings:

- 75.** The West Riding to consist of the Town of Belleville, the Township of Sydney, and the Village of Trenton.
- 76.** The East Riding to consist of the Townships of Thurlow, Tyendinaga, and Hungerford.
- 77.** The North Riding to consist of the Townships of Rawdon, Huntingdon, Madoc, Elzevir, Tudor, Marmora, and Lake, and the Village of Stirling, and any other surveyed Townships lying to the North of the said North Riding.
- 78.** The County of LENNOX to consist of the Townships of Richmond, Adolphustown, North Fredericksburg, South Fredericksburg, Ernest Town, and Amherst Island, and the Village of Napanee.
- 79.** The County of ADDINGTON to consist of the Townships of Camden, Portland, Sheffield, Hinchinbrooke, Kaladar, Kennebec, Olden, Oso, Anglesea, Barrie, Clarendon, Palmerston, Effingham, Abinger, Miller, Canonto, Denbigh, Loughborough, and Bedford.
- 80.** The County of FRONTENAC to consist of the Townships of Kingston, Wolfe Island, Pittsburg and Howe Island, and Storrington.

The County of RENFREW, divided into Two Ridings, to be called respectively the South and North Ridings:

- 81.** The South Riding to consist of the Townships of McNab, Bagot, Blithfield, Brougham, Horton, Admaston, Grattan, Matawatchan, Griffith, Lyndoch, Raglan, Radcliffe, Brudenell, Sebastopol, and the Villages of Arnprior and Renfrew.
- 82.** The North Riding to consist of the Townships of Ross, Bromley, Westmeath, Stafford, Pembroke, Wilberforce, Alice, Petawawa, Buchanan, South Algona, North Algona, Fraser, McKay, Wylie, Rolph, Head, Maria, Clara, Haggerty, Sherwood, Burns, and Richards, and any other surveyed Townships lying North-westerly of the said North Riding.

Every Town and incorporated Village existing at the Union, not especially mentioned in this Schedule, is to be taken as Part of the County or Riding within which it is locally situate.

Le comté de PETERBOROUGH, partagé en deux divisions, appelées respectivement divisions ouest et est :

- 73.** La division ouest comprendra les townships de Monaghan sud (soustrait au comté de Northumberland), Monaghan Nord, Smith, Ennismore et la ville de Peterborough.
- 74.** La division est comprendra les townships d'Asphodel, Belmont et Methuen, Douro, Dummer, Galway, Harvey, Minden, Stanhope et Dysart, Otonabee et Snowden et le village de Ashburnham, et tous autres townships arpentés au nord de cette division.

Le comté de HASTINGS, partagé en trois divisions, appelées respectivement divisions ouest, est et nord :

- 75.** La division ouest comprendra la ville de Belleville, le township de Sydney, et le village de Trenton.
- 76.** La division est comprendra les townships de Thurlow, Tyendinaga, et Hungerford.
- 77.** La division nord comprendra les townships de Rawdon, Huntingdon, Madoc, Elzevir, Tudor, Marmora et Lake, et le village de Stirling, et tous autres townships arpentés au nord de cette division.
- 78.** Le comté de LENNOX comprendra les townships de Richmond, Adolphustown, Fredericksburgh nord, Fredericksburgh sud, Ernest Town et l'Isle Amherst, et le village de Napanee.
- 79.** Le comté d'ADDINGTON comprendra les townships de Camden, Portland, Sheffield, Hinchinbrooke, Kaladar, Kennebec, Olden, Oso, Anglesea, Barrie, Clarendon, Palmerston, Effingham, Abinger, Miller, Canonto, Denbigh, Loughborough et Bedford.
- 80.** Le comté de FRONTENAC comprendra les townships de Kingston, l'Isle Wolfe, Pittsburg et l'Isle Howe, et Storrington.

Le comté de RENFREW, partagé en deux divisions, appelées respectivement divisions sud et nord :

- 81.** La division sud comprendra les townships de McNab, Bagot, Blithfield, Brougham, Horton, Admaston, Grattan, Matawatchan, Griffith, Lyndoch, Raglan, Radcliffe, Brudenell, Sebastopol, et les villages de Arnprior et Renfrew.
- 82.** La division nord comprendra les townships de Ross, Bromley, Westmeath, Stafford, Pembroke, Wilberforce, Alice, Petawawa, Buchanan, Algoma sud, Algoma nord, Fraser, McKay, Wylie, Rolph, Head, Maria, Clara, Haggerty, Sherwood, Burns et Richard, et tous autres townships arpentés au nord-ouest de cette division.

Les villes et villages incorporés à l'époque de l'union, non mentionnés spécialement dans cette annexe, devront faire partie du comté ou de la division dans laquelle ils sont situés.

THE SECOND SCHEDULE

Electoral Districts of Quebec
specially fixed

COUNTIES OF —

Pontiac.
Ottawa.
Argenteuil.
Huntingdon.
Missisquoi.
Brome.
Shefford.
Stanstead.
Compton.
Wolfe and Richmond.
Mégantic.
Town of Sherbrooke.

DEUXIÈME ANNEXE

Districts Électoraux de Québec
spécialement fixés

COMTÉS DE —

Pontiac.
Ottawa.
Argenteuil.
Huntingdon.
Missisquoi.
Brome.
Shefford.
Stanstead.
Compton.
Wolfe et Richmond.
Mégantic.
La ville de Sherbrooke.

THE THIRD SCHEDULE

Provincial Public Works and Property to be the Property of Canada

1. Canals, with Lands and Water Power connected therewith.
2. Public Harbours.
3. Lighthouses and Piers, and Sable Island.
4. Steamboats, Dredges, and public Vessels.
5. Rivers and Lake Improvements.
6. Railways and Railway Stocks, Mortgages, and other Debts due by Railway Companies.
7. Military Roads.
8. Custom Houses, Post Offices, and all other Public Buildings, except such as the Government of Canada appropriate for the Use of the Provincial Legislatures and Governments.
9. Property transferred by the Imperial Government, and known as Ordnance Property.
10. Armouries, Drill Sheds, Military Clothing, and Munitions of War, and Lands set apart for general Public Purposes.

TROISIÈME ANNEXE

Travaux et propriétés publiques de la province devant appartenir au Canada

1. Canaux, avec les terrains et pouvoirs d'eau y adjacents.
2. Havres publics.
3. Phares et quais, et l'Île de Sable.
4. Bateaux à vapeur, dragueurs et vaisseaux publics.
5. Améliorations sur les lacs et rivières.
6. Chemins de fer et actions dans les chemins de fer, hypothèques et autres dettes dues par les compagnies de chemins de fer.
7. Routes militaires.
8. Maisons de douane, bureaux de poste, et tous autres édifices publics, sauf ceux que le gouvernement du Canada destine à l'usage des législatures et des gouvernements provinciaux.
9. Propriétés transférées par le gouvernement impérial, et désignées sous le nom de propriétés de l'artillerie.
10. Arsenaux, salles d'exercice militaires, uniformes, munitions de guerre, et terrains réservés pour les besoins publics et généraux.

THE FOURTH SCHEDULE

Assets to be the Property of Ontario and Quebec conjointly

Upper Canada Building Fund.
 Lunatic Asylums.
 Normal School.
 Court Houses in Aylmer, Montreal, Kamouraska, } Lower
 Canada.
 Law Society, Upper Canada.
 Montreal Turnpike Trust.
 University Permanent Fund.
 Royal Institution.
 Consolidated Municipal Loan Fund, Upper Canada.
 Consolidated Municipal Loan Fund, Lower Canada.
 Agricultural Society, Upper Canada.
 Lower Canada Legislative Grant.
 Quebec Fire Loan.
 Temiscouata Advance Account.
 Quebec Turnpike Trust.
 Education — East.
 Building and Jury Fund, Lower Canada.
 Municipalities Fund.
 Lower Canada Superior Education Income Fund.

QUATRIÈME ANNEXE

Actif devenant la propriété commune d'Ontario et Québec

Fonds de bâtisse du Haut-Canada.
 Asiles d'aliénés.
 École Normale.
 Palais de justice à Aylmer, Montréal, Kamouraska, } Bas-
 Canada.
 Société des hommes de loi, Haut-Canada.
 Commission des chemins à barrières de Montréal.
 Fonds permanent de l'université.
 Institution royale.
 Fonds consolidé d'emprunt municipal, Haut-Canada.
 Fonds consolidé d'emprunt municipal, Bas-Canada.
 Société d'agriculture, Haut-Canada.
 Octroi législatif en faveur du Bas-Canada.
 Prêt aux incendiés de Québec.
 Compte des avances, Témiscouata.
 Commission des chemins à barrières de Québec.
 Éducation — Est.
 Fonds de bâtisse et de jurés, Bas-Canada.
 Fonds des municipalités.
 Fonds du revenu de l'éducation supérieure, Bas-Canada.

THE FIFTH SCHEDULE

OATH OF ALLEGIANCE

I A.B. do swear, That I will be faithful and bear true Allegiance to Her Majesty Queen Victoria.

Note. — The Name of the King or Queen of the United Kingdom of Great Britain and Ireland for the Time being is to be substituted from Time to Time, with proper Terms of Reference thereto.

DECLARATION OF QUALIFICATION

I A.B. do declare and testify, That I am by Law duly qualified to be appointed a Member of the Senate of Canada [*or as the Case may be*], and that I am legally or equitably seised as of Freehold for my own Use and Benefit of Lands or Tenements held in Free and Common Socage [*or seised or possessed for my own Use and Benefit of Lands or Tenements held in Franc-alleu or in Roture (as the Case may be),*] in the Province of Nova Scotia [*or as the Case may be*] of the Value of Four thousand Dollars over and above all Rents, Dues, Debts, Mortgages, Charges, and Incumbrances due or payable out of or charged on or affecting the same, and that I have not collusively or colourably obtained a Title to or become possessed of the said Lands and Tenements or any Part thereof for the Purpose of enabling me to become a Member of the Senate of Canada [*or as the Case may be*], and that my Real and Personal Property are together worth Four thousand Dollars over and above my Debts and Liabilities.

CINQUIÈME ANNEXE

SERMENT D'ALLÉGEANCE

Je, A.B., jure que je serai fidèle et porterai vraie allégeance à Sa Majesté la Reine Victoria.

N.B. — Le nom du Roi ou de la Reine du Royaume-Uni de la Grande-Bretagne et d'Irlande, alors régnant, devra être inséré, au besoin, en termes appropriés.

DÉCLARATION DES QUALIFICATIONS EXIGÉES

Je, A.B., déclare et atteste que j'ai les qualifications exigées par la loi pour être nommé membre du Sénat du Canada (*ou selon le cas*), et que je possède en droit ou en équité comme propriétaire, pour mon propre usage et bénéfice, des terres et tenements en franc et commun socage [*ou que je suis en bonne saisine ou possession, pour mon propre usage et bénéfice, de terres et tenements en franc-alleu ou en rotture (selon le cas),*] dans la province de la Nouvelle-Écosse (*ou selon le cas*), de la valeur de quatre mille piastres, en sus de toutes rentes, dettes, charges, hypothèques et redevances qui peuvent être attachées, dues et payables sur ces immeubles ou auxquelles ils peuvent être affectés, et que je n'ai pas collusionnellement ou spécieusement obtenu le titre ou la possession de ces immeubles, en tout ou en partie, dans le but de devenir membre du Sénat du Canada, (*ou selon le cas*), et que mes biens mobiliers et immobiliers valent, somme toute, quatre mille piastres en sus de mes dettes et obligations.

THE SIXTH SCHEDULE⁽⁷⁹⁾

Primary Production from Non-Renewable Natural Resources and Forestry Resources

1 For the purposes of section 92A of this Act,

(a) production from a non-renewable natural resource is primary production therefrom if

(i) it is in the form in which it exists upon its recovery or severance from its natural state, or

(ii) it is a product resulting from processing or refining the resource, and is not a manufactured product or a product resulting from refining crude oil, refining up-graded heavy crude oil, refining gases or liquids derived from coal or refining a synthetic equivalent of crude oil; and

(b) production from a forestry resource is primary production therefrom if it consists of sawlogs, poles, lumber, wood chips, sawdust or any other primary wood product, or wood pulp, and is not a product manufactured from wood.

SIXIÈME ANNEXE⁽⁷⁹⁾

Production primaire tirée des ressources naturelles non renouvelables et des ressources forestières

1 Pour l'application de l'article 92A :

a) on entend par production primaire tirée d'une ressource naturelle non renouvelable :

(i) soit le produit qui se présente sous la même forme que lors de son extraction du milieu naturel,

(ii) soit le produit non manufacturé de la transformation, du raffinage ou de l'affinage d'une ressource, à l'exception du produit du raffinage du pétrole brut, du raffinage du pétrole brut lourd amélioré, du raffinage des gaz ou des liquides dérivés du charbon ou du raffinage d'un équivalent synthétique du pétrole brut;

b) on entend par production primaire tirée d'une ressource forestière la production constituée de billots, de poteaux, de bois d'œuvre, de copeaux, de sciure ou d'autre produit primaire du bois, ou de pâte de bois, à l'exception d'un produit manufacturé en bois.

CANADA ACT 1982⁽⁸⁰⁾

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 into 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*.

LOI DE 1982 SUR LE CANADA⁽⁸⁰⁾

Loi donnant suite à une demande du Sénat et de la Chambre des communes du Canada

Sa Très Excellente Majesté la Reine, considérant :

qu'à la demande et avec le consentement du Canada, le Parlement du Royaume-Uni est invité à adopter une loi visant à donner effet aux dispositions énoncées ci-après et que le Sénat et la Chambre des communes du Canada réunis en Parlement ont présenté une adresse demandant à Sa Très Gracieuse Majesté de bien vouloir faire déposer devant le Parlement du Royaume-Uni un projet de loi à cette fin,

sur l'avis et du consentement des Lords spirituels et temporels et des Communes réunis en Parlement, et par l'autorité de celui-ci, édicte :

- 1** La *Loi constitutionnelle de 1982*, énoncée à l'annexe B, est édictée pour le Canada et y a force de loi. Elle entre en vigueur conformément à ses dispositions.
- 2** Les lois adoptées par le Parlement du Royaume-Uni après l'entrée en vigueur de la *Loi constitutionnelle de 1982* ne font pas partie du droit du Canada.
- 3** La partie de la version française de la présente loi qui figure à l'annexe A a force de loi au Canada au même titre que la version anglaise correspondante.
- 4** Titre abrégé de la présente loi : *Loi de 1982 sur le Canada*.

CONSTITUTION ACT, 1982⁽⁸¹⁾

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.⁽⁸²⁾

LOI CONSTITUTIONNELLE DE 1982⁽⁸¹⁾

PARTIE I

Charte canadienne des droits et libertés

Attendu que le Canada est fondé sur des principes qui reconnaissent la suprématie de Dieu et la primauté du droit :

Garantie des droits et libertés

Droits et libertés au Canada

1 La *Charte canadienne des droits et libertés* garantit les droits et libertés qui y sont énoncés. Ils ne peuvent être restreints que par une règle de droit, dans des limites qui soient raisonnables et dont la justification puisse se démontrer dans le cadre d'une société libre et démocratique.

Libertés fondamentales

Libertés fondamentales

2 Chacun a les libertés fondamentales suivantes :

- a)** liberté de conscience et de religion;
- b)** liberté de pensée, de croyance, d'opinion et d'expression, y compris la liberté de la presse et des autres moyens de communication;
- c)** liberté de réunion pacifique;
- d)** liberté d'association.

Droits démocratiques

Droits démocratiques des citoyens

3 Tout citoyen canadien a le droit de vote et est éligible aux élections législatives fédérales ou provinciales.

Mandat maximal des assemblées

4 (1) Le mandat maximal de la Chambre des communes et des assemblées législatives est de cinq ans à compter de la date fixée pour le retour des brefs relatifs aux élections générales correspondantes.⁽⁸²⁾

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.⁽⁸³⁾

Annual sitting of legislative bodies

5 There shall be a sitting of Parliament and of each legislature at least once every twelve months.⁽⁸⁴⁾

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.

Prolongations spéciales

(2) Le mandat de la Chambre des communes ou celui d'une assemblée législative peut être prolongé respectivement par le Parlement ou par la législature en question au-delà de cinq ans en cas de guerre, d'invasion ou d'insurrection, réelles ou appréhendées, pourvu que cette prolongation ne fasse pas l'objet d'une opposition exprimée par les voix de plus du tiers des députés de la Chambre des communes ou de l'assemblée législative.⁽⁸³⁾

Séance annuelle

5 Le Parlement et les législatures tiennent une séance au moins une fois tous les douze mois.⁽⁸⁴⁾

Liberté de circulation et d'établissement

Liberté de circulation

6 (1) Tout citoyen canadien a le droit de demeurer au Canada, d'y entrer ou d'en sortir.

Liberté d'établissement

(2) Tout citoyen canadien et toute personne ayant le statut de résident permanent au Canada ont le droit :

a) de se déplacer dans tout le pays et d'établir leur résidence dans toute province;

b) de gagner leur vie dans toute province.

Restriction

(3) Les droits mentionnés au paragraphe (2) sont subordonnés :

a) aux lois et usages d'application générale en vigueur dans une province donnée, s'ils n'établissent entre les personnes aucune distinction fondée principalement sur la province de résidence antérieure ou actuelle;

b) aux lois prévoyant de justes conditions de résidence en vue de l'obtention des services sociaux publics.

Programmes de promotion sociale

(4) Les paragraphes (2) et (3) n'ont pas pour objet d'interdire les lois, programmes ou activités destinés à améliorer, dans une province, la situation d'individus défavorisés socialement ou économiquement, si le taux d'emploi dans la province est inférieur à la moyenne nationale.

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

- (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 *habeas corpus* 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

- (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

Garanties juridiques

Vie, liberté et sécurité

7 Chacun a droit à la vie, à la liberté et à la sécurité de sa personne; il ne peut être porté atteinte à ce droit qu'en conformité avec les principes de justice fondamentale.

Fouilles, perquisitions ou saisies

8 Chacun a droit à la protection contre les fouilles, les perquisitions ou les saisies abusives.

Détention ou emprisonnement

9 Chacun a droit à la protection contre la détention ou l'emprisonnement arbitraires.

Arrestation ou détention

10 Chacun a le droit, en cas d'arrestation ou de détention :

- a) d'être informé dans les plus brefs délais des motifs de son arrestation ou de sa détention;
- b) d'avoir recours sans délai à l'assistance d'un avocat et d'être informé de ce droit;
- c) de faire contrôler, par *habeas corpus*, la légalité de sa détention et d'obtenir, le cas échéant, sa libération.

Affaires criminelles et pénales

11 Tout inculpé a le droit :

- a) d'être informé sans délai anormal de l'infraction précise qu'on lui reproche;
- b) d'être jugé dans un délai raisonnable;
- c) de ne pas être contraint de témoigner contre lui-même dans toute poursuite intentée contre lui pour l'infraction qu'on lui reproche;
- d) d'être présumé innocent tant qu'il n'est pas déclaré coupable, conformément à la loi, par un tribunal indépendant et impartial à l'issue d'un procès public et équitable;
- e) de ne pas être privé sans juste cause d'une mise en liberté assortie d'un cautionnement raisonnable;
- f) sauf s'il s'agit d'une infraction relevant de la justice militaire, de bénéficier d'un procès avec jury lorsque la peine maximale prévue pour l'infraction dont il est accusé est un emprisonnement de cinq ans ou une peine plus grave;

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

g) de ne pas être déclaré coupable en raison d’une action ou d’une omission qui, au moment où elle est survenue, ne constituait pas une infraction d’après le droit interne du Canada ou le droit international et n’avait pas de caractère criminel d’après les principes généraux de droit reconnus par l’ensemble des nations;

h) d’une part de ne pas être jugé de nouveau pour une infraction dont il a été définitivement acquitté, d’autre part de ne pas être jugé ni puni de nouveau pour une infraction dont il a été définitivement déclaré coupable et puni;

i) de bénéficier de la peine la moins sévère, lorsque la peine qui sanctionne l’infraction dont il est déclaré coupable est modifiée entre le moment de la perpétration de l’infraction et celui de la sentence.

Cruauté

12 Chacun a droit à la protection contre tous traitements ou peines cruels et inusités.

Témoignage incriminant

13 Chacun a droit à ce qu’aucun témoignage incriminant qu’il donne ne soit utilisé pour l’incriminer dans d’autres procédures, sauf lors de poursuites pour parjure ou pour témoignages contradictoires.

Interprète

14 La partie ou le témoin qui ne peuvent suivre les procédures, soit parce qu’ils ne comprennent pas ou ne parlent pas la langue employée, soit parce qu’ils sont atteints de surdité, ont droit à l’assistance d’un interprète.

Droits à l’égalité

Égalité devant la loi, égalité de bénéfice et protection égale de la loi

15 (1) La loi ne fait acception de personne et s’applique également à tous, et tous ont droit à la même protection et au même bénéfice de la loi, indépendamment de toute discrimination, notamment des discriminations fondées sur la race, l’origine nationale ou ethnique, la couleur, la religion, le sexe, l’âge ou les déficiences mentales ou physiques.

Programmes de promotion sociale

(2) Le paragraphe (1) n’a pas pour effet d’interdire les lois, programmes ou activités destinés à améliorer la situation d’individus ou de groupes défavorisés, notamment du fait de leur race, de leur origine nationale ou ethnique, de leur couleur, de leur religion, de leur

or ethnic origin, colour, religion, sex, age or mental or physical disability.⁽⁸⁵⁾

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.⁽⁸⁶⁾

Proceedings of Parliament

17 (1) Everyone has the right to use English or French in any debates and other proceedings of Parliament.⁽⁸⁷⁾

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.⁽⁸⁸⁾

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.⁽⁸⁹⁾

sexe, de leur âge ou de leurs déficiences mentales ou physiques.⁽⁸⁵⁾

Langues officielles du Canada

Langues officielles du Canada

16 (1) Le français et l'anglais sont les langues officielles du Canada; ils ont un statut et des droits et privilèges égaux quant à leur usage dans les institutions du Parlement et du gouvernement du Canada.

Langues officielles du Nouveau-Brunswick

(2) Le français et l'anglais sont les langues officielles du Nouveau-Brunswick; ils ont un statut et des droits et privilèges égaux quant à leur usage dans les institutions de la Législature et du gouvernement du Nouveau-Brunswick.

Progression vers l'égalité

(3) La présente charte ne limite pas le pouvoir du Parlement et des législatures de favoriser la progression vers l'égalité de statut ou d'usage du français et de l'anglais.

Communautés linguistiques française et anglaise du Nouveau-Brunswick

16.1 (1) La communauté linguistique française et la communauté linguistique anglaise du Nouveau-Brunswick ont un statut et des droits et privilèges égaux, notamment le droit à des institutions d'enseignement distinctes et aux institutions culturelles distinctes nécessaires à leur protection et à leur promotion.

Rôle de la législature et du gouvernement du Nouveau-Brunswick

(2) Le rôle de la législature et du gouvernement du Nouveau-Brunswick de protéger et de promouvoir le statut, les droits et les privilèges visés au paragraphe (1) est confirmé.⁽⁸⁶⁾

Travaux du Parlement

17 (1) Chacun a le droit d'employer le français ou l'anglais dans les débats et travaux du Parlement.⁽⁸⁷⁾

Travaux de la Législature du Nouveau-Brunswick

(2) Chacun a le droit d'employer le français ou l'anglais dans les débats et travaux de la Législature du Nouveau-Brunswick.⁽⁸⁸⁾

Documents parlementaires

18 (1) Les lois, les archives, les comptes rendus et les procès-verbaux du Parlement sont imprimés et publiés en français et en anglais, les deux versions des lois ayant

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.⁽⁹⁰⁾

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.⁽⁹¹⁾

Proceedings in New Brunswick courts

(2) Either English or French may be used by any person in, or in any pleading in or process issuing from, any court of New Brunswick.⁽⁹²⁾

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.⁽⁹³⁾

également force de loi et celles des autres documents ayant même valeur.⁽⁸⁹⁾

Documents de la Législature du Nouveau-Brunswick

(2) Les lois, les archives, les comptes rendus et les procès-verbaux de la Législature du Nouveau-Brunswick sont imprimés et publiés en français et en anglais, les deux versions des lois ayant également force de loi et celles des autres documents ayant même valeur.⁽⁹⁰⁾

Procédures devant les tribunaux établis par le Parlement

19 (1) Chacun a le droit d'employer le français ou l'anglais dans toutes les affaires dont sont saisis les tribunaux établis par le Parlement et dans tous les actes de procédure qui en découlent.⁽⁹¹⁾

Procédures devant les tribunaux du Nouveau-Brunswick

(2) Chacun a le droit d'employer le français ou l'anglais dans toutes les affaires dont sont saisis les tribunaux du Nouveau-Brunswick et dans tous les actes de procédure qui en découlent.⁽⁹²⁾

Communications entre les administrés et les institutions fédérales

20 (1) Le public a, au Canada, droit à l'emploi du français ou de l'anglais pour communiquer avec le siège ou l'administration centrale des institutions du Parlement ou du gouvernement du Canada ou pour en recevoir les services; il a le même droit à l'égard de tout autre bureau de ces institutions là où, selon le cas :

- a) l'emploi du français ou de l'anglais fait l'objet d'une demande importante;
- b) l'emploi du français et de l'anglais se justifie par la vocation du bureau.

Communications entre les administrés et les institutions du Nouveau-Brunswick

(2) Le public a, au Nouveau-Brunswick, droit à l'emploi du français ou de l'anglais pour communiquer avec tout bureau des institutions de la législature ou du gouvernement ou pour en recevoir les services.

Maintien en vigueur de certaines dispositions

21 Les articles 16 à 20 n'ont pas pour effet, en ce qui a trait à la langue française ou anglaise ou à ces deux langues, de porter atteinte aux droits, privilèges ou obligations qui existent ou sont maintenus aux termes d'une autre disposition de la Constitution du Canada.⁽⁹³⁾

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.⁽⁹⁴⁾

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.

Droits préservés

22 Les articles 16 à 20 n'ont pas pour effet de porter atteinte aux droits et privilèges, antérieurs ou postérieurs à l'entrée en vigueur de la présente charte et découlant de la loi ou de la coutume, des langues autres que le français ou l'anglais.

Droits à l'instruction dans la langue de la minorité

Langue d'instruction

23 (1) Les citoyens canadiens :

a) dont la première langue apprise et encore comprise est celle de la minorité francophone ou anglophone de la province où ils résident,

b) qui ont reçu leur instruction, au niveau primaire, en français ou en anglais au Canada et qui résident dans une province où la langue dans laquelle ils ont reçu cette instruction est celle de la minorité francophone ou anglophone de la province,

ont, dans l'un ou l'autre cas, le droit d'y faire instruire leurs enfants, aux niveaux primaire et secondaire, dans cette langue.⁽⁹⁴⁾

Continuité d'emploi de la langue d'instruction

(2) Les citoyens canadiens dont un enfant a reçu ou reçoit son instruction, au niveau primaire ou secondaire, en français ou en anglais au Canada ont le droit de faire instruire tous leurs enfants, aux niveaux primaire et secondaire, dans la langue de cette instruction.

Justification par le nombre

(3) Le droit reconnu aux citoyens canadiens par les paragraphes (1) et (2) de faire instruire leurs enfants, aux niveaux primaire et secondaire, dans la langue de la minorité francophone ou anglophone d'une province :

a) s'exerce partout dans la province où le nombre des enfants des citoyens qui ont ce droit est suffisant pour justifier à leur endroit la prestation, sur les fonds publics, de l'instruction dans la langue de la minorité;

b) comprend, lorsque le nombre de ces enfants le justifie, le droit de les faire instruire dans des établissements d'enseignement de la minorité linguistique financés sur les fonds publics.

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.⁽⁹⁵⁾

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

Recours

Recours en cas d'atteinte aux droits et libertés

24 (1) Toute personne, victime de violation ou de négation des droits ou libertés qui lui sont garantis par la présente charte, peut s'adresser à un tribunal compétent pour obtenir la réparation que le tribunal estime convenable et juste eu égard aux circonstances.

Irrecevabilité d'éléments de preuve qui risqueraient de déconsidérer l'administration de la justice

(2) Lorsque, dans une instance visée au paragraphe (1), le tribunal a conclu que des éléments de preuve ont été obtenus dans des conditions qui portent atteinte aux droits ou libertés garantis par la présente charte, ces éléments de preuve sont écartés s'il est établi, eu égard aux circonstances, que leur utilisation est susceptible de déconsidérer l'administration de la justice.

Dispositions générales

Maintien des droits et libertés des autochtones

25 Le fait que la présente charte garantit certains droits et libertés ne porte pas atteinte aux droits ou libertés — ancestraux, issus de traités ou autres — des peuples autochtones du Canada, notamment :

a) aux droits ou libertés reconnus par la proclamation royale du 7 octobre 1763;

b) aux droits ou libertés existants issus d'accords sur des revendications territoriales ou ceux susceptibles d'être ainsi acquis.⁽⁹⁵⁾

Maintien des autres droits et libertés

26 Le fait que la présente charte garantit certains droits et libertés ne constitue pas une négation des autres droits ou libertés qui existent au Canada.

Maintien du patrimoine culturel

27 Toute interprétation de la présente charte doit concorder avec l'objectif de promouvoir le maintien et la valorisation du patrimoine multiculturel des Canadiens.

Égalité de garantie des droits pour les deux sexes

28 Indépendamment des autres dispositions de la présente charte, les droits et libertés qui y sont mentionnés sont garantis également aux personnes des deux sexes.

Maintien des droits relatifs à certaines écoles

29 Les dispositions de la présente charte ne portent pas atteinte aux droits ou privilèges garantis en vertu de la

Constitution of Canada in respect of denominational, separate or dissentient schools.⁽⁹⁶⁾

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.

Constitution du Canada concernant les écoles séparées et autres écoles confessionnelles.⁽⁹⁶⁾

Application aux territoires

30 Dans la présente charte, les dispositions qui visent les provinces, leur législature ou leur assemblée législative visent également le territoire du Yukon, les territoires du Nord-Ouest ou leurs autorités législatives compétentes.

Non-élargissement des compétences législatives

31 La présente charte n'élargit pas les compétences législatives de quelque organisme ou autorité que ce soit.

Application de la charte

Application de la charte

32 (1) La présente charte s'applique :

a) au Parlement et au gouvernement du Canada, pour tous les domaines relevant du Parlement, y compris ceux qui concernent le territoire du Yukon et les territoires du Nord-Ouest;

b) à la législature et au gouvernement de chaque province, pour tous les domaines relevant de cette législature.

Restriction

(2) Par dérogation au paragraphe (1), l'article 15 n'a d'effet que trois ans après l'entrée en vigueur du présent article.

Dérogation par déclaration expresse

33 (1) Le Parlement ou la législature d'une province peut adopter une loi où il est expressément déclaré que celle-ci ou une de ses dispositions a effet indépendamment d'une disposition donnée de l'article 2 ou des articles 7 à 15 de la présente charte.

Effet de la dérogation

(2) La loi ou la disposition qui fait l'objet d'une déclaration conforme au présent article et en vigueur a l'effet qu'elle aurait sauf la disposition en cause de la charte.

Durée de validité

(3) La déclaration visée au paragraphe (1) cesse d'avoir effet à la date qui y est précisée ou, au plus tard, cinq ans après son entrée en vigueur.

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.⁽⁹⁷⁾

Commitment to participation in constitutional conference

35.1 The government of Canada and the provincial governments are committed to the principle that, before any amendment is made to Class 24 of section 91 of the *Constitution Act, 1867*, to section 25 of this Act or to this Part,

Nouvelle adoption

(4) Le Parlement ou une législature peut adopter de nouveau une déclaration visée au paragraphe (1).

Durée de validité

(5) Le paragraphe (3) s'applique à toute déclaration adoptée sous le régime du paragraphe (4).

Titre

Titre

34 Titre de la présente partie : *Charte canadienne des droits et libertés*.

PARTIE II

Droits des peuples autochtones du Canada

Confirmation des droits existants des peuples autochtones

35 (1) Les droits existants — ancestraux ou issus de traités — des peuples autochtones du Canada sont reconnus et confirmés.

Définition de *peuples autochtones du Canada*

(2) Dans la présente loi, *peuples autochtones du Canada* s'entend notamment des Indiens, des Inuit et des Métis du Canada.

Accords sur des revendications territoriales

(3) Il est entendu que sont compris parmi les droits issus de traités, dont il est fait mention au paragraphe (1), les droits existants issus d'accords sur des revendications territoriales ou ceux susceptibles d'être ainsi acquis.

Égalité de garantie des droits pour les deux sexes

(4) Indépendamment de toute autre disposition de la présente loi, les droits — ancestraux ou issus de traités — visés au paragraphe (1) sont garantis également aux personnes des deux sexes.⁽⁹⁷⁾

Engagement relatif à la participation à une conférence constitutionnelle

35.1 Les gouvernements fédéral et provinciaux sont liés par l'engagement de principe selon lequel le premier ministre du Canada, avant toute modification de la catégorie 24 de l'article 91 de la *Loi constitutionnelle de 1867*, de l'article 25 de la présente loi ou de la présente partie :

(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.⁽⁹⁸⁾

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.⁽⁹⁹⁾

PART IV

Constitutional Conference

37 Repealed.⁽¹⁰⁰⁾

PART IV.1

Constitutional Conferences

37.1 Repealed.⁽¹⁰¹⁾

a) convoquera une conférence constitutionnelle réunissant les premiers ministres provinciaux et lui-même et comportant à son ordre du jour la question du projet de modification;

b) invitera les représentants des peuples autochtones du Canada à participer aux travaux relatifs à cette question.⁽⁹⁸⁾

PARTIE III

Péréquation et inégalités régionales

Engagements relatifs à l'égalité des chances

36 (1) Sous réserve des compétences législatives du Parlement et des législatures et de leur droit de les exercer, le Parlement et les législatures, ainsi que les gouvernements fédéral et provinciaux, s'engagent à :

- a)** promouvoir l'égalité des chances de tous les Canadiens dans la recherche de leur bien-être;
- b)** favoriser le développement économique pour réduire l'inégalité des chances;
- c)** fournir à tous les Canadiens, à un niveau de qualité acceptable, les services publics essentiels.

Engagement relatif aux services publics

(2) Le Parlement et le gouvernement du Canada prennent l'engagement de principe de faire des paiements de péréquation propres à donner aux gouvernements provinciaux des revenus suffisants pour les mettre en mesure d'assurer les services publics à un niveau de qualité et de fiscalité sensiblement comparables.⁽⁹⁹⁾

PARTIE IV

Conférence constitutionnelle

37 Abrogé.⁽¹⁰⁰⁾

PARTIE IV.1

Conférences constitutionnelles

37.1 Abrogé.⁽¹⁰¹⁾

PART V

Procedure for Amending Constitution of Canada⁽¹⁰²⁾

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.

PARTIE V

Procédure de modification de la Constitution du Canada⁽¹⁰²⁾

Procédure normale de modification

38 (1) La Constitution du Canada peut être modifiée par proclamation du gouverneur général sous le grand sceau du Canada, autorisée à la fois :

a) par des résolutions du Sénat et de la Chambre des communes;

b) par des résolutions des assemblées législatives d'au moins deux tiers des provinces dont la population confondue représente, selon le recensement général le plus récent à l'époque, au moins cinquante pour cent de la population de toutes les provinces.

Majorité simple

(2) Une modification faite conformément au paragraphe (1) mais dérogatoire à la compétence législative, aux droits de propriété ou à tous autres droits ou privilèges d'une législature ou d'un gouvernement provincial exige une résolution adoptée à la majorité des sénateurs, des députés fédéraux et des députés de chacune des assemblées législatives du nombre requis de provinces.

Désaccord

(3) La modification visée au paragraphe (2) est sans effet dans une province dont l'assemblée législative a, avant la prise de la proclamation, exprimé son désaccord par une résolution adoptée à la majorité des députés, sauf si cette assemblée, par résolution également adoptée à la majorité, revient sur son désaccord et autorise la modification.

Levée du désaccord

(4) La résolution de désaccord visée au paragraphe (3) peut être révoquée à tout moment, indépendamment de la date de la proclamation à laquelle elle se rapporte.

Restriction

39 (1) La proclamation visée au paragraphe 38(1) ne peut être prise dans l'année suivant l'adoption de la résolution à l'origine de la procédure de modification que si l'assemblée législative de chaque province a préalablement adopté une résolution d'agrément ou de désaccord.

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;

Idem

(2) La proclamation visée au paragraphe 38(1) ne peut être prise que dans les trois ans suivant l'adoption de la résolution à l'origine de la procédure de modification.

Compensation

40 Le Canada fournit une juste compensation aux provinces auxquelles ne s'applique pas une modification faite conformément au paragraphe 38(1) et relative, en matière d'éducation ou dans d'autres domaines culturels, à un transfert de compétences législatives provinciales au Parlement.

Consentement unanime

41 Toute modification de la Constitution du Canada portant sur les questions suivantes se fait par proclamation du gouverneur général sous le grand sceau du Canada, autorisée par des résolutions du Sénat, de la Chambre des communes et de l'assemblée législative de chaque province :

- a)** la charge de Reine, celle de gouverneur général et celle de lieutenant-gouverneur;
- b)** le droit d'une province d'avoir à la Chambre des communes un nombre de députés au moins égal à celui des sénateurs par lesquels elle est habilitée à être représentée lors de l'entrée en vigueur de la présente partie;
- c)** sous réserve de l'article 43, l'usage du français ou de l'anglais;
- d)** la composition de la Cour suprême du Canada;
- e)** la modification de la présente partie.

Procédure normale de modification

42 (1) Toute modification de la Constitution du Canada portant sur les questions suivantes se fait conformément au paragraphe 38(1) :

- a)** le principe de la représentation proportionnelle des provinces à la Chambre des communes prévu par la Constitution du Canada;
- b)** les pouvoirs du Sénat et le mode de sélection des sénateurs;
- c)** le nombre des sénateurs par lesquels une province est habilitée à être représentée et les conditions de résidence qu'ils doivent remplir;

(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.

d) sous réserve de l'alinéa 41d), la Cour suprême du Canada;

e) le rattachement aux provinces existantes de tout ou partie des territoires;

f) par dérogation à toute autre loi ou usage, la création de provinces.

Exception

(2) Les paragraphes 38(2) à (4) ne s'appliquent pas aux questions mentionnées au paragraphe (1).

Modification à l'égard de certaines provinces

43 Les dispositions de la Constitution du Canada applicables à certaines provinces seulement ne peuvent être modifiées que par proclamation du gouverneur général sous le grand sceau du Canada, autorisée par des résolutions du Sénat, de la Chambre des communes et de l'assemblée législative de chaque province concernée. Le présent article s'applique notamment :

a) aux changements du tracé des frontières interprovinciales;

b) aux modifications des dispositions relatives à l'usage du français ou de l'anglais dans une province.

Modification par le Parlement

44 Sous réserve des articles 41 et 42, le Parlement a compétence exclusive pour modifier les dispositions de la Constitution du Canada relatives au pouvoir exécutif fédéral, au Sénat ou à la Chambre des communes.

Modification par les législatures

45 Sous réserve de l'article 41, une législature a compétence exclusive pour modifier la constitution de sa province.

Initiative des procédures

46 (1) L'initiative des procédures de modification visées aux articles 38, 41, 42 et 43 appartient au Sénat, à la Chambre des communes ou à une assemblée législative.

Possibilité de révocation

(2) Une résolution d'agrément adoptée dans le cadre de la présente partie peut être révoquée à tout moment avant la date de la proclamation qu'elle autorise.

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.⁽¹⁰³⁾

PART VI**Amendment to the Constitution Act, 1867**

50 ⁽¹⁰⁴⁾

51 ⁽¹⁰⁵⁾

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

Modification sans résolution du Sénat

47 (1) Dans les cas visés à l'article 38, 41, 42 ou 43, il peut être passé outre au défaut d'autorisation du Sénat si celui-ci n'a pas adopté de résolution dans un délai de cent quatre-vingts jours suivant l'adoption de celle de la Chambre des communes et si cette dernière, après l'expiration du délai, adopte une nouvelle résolution dans le même sens.

Computation du délai

(2) Dans la computation du délai visé au paragraphe (1), ne sont pas comptées les périodes pendant lesquelles le Parlement est prorogé ou dissous.

Demande de proclamation

48 Le Conseil privé de la Reine pour le Canada demande au gouverneur général de prendre, conformément à la présente partie, une proclamation dès l'adoption des résolutions prévues par cette partie pour une modification par proclamation.

Conférence constitutionnelle

49 Dans les quinze ans suivant l'entrée en vigueur de la présente partie, le premier ministre du Canada convoque une conférence constitutionnelle réunissant les premiers ministres provinciaux et lui-même, en vue du réexamen des dispositions de cette partie.⁽¹⁰³⁾

PARTIE VI**Modification de la Loi constitutionnelle de 1867**

50 ⁽¹⁰⁴⁾

51 ⁽¹⁰⁵⁾

PARTIE VII**Dispositions générales****Primauté de la Constitution du Canada**

52 (1) La Constitution du Canada est la loi suprême du Canada; elle rend inopérantes les dispositions incompatibles de toute autre règle de droit.

Constitution du Canada

(2) La Constitution du Canada comprend :

- (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 *Canada Act 1982*, 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 *Constitution Act* 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.⁽¹⁰⁶⁾

54.1 Repealed.⁽¹⁰⁷⁾

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.⁽¹⁰⁸⁾

- a) la *Loi de 1982 sur le Canada*, y compris la présente loi;
- b) les textes législatifs et les décrets figurant à l'annexe;
- c) les modifications des textes législatifs et des décrets mentionnés aux alinéas a) ou b).

Modification

(3) La Constitution du Canada ne peut être modifiée que conformément aux pouvoirs conférés par elle.

Abrogation et nouveaux titres

53 (1) Les textes législatifs et les décrets énumérés à la colonne I de l'annexe sont abrogés ou modifiés dans la mesure indiquée à la colonne II. Sauf abrogation, ils restent en vigueur en tant que lois du Canada sous les titres mentionnés à la colonne III.

Modifications corrélatives

(2) Tout texte législatif ou réglementaire, sauf la *Loi de 1982 sur le Canada*, qui fait mention d'un texte législatif ou décret figurant à l'annexe par le titre indiqué à la colonne I est modifié par substitution à ce titre du titre correspondant mentionné à la colonne III; tout Acte de l'Amérique du Nord britannique non mentionné à l'annexe peut être cité sous le titre de *Loi constitutionnelle* suivi de l'indication de l'année de son adoption et éventuellement de son numéro.

Abrogation et modifications qui en découlent

54 La partie IV est abrogée un an après l'entrée en vigueur de la présente partie et le gouverneur général peut, par proclamation sous le grand sceau du Canada, abroger le présent article et apporter en conséquence de cette double abrogation les aménagements qui s'imposent à la présente loi.⁽¹⁰⁶⁾

54.1 Abrogé.⁽¹⁰⁷⁾

Version française de certains textes constitutionnels

55 Le ministre de la Justice du Canada est chargé de rédiger, dans les meilleurs délais, la version française des parties de la Constitution du Canada qui figurent à l'annexe; toute partie suffisamment importante est, dès qu'elle est prête, déposée pour adoption par proclamation du gouverneur général sous le grand sceau du Canada, conformément à la procédure applicable à l'époque à la modification des dispositions constitutionnelles qu'elle contient.⁽¹⁰⁸⁾

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.⁽¹⁰⁹⁾

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.⁽¹¹⁰⁾

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*.⁽¹¹¹⁾

Versions française et anglaise de certains textes constitutionnels

56 Les versions française et anglaise des parties de la Constitution du Canada adoptées dans ces deux langues ont également force de loi. En outre, ont également force de loi, dès l'adoption, dans le cadre de l'article 55, d'une partie de la version française de la Constitution, cette partie et la version anglaise correspondante.

Versions française et anglaise de la présente loi

57 Les versions française et anglaise de la présente loi ont également force de loi.

Entrée en vigueur

58 Sous réserve de l'article 59, la présente loi entre en vigueur à la date fixée par proclamation de la Reine ou du gouverneur général sous le grand sceau du Canada.⁽¹⁰⁹⁾

Entrée en vigueur de l'alinéa 23(1)a pour le Québec

59 (1) L'alinéa 23(1)a) entre en vigueur pour le Québec à la date fixée par proclamation de la Reine ou du gouverneur général sous le grand sceau du Canada.

Autorisation du Québec

(2) La proclamation visée au paragraphe (1) ne peut être prise qu'après autorisation de l'assemblée législative ou du gouvernement du Québec.⁽¹¹⁰⁾

Abrogation du présent article

(3) Le présent article peut être abrogé à la date d'entrée en vigueur de l'alinéa 23(1)a) pour le Québec, et la présente loi faire l'objet, dès cette abrogation, des modifications et changements de numérotation qui en découlent, par proclamation de la Reine ou du gouverneur général sous le grand sceau du Canada.

Titres

60 Titre abrégé de la présente loi : *Loi constitutionnelle de 1982*; titre commun des lois constitutionnelles de 1867 à 1975 (n° 2) et de la présente loi : *Lois constitutionnelles de 1867 à 1982*.

Mentions

61 Toute mention des *Lois constitutionnelles de 1867 à 1982* est réputée constituer également une mention de la *Proclamation de 1983 modifiant la Constitution*.⁽¹¹¹⁾

Schedule to the Constitution Act, 1982

(Section 53)

MODERNIZATION OF THE CONSTITUTION

Item	Column I Act Affected	Column II Amendment	Column III New Name
1.	British North America Act, 1867, 30-31 Vict., c. 3 (U.K.)	(1) Section 1 is repealed and the following substituted therefor: "1 This Act may be cited as the <i>Constitution Act, 1867.</i> (2) Section 20 is repealed. (3) Class 1 of section 91 is repealed. (4) Class 1 of section 92 is repealed.	Constitution Act, 1867
2.	An Act to amend and continue the Act 32-33 Victoria chapter 3; and to establish and provide for the Government of the Province of Manitoba, 1870, 33 Vict., c. 3 (Can.)	(1) The long title is repealed and the following substituted therefor: <i>"Manitoba Act, 1870."</i> (2) Section 20 is repealed.	Manitoba Act, 1870
3.	Order of Her Majesty in Council admitting Rupert's Land and the North-Western Territory into the Union, dated the 23rd day of June, 1870		Rupert's Land and North-Western Territory Order
4.	Order of Her Majesty in Council admitting British Columbia into the Union, dated the 16th day of May, 1871.		British Columbia Terms of Union
5.	British North America Act, 1871, 34-35 Vict., c. 28 (U.K.)	Section 1 is repealed and the following substituted therefor: "1 This Act may be cited as the <i>Constitution Act, 1871.</i>	Constitution Act, 1871
6.	Order of Her Majesty in Council admitting Prince Edward Island into the Union, dated the 26th day of June, 1873.		Prince Edward Island Terms of Union
7.	Parliament of Canada Act, 1875, 38-39 Vict., c. 38 (U.K.)		Parliament of Canada Act, 1875
8.	Order of Her Majesty in Council admitting all British possessions and Territories in North America and islands adjacent thereto into the Union, dated the 31st day of July, 1880.		Adjacent Territories Order
9.	British North America Act, 1886, 49-50 Vict., c. 35 (U.K.)	Section 3 is repealed and the following substituted therefor: "3 This Act may be cited as the <i>Constitution Act, 1886.</i>	Constitution Act, 1886
10.	Canada (Ontario Boundary) Act, 1889, 52-53 Vict., c. 28 (U.K.)		Canada (Ontario Boundary) Act, 1889
11.	Canadian Speaker (Appointment of Deputy) Act, 1895, 2nd Sess., 59 Vict., c. 3 (U.K.)	The Act is repealed.	
12.	The Alberta Act, 1905, 4-5 Edw. VII, c. 3 (Can.)		Alberta Act

Mass Casualty Commission Exhibit

Item	Column I Act Affected	Column II Amendment	Column III New Name
13.	The Saskatchewan Act, 1905, 4-5 Edw. VII, c. 42 (Can.)		Saskatchewan Act
14.	British North America Act, 1907, 7 Edw. VII, c. 11 (U.K.)	Section 2 is repealed and the following substituted therefor: "2 This Act may be cited as the <i>Constitution Act, 1907.</i> "	Constitution Act, 1907
15.	British North America Act, 1915, 5-6 Geo. V, c. 45 (U.K.)	Section 3 is repealed and the following substituted therefor: "3 This Act may be cited as the <i>Constitution Act, 1915.</i> "	Constitution Act, 1915
16.	British North America Act, 1930, 20-21, Geo. V, c. 26 (U.K.)	Section 3 is repealed and the following substituted therefor: "3 This Act may be cited as the <i>Constitution Act, 1930.</i> "	Constitution Act, 1930
17.	Statute of Westminster, 1931, 22 Geo. V, c. 4 (U.K.)	In so far as they apply to Canada, (a) section 4 is repealed; and (b) subsection 7(1) is repealed.	Statute of Westminster, 1931
18.	British North America Act, 1940, 3-4 Geo. VI, c. 36 (U.K.)	Section 2 is repealed and the following substituted therefor: "2 This Act may be cited as the <i>Constitution Act, 1940.</i> "	Constitution Act, 1940
19.	British North America Act, 1943, 6-7 Geo. VI, c. 30 (U.K.)	The Act is repealed.	
20.	British North America Act, 1946, 9-10 Geo. VI, c. 63 (U.K.)	The Act is repealed.	
21.	British North America Act, 1949, 12-13 Geo. VI, c. 22 (U.K.)	Section 3 is repealed and the following substituted therefor: "3 This Act may be cited as the <i>Newfoundland Act.</i> "	Newfoundland Act
22.	British North America (No. 2) Act, 1949, 13 Geo. VI, c. 81 (U.K.)	The Act is repealed.	
23.	British North America Act, 1951, 14-15 Geo. VI, c. 32 (U.K.)	The Act is repealed.	
24.	British North America Act, 1952, 1 Eliz. II, c. 15 (Can.)	The Act is repealed.	
25.	British North America Act, 1960, 9 Eliz. II, c. 2 (U.K.)	Section 2 is repealed and the following substituted therefor: "2 This Act may be cited as the <i>Constitution Act, 1960.</i> "	Constitution Act, 1960
26.	British North America Act, 1964, 12-13 Eliz. II, c. 73 (U.K.)	Section 2 is repealed and the following substituted therefor: "2 This Act may be cited as the <i>Constitution Act, 1964.</i> "	Constitution Act, 1964
27.	British North America Act, 1965, 14 Eliz. II, c. 4, Part I (Can.)	Section 2 is repealed and the following substituted therefor: "2 This Part may be cited as the <i>Constitution Act, 1965.</i> "	Constitution Act, 1965
28.	British North America Act, 1974, 23 Eliz. II, c. 13, Part I (Can.)	Section 3, as amended by 25-26 Eliz. II, c. 28, s. 38(1) (Can.), is repealed and the following substituted therefor: "3 This Part may be cited as the <i>Constitution Act, 1974.</i> "	Constitution Act, 1974

Mass Casualty Commission Exhibit

CONSTITUTION ACT, 1982
Schedule to the Constitution Act, 1982

LOI CONSTITUTIONNELLE DE 1982
(anglais)

Item	Column I Act Affected	Column II Amendment	Column III New Name
29.	British North America Act, 1975, 23-24 Eliz. II, c. 28, Part I (Can.)	Section 3, as amended by 25-26 Eliz. II, c. 28, s. 31 (Can.), is repealed and the following substituted therefor: "3 This Part may be cited as the <i>Constitution Act (No. 1), 1975.</i> "	Constitution Act (No. 1), 1975
30.	British North America Act (No. 2), 1975, 23-24 Eliz. II, c. 53 (Can.)	Section 3 is repealed and the following substituted therefor: "3 This Act may be cited as the <i>Constitution Act (No. 2), 1975.</i> "	Constitution Act (No. 2), 1975

Annexe de la Loi constitutionnelle de 1982

(article 53)

ACTUALISATION DE LA CONSTITUTION

Article	Colonne I Loi visée	Colonne II Modification	Colonne III Nouveau titre
1.	Acte de l'Amérique du Nord britannique, 1867, 30-31 Victoria, c. 3 (R.-U.)	(1) L'article 1 est abrogé et remplacé par ce qui suit : « 1 Titre abrégé : <i>Loi constitutionnelle de 1867.</i> » (2) L'article 20 est abrogé. (3) La catégorie 1 de l'article 91 est abrogée. (4) La catégorie 1 de l'article 92 est abrogée.	Loi constitutionnelle de 1867
2.	Acte pour amender et continuer l'acte trente-deux et trente-trois Victoria, chapitre trois, et pour établir et constituer le gouvernement de la province du Manitoba, 1870, 33 Victoria, c. 3 (Canada)	(1) Le titre complet est abrogé et remplacé par ce qui suit : « <i>Loi de 1870 sur le Manitoba.</i> » (2) L'article 20 est abrogé.	Loi de 1870 sur le Manitoba
3.	Arrêté en conseil de Sa Majesté admettant la Terre de Rupert et le territoire du Nord-Ouest, en date du 23 juin 1870		Décret en conseil sur la Terre de Rupert et le territoire du Nord-Ouest
4.	Arrêté en conseil de Sa Majesté admettant la Colombie-Britannique, en date du 16 mai 1871		Conditions de l'adhésion de la Colombie-Britannique
5.	Acte de l'Amérique du Nord britannique, 1871, 34-35 Victoria, c. 28 (R.-U.)	L'article 1 est abrogé et remplacé par ce qui suit : « 1 Titre abrégé : <i>Loi constitutionnelle de 1871.</i> »	Loi constitutionnelle de 1871
6.	Arrêté en conseil de Sa Majesté admettant l'Île-du-Prince-Édouard, en date du 26 juin 1873		Conditions de l'adhésion de l'Île-du-Prince-Édouard
7.	Acte du Parlement du Canada, 1875, 38-39 Victoria, c. 38 (R.-U.)		Loi de 1875 sur le Parlement du Canada
8.	Arrêté en conseil de Sa Majesté admettant dans l'Union tous les territoires et possessions britanniques dans l'Amérique du Nord, et les îles adjacentes à ces territoires et possessions, en date du 31 juillet 1880		Décret en conseil sur les territoires adjacents
9.	Acte de l'Amérique du Nord britannique, 1886, 49-50 Victoria, c. 35 (R.-U.)	L'article 3 est abrogé et remplacé par ce qui suit : « 3 Titre abrégé : <i>Loi constitutionnelle de 1886.</i> »	Loi constitutionnelle de 1886
10.	Acte du Canada (limites d'Ontario) 1889, 52-53 Victoria, c. 28 (R.-U.)		Loi de 1889 sur le Canada (frontières de l'Ontario)
11.	Acte concernant l'Orateur canadien (nomination d'un suppléant) 1895, 2 ^e session, 59 Victoria, c. 3 (R.-U.)	La loi est abrogée.	

Article	Colonne I Loi visée	Colonne II Modification	Colonne III Nouveau titre
12.	Acte de l'Alberta, 1905, 4-5 Édouard VII, c. 3 (Canada)		Loi sur l'Alberta
13.	Acte de la Saskatchewan, 1905, 4-5 Édouard VII, c. 42 (Canada)		Loi sur la Saskatchewan
14.	Acte de l'Amérique du Nord britannique, 1907, 7 Édouard VII, c. 11 (R.-U.)	L'article 2 est abrogé et remplacé par ce qui suit : « 2 Titre abrégé : <i>Loi constitutionnelle de 1907.</i> »	Loi constitutionnelle de 1907
15.	Acte de l'Amérique du Nord britannique, 1915, 5-6 George V, c. 45 (R.-U.)	L'article 3 est abrogé et remplacé par ce qui suit : « 3 Titre abrégé : <i>Loi constitutionnelle de 1915.</i> »	Loi constitutionnelle de 1915
16.	Acte de l'Amérique du Nord britannique, 1930, 20-21 George V, c. 26 (R.-U.)	L'article 3 est abrogé et remplacé par ce qui suit : « 3 Titre abrégé : <i>Loi constitutionnelle de 1930.</i> »	Loi constitutionnelle de 1930
17.	Statut de Westminster, 1931, 22 George V, c. 4 (R.-U.)	Dans la mesure où ils s'appliquent au Canada : a) l'article 4 est abrogé; b) le paragraphe 7(1) est abrogé.	Statut de Westminster de 1931
18.	Acte de l'Amérique du Nord britannique, 1940, 3-4 George VI, c. 36 (R.-U.)	L'article 2 est abrogé et remplacé par ce qui suit : « 2 Titre abrégé : <i>Loi constitutionnelle de 1940.</i> »	Loi constitutionnelle de 1940
19.	Acte de l'Amérique du Nord britannique, 1943, 6-7 George VI, c. 30 (R.-U.)	La loi est abrogée.	
20.	Acte de l'Amérique du Nord britannique, 1946, 9-10 George VI, c. 63 (R.-U.)	La loi est abrogée.	
21.	Acte de l'Amérique du Nord britannique, 1949, 12-13 George VI, c. 22 (R.-U.)	L'article 3 est abrogé et remplacé par ce qui suit : « 3 Titre abrégé : <i>Loi sur Terre-Neuve.</i> »	Loi sur Terre-Neuve
22.	Acte de l'Amérique du Nord britannique (n° 2) 1949, 13 George VI, c. 81 (R.-U.)	La loi est abrogée.	
23.	Acte de l'Amérique du Nord britannique, 1951, 14-15 George VI, c. 32 (R.-U.)	La loi est abrogée.	
24.	Acte de l'Amérique du Nord britannique, 1952, 1 Elizabeth II, c. 15 (Canada)	La loi est abrogée.	
25.	Acte de l'Amérique du Nord britannique, 1960, 9 Elizabeth II, c. 2 (R.-U.)	L'article 2 est abrogé et remplacé par ce qui suit : « 2 Titre abrégé : <i>Loi constitutionnelle de 1960.</i> »	Loi constitutionnelle de 1960
26.	Acte de l'Amérique du Nord britannique, 1964, 12-13 Elizabeth II, c. 73 (R.-U.)	L'article 2 est abrogé et remplacé par ce qui suit : « 2 Titre abrégé : <i>Loi constitutionnelle de 1964.</i> »	Loi constitutionnelle de 1964

Article	Colonne I Loi visée	Colonne II Modification	Colonne III Nouveau titre
27.	Acte de l'Amérique du Nord britannique, 1965, 14 Elizabeth II, c. 4, Partie I (Canada)	L'article 2 est abrogé et remplacé par ce qui suit : « 2 Titre abrégé de la présente partie : <i>Loi constitutionnelle de 1965.</i> »	Loi constitutionnelle de 1965
28.	Acte de l'Amérique du Nord britannique, 1974, 23 Elizabeth II, c. 13, Partie I (Canada)	L'article 3, modifié par le paragraphe 38(1) de la loi, 25-26 Elizabeth II, c. 28 (Canada), est abrogé et remplacé par ce qui suit : « 3 Titre abrégé de la présente partie : <i>Loi constitutionnelle de 1974.</i> »	Loi constitutionnelle de 1974
29.	Acte de l'Amérique du Nord britannique, 1975, 23-24 Elizabeth II, c. 28, Partie I (Canada)	L'article 3, modifié par l'article 31 de la loi, 25-26 Elizabeth II, c. 28 (Canada), est abrogé et remplacé par ce qui suit : « 3. Titre abrégé de la présente partie : <i>Loi constitutionnelle n° 1 de 1975.</i> »	Loi constitutionnelle n° 1 de 1975
30.	Acte de l'Amérique du Nord britannique n° 2, 1975, 23-24 Elizabeth II, c. 53 (Canada)	L'article 3 est abrogé et remplacé par ce qui suit : « 3 Titre abrégé : <i>Loi constitutionnelle n° 2 de 1975.</i> »	Loi constitutionnelle n° 2 de 1975

ENDNOTES

- (1) **The enacting clause was repealed by the *Statute Law Revision Act, 1893, 56-57 Vict., c. 14 (U.K.)*. It read as follows:**
- Be it therefore enacted and declared 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:
- (2) **As amended by the *Constitution Act, 1982*, which came into force on April 17, 1982. The section originally read as follows:**
- 1 This Act may be cited as *The British North America Act, 1867*.
- (3) **Section 2, repealed by the *Statute Law Revision Act, 1893, 56-57 Vict., c. 14 (U.K.)*, read as follows:**
- 2 The Provisions of this Act referring to Her Majesty the Queen extend also to the Heirs and Successors of Her Majesty, Kings and Queens of the United Kingdom of Great Britain and Ireland.
- (4) **The first day of July, 1867, was fixed by proclamation dated May 22, 1867.**
- (5) **Partially repealed by the *Statute Law Revision Act, 1893, 56-57 Vict., c. 14 (U.K.)*. The section originally read as follows:**
- 4 The subsequent Provisions of this Act shall, unless it is otherwise expressed or implied, commence and have effect on and after the Union, that is to say, on and after the Day appointed for the Union taking effect in the Queen's Proclamation; and in the same Provisions, unless it is otherwise expressed or implied, the Name Canada shall be taken to mean Canada as constituted under this Act.
- (6) **Canada now consists of ten provinces (Ontario, Quebec, Nova Scotia, New Brunswick, Manitoba, British Columbia, Prince Edward Island, Alberta, Saskatchewan and Newfoundland and Labrador) and three territories (Yukon, the Northwest Territories and Nunavut).**
- The first territories added to the Union were Rupert's Land and the North-Western Territory, (subsequently designated the Northwest Territories), which were admitted pursuant to section 146 of the *Constitution Act, 1867* and the *Rupert's Land Act, 1868, 31-32 Vict., c. 105 (U.K.)*, by the *Rupert's Land and North-Western Territory Order* of June 23, 1870, effective July 15, 1870. Prior to the admission of those territories, the Parliament of Canada enacted *An Act for the temporary Government of Rupert's Land and the North-Western Territory when united with Canada (32-33 Vict., c. 3)*, and the *Manitoba Act, 1870, (33 Vict., c. 3)*, which provided for the formation of the Province of Manitoba.
- British Columbia was admitted into the Union pursuant to section 146 of the *Constitution Act, 1867*, by the *British Columbia Terms of Union*, being Order in Council of May 16, 1871, effective July 20, 1871.
- Prince Edward Island was admitted pursuant to section 146 of the *Constitution Act, 1867*, by the *Prince Edward Island Terms of Union*, being Order in Council of June 26, 1873, effective July 1, 1873.
- On June 29, 1871, the United Kingdom Parliament enacted the *Constitution Act, 1871 (34-35 Vict., c. 28)* authorizing the creation of additional provinces out of territories not included in any province. Pursuant to this statute, the Parliament of Canada enacted the *Alberta Act, (July 20, 1905, 4-5 Edw. VII, c. 3)* and the *Saskatchewan Act, (July 20, 1905, 4-5 Edw. VII, c. 42)*, providing for the creation of the provinces of Alberta and Saskatchewan, respectively. Both of these Acts came into force on September 1, 1905.
- Meanwhile, all remaining British possessions and territories in North America and the islands adjacent thereto, except the colony of Newfoundland and its dependencies, were admitted into the Canadian Confederation by the *Adjacent Territories Order*, dated July 31, 1880.
- The Parliament of Canada added portions of the Northwest Territories to the adjoining provinces in 1912 by *The Ontario Boundaries Extension Act, S.C. 1912, 2 Geo. V, c. 40*, *The Quebec Boundaries Extension Act, 1912, 2 Geo. V, c. 45* and *The Manitoba Boundaries Extension Act, 1912, 2 Geo. V, c. 32*, and further additions were made to Manitoba by *The Manitoba Boundaries Extension Act, 1930, 20-21 Geo. V, c. 28*.
- The Yukon Territory was created out of the Northwest Territories in 1898 by *The Yukon Territory Act, 61 Vict., c. 6 (Can.)*.
- Newfoundland was added on March 31, 1949, by the *Newfoundland Act, 12-13 Geo. VI, c. 22 (U.K.)*, which ratified the Terms of Union of Newfoundland with Canada.
- Nunavut was created out of the Northwest Territories in 1999 by the *Nunavut Act, S.C. 1993, c. 28*.
- (7) **See endnote (65) to section 129, below.**

- (8) **Repealed and re-enacted by the *Parliament of Canada Act, 1875, 38-39 Vict., c. 38 (U.K.)*. The original section read as follows:**
- 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 the same shall never exceed those at the passing of this 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.
- (9) **Spent. The first session of the first Parliament began on November 6, 1867.**
- (10) **Section 20, repealed by the *Constitution Act, 1982*, read as follows:**
- 20** There shall be a Session of the Parliament of Canada once at least in every Year, so that Twelve Months shall not intervene between the last Sitting of the Parliament in one Session and its first sitting in the next Session.
- Section 20 has been replaced by section 5 of the *Constitution Act, 1982*, which provides that there shall be a sitting of Parliament at least once every twelve months.**
- (11) **As amended by the *Constitution Act, 1915, 5-6 Geo. V, c. 45 (U.K.)* and modified by the *Newfoundland Act, 12-13 Geo. VI, c. 22 (U.K.)*, the *Constitution Act (No. 2), 1975, S.C. 1974-75-76, c. 53*, and the *Constitution Act, 1999 (Nunavut), S.C. 1998, c. 15, Part 2*. The original section read as follows:**
- 21** The Senate shall, subject to the Provisions of this Act, consist of Seventy-two Members, who shall be styled Senators.
- The *Manitoba Act, 1870*, added two senators for Manitoba; the *British Columbia Terms of Union* added three; upon admission of Prince Edward Island four more were provided by section 147 of the *Constitution Act, 1867*; the *Alberta Act* and the *Saskatchewan Act* each added four. The Senate was reconstituted at 96 by the *Constitution Act, 1915*. Six more senators were added upon union with Newfoundland, and one senator each was added for the Yukon Territory and the Northwest Territories by the *Constitution Act (No. 2), 1975*. One senator was added for Nunavut by the *Constitution Act, 1999 (Nunavut)*.**
- (12) **As amended by the *Constitution Act, 1915, 5-6 Geo. V, c. 45 (U.K.)*, the *Newfoundland Act, 12-13 Geo. VI, c. 22 (U.K.)*, the *Constitution Act (No. 2), 1975, S.C. 1974-75-76, c. 53* and the *Constitution Act, 1999 (Nunavut), S.C. 1998, c. 15, Part 2*. The original section read as follows:**
- 22** In relation to the Constitution of the Senate, Canada shall be deemed to consist of Three Divisions:
1. Ontario;
 2. Quebec;
 3. The Maritime Provinces, Nova Scotia and New Brunswick;
- which Three 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; and the Maritime Provinces by Twenty-four Senators, Twelve thereof representing Nova Scotia, and Twelve thereof representing New Brunswick.
- 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.
- The reference in section 22 to the Consolidated Statutes of Canada is a reference to the Consolidated Statutes of 1859.**
- (13) **Section 44 of the *Constitution Act, 1999 (Nunavut), S.C. 1998, c. 15, Part 2*, provided that, for the purposes of that Part (which added one senator for Nunavut), the word "Province" in section 23 of the *Constitution Act, 1867* has the same meaning as is assigned to the word "province" by section 35 of the *Interpretation Act, R.S.C. 1985, c. I-21*, as amended, which provides that the term "province" means "a province of Canada, and includes Yukon, the Northwest Territories and Nunavut".**
- Section 2 of the *Constitution Act (No. 2), 1975, S.C. 1974-75-76, c. 53*, provided that for the purposes of that Act (which added one senator each for the Yukon Territory and the Northwest Territories) the term "Province" in section 23 of the *Constitution Act, 1867* has the same meaning as is assigned to the term "province" by section 28 of the *Interpretation Act, R.S.C. 1970, c. I-23*, which provides that the term "province" means "a province of Canada, and includes the Yukon Territory and the Northwest Territories".**
- (14) **Repealed by the *Statute Law Revision Act, 1893, 56-57 Vict., c. 14 (U.K.)*. The section read as follows:**
- 25** Such Persons shall be first summoned to the Senate as the Queen by Warrant under Her Majesty's Royal Sign Manual thinks fit to approve, and their Names shall be inserted in the Queen's Proclamation of Union.
- (15) **As amended by the *Constitution Act, 1915, 5-6 Geo. V, c. 45 (U.K.)*. The original section read as follows:**

26 If at any Time on the Recommendation of the Governor General the Queen thinks fit to direct that Three or Six Members be added to the Senate, the Governor General may by Summons to Three or Six qualified Persons (as the Case may be), representing equally the Three Divisions of Canada, add to the Senate accordingly.

- (16) **As amended by the *Constitution Act, 1915, 5-6 Geo. V, c. 45 (U.K.)*. The original section read as follows:**

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, until each of the Three Divisions of Canada is represented by Twenty-four Senators and no more.

- (17) **As amended by the *Constitution Act, 1915, 5-6 Geo. V, c. 45 (U.K.)*, the *Constitution Act (No. 2), 1975, S.C. 1974-75-76, c. 53*, and the *Constitution Act, 1999 (Nunavut)*, S.C. 1998, c. 15, Part 2. The original section read as follows:**

28 The Number of Senators shall not at any Time exceed Seventy-eight.

- (18) **As enacted by the *Constitution Act, 1965, S.C. 1965, c. 4*, which came into force on June 2, 1965. The original section read as follows:**

29 A Senator shall, subject to the Provisions of this Act, hold his Place in the Senate for Life.

- (19) **Provision for exercising the functions of Speaker during his or her absence is made by Part II of the *Parliament of Canada Act, R.S.C. 1985, c. P-1* (formerly the *Speaker of the Senate Act, R.S.C. 1970, c. S-14*). Doubts as to the power of Parliament to enact the *Speaker of the Senate Act* were removed by the *Canadian Speaker (Appointment of Deputy) Act, 1895, 2nd Sess., 59 Vict., c. 3 (U.K.)*, which was repealed by the *Constitution Act, 1982*.**

- (20) **The figures given here result from the application of section 51, as enacted by the *Constitution Act, 1985 (Representation)*, S.C. 1986, c. 8, Part I, and amended by the *Constitution Act, 1999 (Nunavut)*, S.C. 1998, c. 15, Part 2, and readjustments made pursuant to the *Electoral Boundaries Readjustment Act, R.S.C. 1985, c. E-3*. The original section (which was altered from time to time as the result of the addition of new provinces and changes in population) read as follows:**

37 The House of Commons shall, subject to the Provisions of this Act, consist of one hundred and eighty-one members, of whom Eighty-two shall be elected for Ontario, Sixty-five for Quebec, Nineteen for Nova Scotia, and Fifteen for New Brunswick.

- (21) **Spent. The electoral districts are now established by proclamations issued from time to time under the *Electoral Boundaries Readjustment Act, R.S.C. 1985, c. E-3*, as amended for particular districts by Acts of Parliament (see the most recent *Table of Public Statutes and Responsible Ministers*).**

- (22) **Spent. Elections are now provided for by the *Canada Elections Act, S.C. 2000, c. 9*; qualifications and disqualifications of members by the *Parliament of Canada Act, R.S.C. 1985, c. P-1*. The right of citizens to vote and hold office is provided for in section 3 of the *Constitution Act, 1982*.**

- (23) **Repealed by the *Statute Law Revision Act, 1893, 56-57 Vict., c. 14 (U.K.)*. The section read as follows:**

42 For the First Election of Members to serve in the House of Commons the Governor General shall cause Writs to be issued by such Person, in such Form, and addressed to such Returning Officers as he thinks fit.

The Person issuing Writs under this Section shall have the like Powers as are possessed at the Union by the Officers charged with the issuing of Writs for the Election of Members to serve in the respective House of Assembly or Legislative Assembly of the Province of Canada, Nova Scotia, or New Brunswick; and the Returning Officers to whom Writs are directed under this Section shall have the like Powers as are possessed at the Union by the Officers charged with the returning of Writs for the Election of Members to serve in the same respective House of Assembly or Legislative Assembly.

- (24) **Repealed by the *Statute Law Revision Act, 1893, 56-57 Vict., c. 14 (U.K.)*. The section read as follows:**

43 In case a Vacancy in the Representation in the House of Commons of any Electoral District happens before the Meeting of the Parliament, or after the Meeting of the Parliament before Provision is made by the Parliament in this Behalf, the Provisions of the last foregoing Section of this Act shall extend and apply to the issuing and returning of a Writ in respect of such Vacant District.

- (25) **Provision for exercising the functions of Speaker during his or her absence is now made by Part III of the *Parliament of Canada Act, R.S.C. 1985, c. P-1*.**

- (26) **The term of the twelfth Parliament was extended by the *British North America Act, 1916, 6-7 Geo. V., c. 19 (U.K.)*, which Act was repealed by the *Statute Law Revision Act, 1927, 17-18 Geo. V, c. 42 (U.K.)*. See also the *Constitution Act, 1982*, subsection 4(1), which provides that no House of Commons shall continue for longer than five years from the date fixed for the return of the writs at a general election of its members, and subsection 4(2), which provides for continuation of the House of Commons in special circumstances.**

- (27) **As enacted by the *Fair Representation Act, S.C. 2011, c. 26, s. 2*, which came into force on royal assent on December 16, 2011.**

The section, as originally enacted, read as follows:

51 On the Completion of the Census in the Year One Thousand eight hundred and seventy-one, and of each subsequent decennial Census, the Representation of the Four Provinces shall 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:

1. Quebec shall have the fixed Number of Sixty-five Members:
2. There shall be assigned to each of the other Provinces such a Number of Members as will bear the same Proportion to the Number of its Population (ascertained at such Census) as the Number Sixty-five bears to the Number of the Population of Quebec (so ascertained):
3. In the Computation of the Number of Members for a Province a fractional Part not exceeding One Half of the whole Number requisite for entitling the Province to a Member shall be disregarded; but a fractional Part exceeding One Half of that Number shall be equivalent to the whole Number:
4. On any such Re-adjustment the Number of Members for a Province shall not be reduced unless the Proportion which the Number of the Population of the Province bore to the Number of the aggregate Population of Canada at the then last preceding Re-adjustment of the Number of Members for the Province is ascertained at the then latest Census to be diminished by One Twentieth Part or upwards:
5. Such Re-adjustment shall not take effect until the Termination of the then existing Parliament.

Section 51 was amended by the Statute Law Revision Act, 1893, 56-57 Vict., c. 14 (U.K.) by repealing the words after "of the census" to "seventy-one and" and the word "subsequent".

By the British North America Act, 1943, 6-7 Geo. VI, c. 30 (U.K.), which Act was repealed by the Constitution Act, 1982, redistribution of seats following the 1941 census was postponed until the first session of Parliament after the war. The section was re-enacted by the British North America Act, 1946, 9-10 Geo. VI, c. 63 (U.K.), which Act was also repealed by the Constitution Act, 1982, to read as follows:

51(1) The number of members of the House of Commons shall be two hundred and fifty-five and the representation of the provinces therein shall forthwith upon the coming into force of this section 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:

1. Subject as hereinafter provided, there shall be assigned to each of the provinces a number of members computed by dividing the total population of the provinces by two hundred and fifty-four and by dividing the population of each province by the quotient so obtained, disregarding, except as hereinafter in this section provided, the remainder, if any, after the said process of division.
2. If the total number of members assigned to all the provinces pursuant to rule one is less than two hundred and fifty-four, additional members shall be assigned to the provinces (one to a province) having remainders in the computation under rule one commencing with the province having the largest remainder and continuing with the other provinces in the order of the magnitude of their respective remainders until the total number of members assigned is two hundred and fifty-four.
3. Notwithstanding anything in this section, if upon completion of a computation under rules one and two, the number of members to be assigned to a province is less than the number of senators representing the said province, rules one and two shall cease to apply in respect of the said province, and there shall be assigned to the said province a number of members equal to the said number of senators.
4. In the event that rules one and two cease to apply in respect of a province then, for the purpose of computing the number of members to be assigned to the provinces in respect of which rules one and two continue to apply, the total population of the provinces shall be reduced by the number of the population of the province in respect of which rules one and two have ceased to apply and the number two hundred and fifty-four shall be reduced by the number of members assigned to such province pursuant to rule three.
5. Such readjustment shall not take effect until the termination of the then existing Parliament.

(2) The Yukon Territory as constituted by Chapter forty-one of the Statutes of Canada, 1901, together with any Part of Canada not comprised within a province which may from time to time be included therein by the Parliament of Canada for the purposes of representation in Parliament, shall be entitled to one member.

The section was re-enacted as follows by the British North America Act, 1952, S.C. 1952, c. 15 (which Act was also repealed by the Constitution Act, 1982):

51(1) Subject as hereinafter provided, the number of members of the House of Commons shall be two hundred and sixty-three and the representation of the provinces therein shall forthwith upon the coming into force of this section 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:

1. There shall be assigned to each of the provinces a number of members computed by dividing the total population of the provinces by two hundred and sixty-one and by dividing the population of each province by the quotient so obtained, disregarding, except as hereinafter in this section provided, the remainder, if any, after the said process of division.
2. If the total number of members assigned to all the provinces pursuant to rule one is less than two hundred and sixty-one, additional members shall be assigned to the provinces (one to a province) having remainders in the computation under rule one commencing with the province having the largest remainder and continuing with the other provinces in the order of the magnitude of their respective remainders until the total number of members assigned is two hundred and sixty-one.
3. Notwithstanding anything in this section, if upon completion of a computation under rules one and two the number of members to be assigned to a province is less than the number of senators representing the said province, rules one and two

shall cease to apply in respect of the said province, and there shall be assigned to the said province a number of members equal to the said number of senators.

4. In the event that rules one and two cease to apply in respect of a province then, for the purposes of computing the number of members to be assigned to the provinces in respect of which rules one and two continue to apply, the total population of the provinces shall be reduced by the number of the population of the province in respect of which rules one and two have ceased to apply and the number two hundred and sixty-one shall be reduced by the number of members assigned to such province pursuant to rule three.

5. On any such readjustment the number of members for any province shall not be reduced by more than fifteen per cent below the representation to which such province was entitled under rules one to four of this subsection at the last preceding readjustment of the representation of that province, and there shall be no reduction in the representation of any province as a result of which that province would have a smaller number of members than any other province that according to the results of the then last decennial census did not have a larger population; but for the purposes of any subsequent readjustment of representation under this section any increase in the number of members of the House of Commons resulting from the application of this rule shall not be included in the divisor mentioned in rules one to four of this subsection.

6. Such readjustment shall not take effect until the termination of the then existing Parliament.

(2) The Yukon Territory as constituted by chapter forty-one of the statutes of Canada, 1901, shall be entitled to one member, and such other part of Canada not comprised within a province as may from time to time be defined by the Parliament of Canada shall be entitled to one member.

Subsection 51(1) was re-enacted by the *Constitution Act, 1974, S.C. 1974-75-76, c. 13, to read as follows:*

51(1) The number of members of the House of Commons and the representation of the provinces therein shall upon 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:

1. There shall be assigned to Quebec seventy-five members in the readjustment following the completion of the decennial census taken in the year 1971, and thereafter four additional members in each subsequent readjustment.

2. Subject to Rules 5(2) and (3), there shall be assigned to a large province a number of members equal to the number obtained by dividing the population of the large province by the electoral quotient of Quebec.

3. Subject to Rules 5(2) and (3), there shall be assigned to a small province a number of members equal to the number obtained by dividing

(a) the sum of the populations, determined according to the results of the penultimate decennial census, of the provinces (other than Quebec) having populations of less than one and a half million, determined according to the results of that census, by the sum of the numbers of members assigned to those provinces in the readjustment following the completion of that census; and

(b) the population of the small province by the quotient obtained under paragraph (a).

4. Subject to Rules 5(1)(a), (2) and (3), there shall be assigned to an intermediate province a number of members equal to the number obtained

(a) by dividing the sum of the populations of the provinces (other than Quebec) having populations of less than one and a half million by the sum of the number of members assigned to those provinces under any of Rules 3, 5(1)(b), (2) and (3);

(b) by dividing the population of the intermediate province by the quotient obtained under paragraph (a); and

(c) by adding to the number of members assigned to the intermediate province in the readjustment following the completion of the penultimate decennial census one-half of the difference resulting from the subtraction of that number from the quotient obtained under paragraph (b).

5.(1) On any readjustment,

(a) if no province (other than Quebec) has a population of less than one and a half million, Rule 4 shall not be applied and, subject to Rules 5(2) and (3), there shall be assigned to an intermediate province a number of members equal to the number obtained by dividing

(i) the sum of the populations, determined according to the results of the penultimate decennial census, of the provinces, (other than Quebec) having populations of not less than one and a half million and not more than two and a half million, determined according to the results of that census, by the sum of the numbers of members assigned to those provinces in the readjustment following the completion of that census, and

(ii) the population of the intermediate province by the quotient obtained under subparagraph (i);

(b) if a province (other than Quebec) having a population of

(i) less than one and a half million, or

(ii) not less than one and a half million and not more than two and a half million

does not have a population greater than its population determined according to the results of the penultimate decennial census, it shall, subject to Rules 5(2) and (3), be assigned the number of members assigned to it in the readjustment following the completion of that census.

(2) On any readjustment,

- (a) if, under any of Rules 2 to 5(1), the number of members to be assigned to a province (in this paragraph referred to as “the first province”) is smaller than the number of members to be assigned to any other province not having a population greater than that of the first province, those Rules shall not be applied to the first province and it shall be assigned a number of members equal to the largest number of members to be assigned to any other province not having a population greater than that of the first province;
- (b) if, under any of Rules 2 to 5(1)(a), the number of members to be assigned to a province is smaller than the number of members assigned to it in the readjustment following the completion of the penultimate decennial census, those Rules shall not be applied to it and it shall be assigned the latter number of members;
- (c) if both paragraphs (a) and (b) apply to a province, it shall be assigned a number of members equal to the greater of the numbers produced under those paragraphs.

(3) On any readjustment,

- (a) if the electoral quotient of a province (in this paragraph referred to as “the first province”) obtained by dividing its population by the number of members to be assigned to it under any of Rules 2 to 5(2) is greater than the electoral quotient of Quebec, those Rules shall not be applied to the first province and it shall be assigned a number of members equal to the number obtained by dividing its population by the electoral quotient of Quebec;
- (b) if, as a result of the application of Rule 6(2)(a), the number of members assigned to a province under paragraph (a) equals the number of members to be assigned to it under any of Rules 2 to 5(2), it shall be assigned that number of members and paragraph (a) shall cease to apply to that province.

6. (1) In these Rules,

electoral quotient means, in respect of a province, the quotient obtained by dividing its population, determined according to the results of the then most recent decennial census, by the number of members to be assigned to it under any of Rules 1 to 5(3) in the readjustment following the completion of that census;

intermediate province means a province (other than Quebec) having a population greater than its population determined according to the results of the penultimate decennial census but not more than two and a half million and not less than one and a half million;

large province means a province (other than Quebec) having a population greater than two and a half million;

penultimate decennial census means the decennial census that preceded the then most recent decennial census;

population means, except where otherwise specified, the population determined according to the results of the then most recent decennial census;

small province means a province (other than Quebec) having a population greater than its population determined according to the results of the penultimate decennial census and less than one and half million.

(2) For the purposes of these Rules,

- (a) if any fraction less than one remains upon completion of the final calculation that produces the number of members to be assigned to a province, that number of members shall equal the number so produced disregarding the fraction;
- (b) if more than one readjustment follows the completion of a decennial census, the most recent of those readjustments shall, upon taking effect, be deemed to be the only readjustment following the completion of that census;
- (c) a readjustment shall not take effect until the termination of the then existing Parliament.

Subsection 51(1) was re-enacted by the *Constitution Act, 1985 (Representation)*, S.C. 1986, c. 8, Part I, as follows:

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.

(28) **As enacted by the *Constitution Act, 1999 (Nunavut)*, S.C. 1998, c. 15, Part 2. Note that the description of the territory of Yukon is now set out in Schedule 1 to the *Yukon Act*, S.C. 2002, c. 7, which replaced R.S.C. 1985, c. Y-2. Subsection 51(2) was previously amended by the *Constitution Act (No. 1)*, 1975, S.C. 1974-75-76, c. 28, and read as follows:**

(2) The Yukon Territory as bounded and described in the schedule to chapter Y-2 of the Revised Statutes of Canada, 1970, shall be entitled to one member, and the Northwest Territories as bounded and described in section 2 of chapter N-22 of the Revised Statutes of Canada, 1970, shall be entitled to two members.

(29) **As enacted by the *Constitution Act, 1915*, 5-6 Geo. V, c. 45 (U.K.).**

(30) **Provided for by the *Salaries Act*, R.S.C. 1985, c. S-3.**

- (31) Now provided for in Ontario by the *Executive Council Act*, R.S.O. 1990, c. E.25, and in Quebec by the *Executive Power Act*, R.S.Q. c. E-18.
- (32) A similar provision was included in each of the instruments admitting British Columbia, Prince Edward Island, and Newfoundland. The Executive Authorities for Manitoba, Alberta and Saskatchewan were established by the statutes creating those provinces. See endnote (6) to section 5, above.
- (33) See endnote (65) to section 129, below.
- (34) Spent. Now covered by the *Representation Act, 2005*, S.O. 2005, c. 35, Schedule 1.
- (35) *An Act respecting the Legislative Council of Quebec*, S.Q. 1968, c. 9, provided that the Legislature for Quebec shall consist of the Lieutenant Governor and the National Assembly of Quebec, and repealed the provisions of the *Legislature Act*, R.S.Q. 1964, c. 6, relating to the Legislative Council of Quebec. Now covered by the *National Assembly Act*, R.S.Q. c. A-23.1. Sections 72 to 79 following are therefore completely spent.
- (36) *An Act respecting the electoral districts*, S.Q. 1970, c. 7, provides that this section no longer has effect.
- (37) Repealed by the *Statute Law Revision Act, 1893*, 56-57 Vict., c. 14 (U.K.). The section read as follows:
 - 81 The Legislatures of Ontario and Quebec respectively shall be called together not later than Six Months after the Union.
- (38) Probably spent. The subject-matter of this section is now covered in Ontario by the *Legislative Assembly Act*, R.S.O. 1990, c. L.10, and in Quebec by the *National Assembly Act*, R.S.Q. c. A-23.1.
- (39) Probably spent. The subject-matter of this section is now covered in Ontario by the *Election Act*, R.S.O. 1990, c. E.6, and the *Legislative Assembly Act*, R.S.O. 1990, c. L.10, and in Quebec by the *Elections Act*, R.S.Q. 1977, c. E-3.3 and the *National Assembly Act*, R.S.Q. 1977, c. A-23.1.
- (40) The maximum duration of the Legislative Assembly of Quebec has been changed to five years. See the *National Assembly Act*, R.S.Q. 1977, c. A-23.1. See also section 4 of the *Constitution Act, 1982*, which provides a maximum duration for a legislative assembly of five years but also authorizes continuation in special circumstances.
- (41) See also section 5 of the *Constitution Act, 1982*, which provides that there shall be a sitting of each legislature at least once every twelve months.
- (42) Partially repealed by the *Statute Law Revision Act, 1893*, 56-57 Vict., c. 14 (U.K.), which deleted the following concluding words of the original enactment:
and the House of Assembly of New Brunswick existing at the passing of this Act shall, unless sooner dissolved, continue for the Period for which it was elected.
A similar provision was included in each of the instruments admitting British Columbia, Prince Edward Island and Newfoundland. The Legislatures of Manitoba, Alberta and Saskatchewan were established by the statutes creating those provinces. See endnote (6) to section 5, above.
See also sections 3 to 5 of the *Constitution Act, 1982*, which prescribe democratic rights applicable to all provinces, and subitem 2(2) of the Schedule to that Act, which sets out the repeal of section 20 of the *Manitoba Act, 1870*. Section 20 of the *Manitoba Act, 1870* has been replaced by section 5 of the *Constitution Act, 1982*. Section 20 reads as follows:
 - 20 There shall be a Session of the Legislature once at least in every year, so that twelve months shall not intervene between the last sitting of the Legislature in one Session and its first sitting in the next Session.
- (43) Repealed by the *Statute Law Revision Act, 1893*, 56-57 Vict., c. 14 (U.K.). The section read as follows:
 - 89 Each of the Lieutenant Governors of Ontario, Quebec and Nova Scotia shall cause Writs to be issued for the First Election of Members of the Legislative Assembly thereof in such Form and by such Person as he thinks fit, and at such Time and addressed to such Returning Officer as the Governor General directs, and so that the First Election of Member of Assembly for any Electoral District or any Subdivision thereof shall be held at the same Time and at the same Places as the Election for a Member to serve in the House of Commons of Canada for that Electoral District.
- (44) A new class 1 was added by the *British North America (No. 2) Act, 1949*, 13 Geo. VI, c. 81 (U.K.). That Act and class 1 were repealed by the *Constitution Act, 1982*. The matters referred to in class 1 are provided for in subsection 4(2) and Part V of the *Constitution Act, 1982*. As enacted, class 1 read as follows:
 1. The amendment from time to time of the Constitution of Canada, except as regards matters coming within the classes of subjects by this Act assigned exclusively to the Legislatures of the provinces, or as regards rights or privileges by this or any other Constitutional Act granted or secured to the Legislature or the Government of a province, or to any class of persons with respect to schools or as regards the use of the English or the French language or as regards the requirements that there shall be a session of the Parliament of Canada at least once each year, and that no House of Commons shall continue for more than

five years from the day of the return of the Writs for choosing the House: provided, however, that a House of Commons may in time of real or apprehended war, invasion or insurrection be continued by the Parliament of Canada if such continuation is not opposed by the votes of more than one-third of the members of such House.

(45) **The original class 1 was re-numbered by the *British North America (No. 2) Act, 1949, 13 Geo. VI, c. 81 (U.K.)*, as class 1A.**

(46) **Added by the *Constitution Act, 1940, 3-4 Geo. VI, c. 36 (U.K.)*.**

(47) **Legislative authority has been conferred on Parliament by other Acts as follows:**

1. The *Constitution Act, 1871, 34-35 Vict., c. 28 (U.K.)*:

2 The Parliament of Canada may from time to time establish new Provinces in any territories forming for the time being part of the Dominion of Canada, but not included in any Province thereof, and may, at the time of such establishment, make provision for the constitution and administration of any such Province, and for the passing of laws for the peace, order, and good government of such Province, and for its representation in the said Parliament.

3 The Parliament of Canada may from time to time, with the consent of the Legislature of any province of the said Dominion, increase, diminish, or otherwise alter the limits of such Province, upon such terms and conditions as may be agreed to by the said Legislature, and may, with the like consent, make provision respecting the effect and operation of any such increase or diminution or alteration of territory in relation to any Province affected thereby.

4 The Parliament of Canada may from time to time make provision for the administration, peace, order, and good government of any territory not for the time being included in any Province.

5 The following Acts passed by the said Parliament of Canada, and intitled respectively, — “An Act for the temporary government of Rupert’s Land and the North Western Territory when united with Canada”; and “An Act to amend and continue the Act thirty-two and thirty-three Victoria, chapter three, and to establish and provide for the government of “the Province of Manitoba”, shall be and be deemed to have been valid and effectual for all purposes whatsoever from the date at which they respectively received the assent, in the Queen’s name, of the Governor General of the said Dominion of Canada.

6 Except as provided by the third section of this Act, it shall not be competent for the Parliament of Canada to alter the provisions of the last-mentioned Act of the said Parliament in so far as it relates to the Province of Manitoba, or of any other Act hereafter establishing new Provinces in the said Dominion, subject always to the right of the Legislature of the Province of Manitoba to alter from time to time the provisions of any law respecting the qualification of electors and members of the Legislative Assembly, and to make laws respecting elections in the said Province.

The *Rupert’s Land Act, 1868, 31-32 Vict., c. 105 (U.K.)* (repealed by the *Statute Law Revision Act, 1893, 56-57 Vict., c. 14 (U.K.)*) had previously conferred similar authority in relation to Rupert’s Land and the North-Western Territory upon admission of those areas.

2. The *Constitution Act, 1886, 49-50 Vict., c. 35 (U.K.)*:

1 The Parliament of Canada may from time to time make provision for the representation in the Senate and House of Commons of Canada, or in either of them, of any territories which for the time being form part of the Dominion of Canada, but are not included in any province thereof.

3. The *Statute of Westminster, 1931, 22 Geo. V, c. 4 (U.K.)*:

3 It is hereby declared and enacted that the Parliament of a Dominion has full power to make laws having extra-territorial operation.

4. Under section 44 of the *Constitution Act, 1982*, Parliament has exclusive authority to amend the Constitution of Canada in relation to the executive government of Canada or the Senate and House of Commons. Sections 38, 41, 42 and 43 of that Act authorize the Senate and House of Commons to give their approval to certain other constitutional amendments by resolution.

(48) **Class 1 was repealed by the *Constitution Act, 1982*. As enacted, it read as follows:**

1. The Amendment from Time to Time, notwithstanding anything in this Act, of the Constitution of the Province, except as regards the Office of Lieutenant Governor.

Section 45 of the *Constitution Act, 1982* now authorizes legislatures to make laws amending the constitution of the province. Sections 38, 41, 42 and 43 of that Act authorize legislative assemblies to give their approval by resolution to certain other amendments to the Constitution of Canada.

(49) **Added by section 50 of the *Constitution Act, 1982*.**

(50) **Alternative provisions have been enacted for four provinces. An alternative was provided for Manitoba by section 22 of the *Manitoba Act, 1870, 33 Vict., c. 3* (confirmed by the *Constitution Act, 1871, 34-35 Vict., c. 28 (U.K.)*), which section reads as follows:**

22 In and for the Province, the said 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 or practice in the Province at the Union:

(2) An appeal shall lie to the Governor General in Council from any Act or decision of the Legislature of the Province, or 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:

(3) 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.

An alternative was provided for Alberta by section 17 of the *Alberta Act, 1905, 4-5 Edw. VII, c. 3, which section reads as follows:*

17 Section 93 of the *Constitution Act, 1867*, shall apply to the said province, with the substitution for paragraph (1) of the said section 93 of the following paragraph:

"(1) Nothing in any such law shall prejudicially affect any right or privilege with respect to separate schools which any class of persons have at the date of the passing of this Act, under the terms of chapters 29 and 30 of the Ordinances of the Northwest Territories, passed in the year 1901, or with respect to religious instruction in any public or separate school as provided for in the said ordinances."

(2) In the appropriation by the Legislature or distribution by the Government of the province of any moneys for the support of schools organized and carried on in accordance with the said chapter 29 or any Act passed in amendment thereof, or in substitution therefor, there shall be no discrimination against schools of any class described in the said chapter 29.

(3) Where the expression *by law* is employed in paragraph 3 of the said section 93, it shall be held to mean the law as set out in the said chapters 29 and 30, and where the expression *at the Union* is employed, in the said paragraph 3, it shall be held to mean the date at which this Act comes into force.

An alternative was provided for Saskatchewan by section 17 of the *Saskatchewan Act, 1905, 4-5 Edw. VII, c. 42, which section reads as follows:*

17 Section 93 of the *Constitution Act, 1867*, shall apply to the said province, with the substitution for paragraph (1) of the said section 93, of the following paragraph:

"(1) Nothing in any such law shall prejudicially affect any right or privilege with respect to separate schools which any class of persons have at the date of the passing of this Act, under the terms of chapters 29 and 30 of the Ordinances of the Northwest Territories, passed in the year 1901, or with respect to religious instruction in any public or separate school as provided for in the said ordinances."

(2) In the appropriation by the Legislature or distribution by the Government of the province of any moneys for the support of schools organized and carried on in accordance with the said chapter 29, or any Act passed in amendment thereof or in substitution therefor, there shall be no discrimination against schools of any class described in the said chapter 29.

(3) Where the expression *by law* is employed in paragraph (3) of the said section 93, it shall be held to mean the law as set out in the said chapters 29 and 30; and where the expression *at the Union* is employed in the said paragraph (3), it shall be held to mean the date at which this Act comes into force.

An alternative was provided for Newfoundland by Term 17 of the Terms of Union of Newfoundland with Canada (confirmed by the *Newfoundland Act, 12-13 Geo. VI, c. 22 (U.K.)*). Term 17 of the Terms of Union of Newfoundland with Canada, set out in the penultimate paragraph of this note, was amended by the *Constitution Amendment, 1998 (Newfoundland Act)*, (see SI/98-25) and the *Constitution Amendment, 2001 (Newfoundland and Labrador)* (see SI/2001-117), and now reads as follows:

17 (1) In lieu of section ninety-three of the *Constitution Act, 1867*, this term shall apply in respect of the Province of Newfoundland and Labrador.

(2) In and for the Province of Newfoundland and Labrador, the Legislature shall have exclusive authority to make laws in relation to education, but shall provide for courses in religion that are not specific to a religious denomination.

(3) Religious observances shall be permitted in a school where requested by parents.

Prior to the *Constitution Amendment, 1998 (Newfoundland Act)*, Term 17 of the Terms of Union of Newfoundland with Canada had been amended by the *Constitution Amendment, 1997 (Newfoundland Act)* (see SI/97-55) to read as follows:

17 In lieu of section ninety-three of the *Constitution Act, 1867*, the following shall apply in respect of the Province of Newfoundland:

In and for the Province of Newfoundland, the Legislature shall have exclusive authority to make laws in relation to education but

(a) except as provided in paragraphs (b) and (c), schools established, maintained and operated with public funds shall be denominational schools, and any class of persons having rights under this Term as it read on January 1, 1995 shall continue to have the right to provide for religious education, activities and observances for the children of that class in those schools, and the group of classes that formed one integrated school system by agreement in 1969 may exercise the same rights under this Term as a single class of persons;

(b) subject to provincial legislation that is uniformly applicable to all schools specifying conditions for the establishment or continued operation of schools,

(i) any class of persons referred to in paragraph (a) shall have the right to have a publicly funded denominational school established, maintained and operated especially for that class, and

(ii) the Legislature may approve the establishment, maintenance and operation of a publicly funded school, whether denominational or non-denominational;

(c) where a school is established, maintained and operated pursuant to subparagraph (b) (i), the class of persons referred to in that subparagraph shall continue to have the right to provide for religious education, activities and observances and to direct the teaching of aspects of curriculum affecting religious beliefs, student admission policy and the assignment and dismissal of teachers in that school;

(d) all schools referred to in paragraphs (a) and (b) shall receive their share of public funds in accordance with scales determined on a non-discriminatory basis from time to time by the Legislature; and

(e) if the classes of persons having rights under this Term so desire, they shall have the right to elect in total not less than two thirds of the members of a school board, and any class so desiring shall have the right to elect the portion of that total that is proportionate to the population of that class in the area under the board's jurisdiction.

Prior to the *Constitution Amendment, 1997 (Newfoundland Act)*, Term 17 of the Terms of Union of Newfoundland with Canada had been amended by the *Constitution Amendment, 1987 (Newfoundland Act)* (see SI/88-11) to read as follows:

17(1) In lieu of section ninety-three of the *Constitution Act, 1867*, the following term shall apply in respect of the Province of Newfoundland:

In and for the Province of Newfoundland the Legislature shall have exclusive authority to make laws in relation to education, but the Legislature will not have authority to make laws prejudicially affecting any right or privilege with respect to denominational schools, common (amalgamated) schools, or denominational colleges, that any class or classes of persons have by law in Newfoundland at the date of Union, and out of public funds of the Province of Newfoundland, provided for education,

(a) all such schools shall receive their share of such funds in accordance with scales determined on a non-discriminatory basis from time to time by the Legislature for all schools then being conducted under authority of the Legislature; and

(b) all such colleges shall receive their share of any grant from time to time voted for all colleges then being conducted under authority of the Legislature, such grant being distributed on a non-discriminatory basis.

(2) For the purposes of paragraph one of this Term, the Pentecostal Assemblies of Newfoundland have in Newfoundland all the same rights and privileges with respect to denominational schools and denominational colleges as any other class or classes of persons had by law in Newfoundland at the date of Union, and the words *all such schools* in paragraph (a) of paragraph one of this Term and the words *all such colleges* in paragraph (b) of paragraph one of this Term include, respectively, the schools and the colleges of the Pentecostal Assemblies of Newfoundland.

Term 17 of the Terms of Union of Newfoundland with Canada (confirmed by the *Newfoundland Act, 12-13 Geo. VI, c. 22 (U.K.)*), which Term provided an alternative for Newfoundland, originally read as follows:

17 In lieu of section ninety-three of the *Constitution Act, 1867*, the following term shall apply in respect of the Province of Newfoundland:

In and for the Province of Newfoundland the Legislature shall have exclusive authority to make laws in relation to education, but the Legislature will not have authority to make laws prejudicially affecting any right or privilege with respect to denominational schools, common (amalgamated) schools, or denominational colleges, that any class or classes of persons have by law in Newfoundland at the date of Union, and out of public funds of the Province of Newfoundland, provided for education,

(a) all such schools shall receive their share of such funds in accordance with scales determined on a non-discriminatory basis from time to time by the Legislature for all schools then being conducted under authority of the Legislature; and

(b) all such colleges shall receive their share of any grant from time to time voted for all colleges then being conducted under authority of the Legislature, such grant being distributed on a non-discriminatory basis.

See also sections 23, 29 and 59 of the *Constitution Act, 1982*. Section 23 provides for new minority language educational rights and section 59 permits a delay in respect of the coming into force in Quebec of one aspect of those rights. Section 29 provides that nothing in the *Canadian Charter of Rights and Freedoms* abrogates or derogates from any rights or privileges guaranteed by or under the Constitution of Canada in respect of denominational, separate or dissentient schools.

(51) **Added by the *Constitution Amendment, 1997 (Quebec)* (see SI/97-141).**

(52) **Amended by the *Constitution Act, 1964, 12-13 Eliz. II, c. 73 (U.K.)*. As originally enacted by the *British North America Act, 1951, 14-15 Geo. VI, c. 32 (U.K.)*, which was repealed by the *Constitution Act, 1982, section 94A* read as follows:**

94A It is hereby declared that the Parliament of Canada may from time to time make laws in relation to old age pensions in Canada, but no law made by the Parliament of Canada in relation to old age pensions shall affect the operation of any law present or future of a Provincial Legislature in relation to old age pensions.

(53) **Amended by the *Constitution Act, 1960, 9 Eliz. II, c. 2 (U.K.)*, which came into force on March 1, 1961. The original section read as follows:**

99 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.

(54) **Now provided for in the *Judges Act, R.S.C. 1985, c. J-1*.**

- (55) See the *Supreme Court Act*, R.S.C. 1985, c. S-26, the *Federal Court Act*, R.S.C. 1985, c. F-7 and the *Tax Court of Canada Act*, R.S.C. 1985, c. T-2.
- (56) Now covered by the *Governor General's Act*, R.S.C. 1985, c. G-9.
- (57) Manitoba, Alberta and Saskatchewan were placed in the same position as the original provinces by the *Constitution Act, 1930*, 20-21 Geo. V, c. 26 (U.K.).

These matters were dealt with in respect of British Columbia by the *British Columbia Terms of Union* and also in part by the *Constitution Act, 1930*.

Newfoundland was also placed in the same position by the *Newfoundland Act*, 12-13 Geo. VI, c. 22 (U.K.).

With respect to Prince Edward Island, see the Schedule to the *Prince Edward Island Terms of Union*.
- (58) The obligations imposed by sections 114, 115 and 116, and similar obligations under the instruments creating or admitting other provinces, are now to be found in the *Provincial Subsidies Act*, R.S.C. 1985, c. P-26.
- (59) Repealed by the *Statute Law Revision Act, 1950*, 14 Geo. VI, c. 6 (U.K.).

The section originally read as follows:

118 The following Sums shall be paid yearly by Canada to the several Provinces for the Support of their Governments and Legislatures:

	Dollars.
Ontario.....	Eighty thousand.
Quebec.....	Seventy thousand.
Nova Scotia.....	Sixty thousand.
New Brunswick.....	Fifty thousand.
	Two hundred and sixty thousand;

and an annual Grant in aid of each Province shall be made, equal to Eighty Cents per Head of the Population as ascertained by the Census of One thousand eight hundred and sixty-one, and in the Case of Nova Scotia and New Brunswick, by each subsequent Decennial Census until the Population of each of those two Provinces amounts to Four hundred thousand Souls, at which Rate such Grant shall thereafter remain. Such Grants shall be in full Settlement of all future Demands on Canada, and shall be paid half-yearly in advance to each Province; but the Government of Canada shall deduct from such Grants, as against any Province, all Sums chargeable as Interest on the Public Debt of that Province in excess of the several Amounts stipulated in this Act.

The section was made obsolete by the *Constitution Act, 1907*, 7 Edw. VII, c. 11 (U.K.), which provided:

1. (1) The following grants shall be made yearly by Canada to every province, which at the commencement of this Act is a province of the Dominion, for its local purposes and the support of its Government and Legislature:

(a) A fixed grant

where the population of the province is under one hundred and fifty thousand, of one hundred thousand dollars;

where the population of the province is one hundred and fifty thousand, but does not exceed two hundred thousand, of one hundred and fifty thousand dollars;

where the population of the province is two hundred thousand, but does not exceed four hundred thousand, of one hundred and eighty thousand dollars;

where the population of the province is four hundred thousand, but does not exceed eight hundred thousand, of one hundred and ninety thousand dollars;

where the population of the province is eight hundred thousand, but does not exceed one million five hundred thousand, of two hundred and twenty thousand dollars;

where the population of the province exceeds one million five hundred thousand, of two hundred and forty thousand dollars; and

(b) Subject to the special provisions of this Act as to the provinces of British Columbia and Prince Edward Island, a grant at the rate of eighty cents per head of the population of the province up to the number of two million five hundred thousand, and at the rate of sixty cents per head of so much of the population as exceeds that number.

(2) An additional grant of one hundred thousand dollars shall be made yearly to the province of British Columbia for a period of ten years from the commencement of this Act.

(3) The population of a province shall be ascertained from time to time in the case of the provinces of Manitoba, Saskatchewan, and Alberta respectively by the last quinquennial census or statutory estimate of population made under the Acts establishing those provinces or any other Act of the Parliament of Canada making provision for the purpose, and in the case of any other province by the last decennial census for the time being.

(4) The grants payable under this Act shall be paid half-yearly in advance to each province.

(5) The grants payable under this Act shall be substituted for the grants or subsidies (in this Act referred to as existing grants) payable for the like purposes at the commencement of this Act to the several provinces of the Dominion under the provisions of section one hundred and eighteen of the *Constitution Act, 1867*, or of any Order in Council establishing a province, or of any Act of the Parliament of Canada containing directions for the payment of any such grant or subsidy, and those provisions shall cease to have effect.

(6) The Government of Canada shall have the same power of deducting sums charged against a province on account of the interest on public debt in the case of the grant payable under this Act to the province as they have in the case of the existing grant.

(7) Nothing in this Act shall affect the obligation of the Government of Canada to pay to any province any grant which is payable to that province, other than the existing grant for which the grant under this Act is substituted.

(8) In the case of the provinces of British Columbia and Prince Edward Island, the amount paid on account of the grant payable per head of the population to the provinces under this Act shall not at any time be less than the amount of the corresponding grant payable at the commencement of this Act, and if it is found on any decennial census that the population of the province has decreased since the last decennial census, the amount paid on account of the grant shall not be decreased below the amount then payable, notwithstanding the decrease of the population.

See the *Provincial Subsidies Act, R.S.C. 1985, c. P-26*, and the *Federal-Provincial Fiscal Arrangements Act, R.S.C. 1985, c. F-8*.

See also Part III of the *Constitution Act, 1982*, which sets out commitments by Parliament and the provincial legislatures respecting equal opportunities, economic development and the provision of essential public services and a commitment by Parliament and the government of Canada to the principle of making equalization payments.

(60) Spent.

(61) Spent. Now covered by the *Customs Act, R.S.C. 1985, c. 1 (2nd Supp.)*, the *Customs Tariff, S.C. 1997, c. 36*, the *Excise Act, R.S.C. 1985, c. E-14*, the *Excise Act, 2001, S.C. 2002, c. 22* and the *Excise Tax Act, R.S.C. 1985, c. E-15*.

(62) Spent.

(63) These dues were repealed in 1873 by 36 Vict., c. 16 (N.B.). Also, see *An Act respecting the Export Duties imposed on Lumber, etc. (1873) 36 Vict., c. 41 (Canada)*, and section 2 of the *Provincial Subsidies Act, R.S.C. 1985, c. P-26*.

(64) Repealed by the *Statute Law Revision Act, 1893, 56-57 Vict., c. 14 (U.K.)*. The section read as follows:

127 If any Person being at the passing of this Act a Member of the Legislative Council of Canada, Nova Scotia, or New Brunswick, to whom a Place in the Senate is offered, does not within Thirty Days thereafter, by Writing under his Hand addressed to the Governor General of the Province of Canada or to the Lieutenant Governor of Nova Scotia or New Brunswick (as the Case may be), accept the same, he shall be deemed to have declined the same; and any Person who, being at the passing of this Act a Member of the Legislative Council of Nova Scotia or New Brunswick, accepts a Place in the Senate shall thereby vacate his Seat in such Legislative Council.

(65) The restriction against altering or repealing laws enacted by or existing under statutes of the United Kingdom was removed by the *Statute of Westminster, 1931, 22 Geo. V, c. 4 (U.K.)*, except in respect of certain constitutional documents. Comprehensive procedures for amending enactments forming part of the Constitution of Canada were provided by Part V of the *Constitution Act, 1982*.

(66) Spent.

(67) A similar provision was enacted for Manitoba by section 23 of the *Manitoba Act, 1870, 33 Vict., c. 3 (confirmed by the Constitution Act, 1871, 34-35 Vict., c. 28 (U.K.))*. Section 23 read as follows:

23 Either the English or the French language may be used by any person in the debates of the Houses of the Legislature, and both these 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 the *British North America Act, 1867*, or in or from all or any of the Courts of the Province. The Acts of the Legislature shall be printed and published in both those languages.

Sections 17 to 19 of the *Constitution Act, 1982* restate the language rights set out in section 133 in respect of Parliament and the courts established under the *Constitution Act, 1867*, and also guarantee those rights in respect of the legislature of New Brunswick and the courts of that province.

Sections 16, 20, 21 and 23 of the *Constitution Act, 1982* recognize additional language rights in respect of the English and French languages. Section 22 preserves language rights and privileges of languages other than English and French.

(68) Spent. Now covered in Ontario by the *Executive Council Act, R.S.O. 1990, c. E.25* and in Quebec by the *Executive Power Act, R.S.Q. c. E-18*.

(69) Probably spent.

- (70) Probably spent.
- (71) Probably spent.
- (72) Spent. Penitentiaries are now provided for by the *Corrections and Conditional Release Act*, S.C. 1992, c. 20.
- (73) Spent. See pages (xi) and (xii) of the Public Accounts, 1902-1903.
- (74) Probably spent. Two orders were made under this section on January 24, 1868.
- (75) Repealed by the *Statute Law Revision Act, 1893*, 56-57 Vict., c. 14, (U.K.). The section read as follows:
- 145 Inasmuch as the Provinces of Canada, Nova Scotia, and New Brunswick have joined in a Declaration that the Construction of the Intercolonial Railway is essential to the Consolidation of the Union of British North America, and to the Assent thereto of Nova Scotia and New Brunswick, and have consequently agreed that Provision should be made for its immediate Construction by the Government of Canada; Therefore, in order to give effect to that Agreement, it shall be the Duty of the Government and Parliament of Canada to provide for the Commencement, within Six Months after the Union, of a Railway connecting the River St. Lawrence with the City of Halifax in Nova Scotia, and for the Construction thereof without Intermission, and the Completion thereof with all practicable Speed.
- (76) All territories mentioned in section 146 are now part of Canada. See endnote (6) to section 5, above.
- (77) Spent. See endnotes (11), (12), (15), (16) and (17) to sections 21, 22, 26, 27 and 28, above.
- (78) Spent. See *Representation Act*, R.S.O. 1990, c. R.26.
- (79) As enacted by section 51 of the *Constitution Act, 1982*.
- (80) French version enacted as Schedule A to the *Canada Act 1982*, 1982, c. 11 (U.K.).
- (81) Enacted as Schedule B to the *Canada Act 1982*, 1982, c. 11 (U.K.), which came into force on April 17, 1982.
- (82) See section 50, and endnotes (40) and (42) to sections 85 and 88, of the *Constitution Act, 1867*.
- (83) Replaces part of Class 1 of section 91 of the *Constitution Act, 1867*, which was repealed as set out in subitem 1(3) of the Schedule to the *Constitution Act, 1982*.
- (84) See endnotes (10), (41) and (42) to sections 20, 86 and 88 of the *Constitution Act, 1867*.
- (85) Subsection 32(2) provides that section 15 shall not have effect until three years after section 32 comes into force. Section 32 came into force on April 17, 1982; therefore, section 15 had effect on April 17, 1985.
- (86) Section 16.1 was added by the *Constitution Amendment, 1993 (New Brunswick)* (see SI/93-54).
- (87) See section 133 of the *Constitution Act, 1867*, and endnote (67).
- (88) *Ibid.*
- (89) *Ibid.*
- (90) *Ibid.*
- (91) *Ibid.*
- (92) *Ibid.*
- (93) See, for example, section 133 of the *Constitution Act, 1867* and the reference to the *Manitoba Act, 1870*, in endnote (67) to that section.
- (94) Paragraph 23(1)(a) is not in force in respect of Quebec. See section 59 of the *Constitution Act, 1982*.
- (95) Paragraph 25(b) was repealed and re-enacted by the *Constitution Amendment Proclamation, 1983* (see SI/84-102). Paragraph 25(b) originally read as follows:
- (b) any rights or freedoms that may be acquired by the aboriginal peoples of Canada by way of land claims settlement.
- (96) See section 93 of the *Constitution Act, 1867* and endnote (50).
- (97) Subsections 35(3) and (4) were added by the *Constitution Amendment Proclamation, 1983* (see SI/84-102).
- (98) Section 35.1 was added by the *Constitution Amendment Proclamation, 1983* (see SI/84-102).
- (99) See endnotes (58) and (59) to sections 114 and 118 of the *Constitution Act, 1867*.

- (100) **Section 54 of the *Constitution Act, 1982* provided for the repeal of Part IV (section 37) one year after Part VII came into force. Part VII came into force on April 17, 1982 thereby repealing Part IV on April 17, 1983. Section 37 read as follows:**
- 37 (1)** 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 one year after this Part comes into force.
- (2)** The conference convened under subsection (1) shall have included in its agenda an item respecting constitutional matters that directly affect the aboriginal peoples of Canada, including the identification and definition of the rights of those peoples to be included in the Constitution of Canada, and the Prime Minister of Canada shall invite representatives of those peoples to participate in the discussions on that item.
- (3)** The Prime Minister of Canada shall invite elected representatives of the governments of the Yukon Territory and the Northwest Territories to participate in the discussions on any item on the agenda of the conference convened under subsection (1) that, in the opinion of the Prime Minister, directly affects the Yukon Territory and the Northwest Territories.
- (101) **Part IV.1 (section 37.1), which was added by the *Constitution Amendment Proclamation, 1983* (see SI/84-102), was repealed on April 18, 1987 by section 54.1 of the *Constitution Act, 1982*. Section 37.1 read as follows:**
- 37.1 (1)** In addition to the conference convened in March 1983, at least two constitutional conferences composed of the Prime Minister of Canada and the first ministers of the provinces shall be convened by the Prime Minister of Canada, the first within three years after April 17, 1982 and the second within five years after that date.
- (2)** Each conference convened under subsection (1) shall have included in its agenda constitutional matters that directly affect the aboriginal peoples of Canada, and the Prime Minister of Canada shall invite representatives of those peoples to participate in the discussions on those matters.
- (3)** The Prime Minister of Canada shall invite elected representatives of the governments of the Yukon Territory and the Northwest Territories to participate in the discussions on any item on the agenda of a conference convened under subsection (1) that, in the opinion of the Prime Minister, directly affects the Yukon Territory and the Northwest Territories.
- (4)** Nothing in this section shall be construed so as to derogate from subsection 35(1).
- (102) **Prior to the enactment of Part V, certain provisions of the Constitution of Canada and the provincial constitutions could be amended pursuant to the *Constitution Act, 1867*. See endnotes (44) and (48) to section 91, Class 1 and section 92, Class 1 of that Act, respectively. Other amendments to the Constitution could only be made by enactment of the Parliament of the United Kingdom.**
- (103) **A First Ministers Meeting was held June 20-21, 1996.**
- (104) **The text of this amendment is set out in the *Constitution Act, 1867*, as section 92A.**
- (105) **The text of this amendment is set out in the *Constitution Act, 1867*, as the Sixth Schedule.**
- (106) **Part VII came into force on April 17, 1982 (see SI/82-97).**
- (107) **Section 54.1, which was added by the *Constitution Amendment Proclamation, 1983* (see SI/84-102), provided for the repeal of Part IV.1 and section 54.1 on April 18, 1987. Section 54.1 read as follows:**
- 54.1** Part IV.1 and this section are repealed on April 18, 1987.
- (108) **The French Constitutional Drafting Committee was established in 1984 with a mandate to assist the Minister of Justice in that task. The Committee's Final Report was tabled in Parliament in December 1990.**
- (109) **The Act, with the exception of paragraph 23(1)(a) in respect of Quebec, came into force on April 17, 1982 by proclamation issued by the Queen (see SI/82-97).**
- (110) **No proclamation has been issued under section 59.**
- (111) **Section 61 was added by the *Constitution Amendment Proclamation, 1983* (see SI/84-102). See also section 3 of the *Constitution Act, 1985 (Representation)*, S.C. 1986, c. 8, Part I and the *Constitution Amendment, 1987 (Newfoundland Act)* (see SI/88-11).**

NOTES

- (1) **La Loi de 1893 sur la révision du droit statutaire, 56-57 Victoria, ch. 14 (R.-U.), a abrogé l'alinéa suivant, qui renfermait la formule d'édition :**
- À ces causes, Sa Très Excellente Majesté la Reine, de l'avis et du consentement des Lords Spirituels et Temporels et des Communes, en ce présent parlement assemblés, et par leur autorité, décrète et déclare ce qui suit :
- (2) **Tel qu'édicte par la Loi constitutionnelle de 1982, entrée en vigueur le 17 avril 1982. Texte de l'article original :**
- 1 Le présent acte pourra être cité sous le titre : « *L'acte de l'Amérique du Nord britannique, 1867* ».
- (3) **Texte de l'article 2, abrogé par la Loi de 1893 sur la révision du droit statutaire, 56-57 Victoria, ch. 14 (R.-U.) :**
- 2 Les dispositions du présent acte relatives à Sa Majesté la Reine s'appliquent également aux héritiers et successeurs de Sa Majesté, Rois et Reines du Royaume-Uni de la Grande-Bretagne et d'Irlande.
- (4) **Le premier jour de juillet 1867 fut fixé par proclamation en date du 22 mai 1867.**
- (5) **Partiellement abrogé par la Loi de 1893 sur la révision du droit statutaire, 56-57 Victoria, ch. 14 (R.-U.). Texte de l'article original :**
- 4 Les dispositions subséquentes du présent acte, à moins que le contraire n'y apparaisse explicitement ou implicitement, prendront leur pleine vigueur dès que l'union sera effectuée, c'est-à-dire le jour à compter duquel, aux termes de la proclamation de la Reine, l'union sera déclarée un fait accompli; dans les mêmes dispositions, à moins que le contraire n'y apparaisse explicitement ou implicitement, le nom de Canada signifiera le Canada tel que constitué sous la présente loi.
- (6) **Le Canada se compose maintenant de dix provinces (l'Ontario, le Québec, la Nouvelle-Écosse, le Nouveau-Brunswick, le Manitoba, la Colombie-Britannique, l'Île-du-Prince-Édouard, l'Alberta, la Saskatchewan et Terre-Neuve-et-Labrador) et de trois territoires (le Yukon, les Territoires du Nord-Ouest et le Nunavut).**
- Les premiers territoires ajoutés à l'Union furent la Terre de Rupert et le territoire du Nord-Ouest (subséquentement appelés « les Territoires du Nord-Ouest »), admis selon l'article 146 de la *Loi constitutionnelle de 1867 et l'Acte de la Terre de Rupert, 1868, 31-32 Victoria, ch. 105 (R.-U.)*, par le *Décret en conseil sur la terre de Rupert et le territoire du Nord-Ouest* du 23 juin 1870, applicable à partir du 15 juillet 1870. Avant l'admission de ces territoires, le Parlement du Canada avait édicté *l'Acte concernant le gouvernement provisoire de la Terre de Rupert et du territoire du Nord-Ouest après que ces territoires auront été unis au Canada, 32-33 Victoria, ch. 3, et la Loi de 1870 sur le Manitoba, 33 Victoria, ch. 3*, où l'on prévoyait la formation de la province du Manitoba.
- La province de la Colombie-Britannique fut admise dans l'Union, conformément à l'article 146 de la *Loi constitutionnelle de 1867, aux termes des Conditions de l'adhésion de la Colombie-Britannique*, décret en conseil du 16 mai 1871, entré en vigueur le 20 juillet 1871.
- L'Île-du-Prince-Édouard fut admise selon l'article 146 de la *Loi constitutionnelle de 1867, aux termes des Conditions de l'adhésion de l'Île-du-Prince-Édouard*, décret en conseil du 26 juin 1873, applicable à compter du 1^{er} juillet 1873.
- Le 29 juin 1871, le Parlement du Royaume-Uni édictait la *Loi constitutionnelle de 1871, 34-35 Victoria, ch. 28*, autorisant la création de provinces additionnelles sur des territoires non compris dans une province. En conformité avec cette loi, le Parlement du Canada a édicté la *Loi sur l'Alberta* (20 juillet 1905, 4-5 Édouard VII, ch. 3) et la *Loi sur la Saskatchewan* (20 juillet 1905, 4-5 Édouard VII, ch. 42), lesquelles prévoyaient la création des provinces d'Alberta et de la Saskatchewan, respectivement. Ces deux lois sont entrées en vigueur le 1^{er} septembre 1905.
- Entre-temps, tous les autres territoires et possessions britanniques en Amérique du Nord et les îles y adjacentes, sauf la colonie de Terre-Neuve et ses dépendances, furent admis dans la Confédération canadienne par le *Décret en conseil sur les territoires adjacents* du 31 juillet 1880.
- Le Parlement du Canada a ajouté, en 1912, des parties des Territoires du Nord-Ouest aux provinces contiguës, par application de la *Loi de l'extension des frontières de l'Ontario, 2 George V, ch. 40*, de la *Loi de l'extension des frontières de Québec, 1912, 2 George V, ch. 45*, et de la *Loi de l'extension des frontières du Manitoba, 1912, 2 George V, ch. 32*. La *Loi du prolongement des frontières du Manitoba, 1930, 20-21 George V, ch. 28*, apporta de nouvelles additions au Manitoba.
- Le territoire du Yukon fut détaché des Territoires du Nord-Ouest, en 1898, par *l'Acte du Territoire du Yukon, 61 Victoria, ch. 6*.
- Le 31 mars 1949, Terre-Neuve était ajoutée en vertu de la *Loi sur Terre-Neuve, 12-13 George VI, ch. 22 (R.-U.)*, qui ratifiait les Conditions de l'union de Terre-Neuve au Canada.
- Le Nunavut fut détaché des territoires du Nord-Ouest, en 1999, par la *Loi sur le Nunavut, L.C. 1993, ch. 28*.
- (7) **Voir la note (65) relative à l'article 129, ci-dessous.**

- (8) **Abrogé et remplacé par la *Loi de 1875 sur le Parlement du Canada*, 38-39 Victoria, ch. 38 (R.-U.). Texte de l'article original :**
- 18 Les privilèges, immunités et pouvoirs que posséderont et exerceront le Sénat, la Chambre des Communes et les membres de ces corps respectifs, seront ceux prescrits de temps à autre par acte du parlement du Canada; ils ne devront cependant jamais excéder ceux possédés et exercés, lors de la passation du présent acte, par la chambre des communes du parlement du Royaume-Uni de la Grande-Bretagne et d'Irlande et par les membres de cette chambre.
- (9) **Périmé. La première session du premier Parlement débuta le 6 novembre 1867.**
- (10) **Texte de l'article 20, abrogé par la *Loi constitutionnelle de 1982* :**
- 20 Il y aura une session du parlement du Canada une fois au moins chaque année, de manière qu'il ne s'écoule pas un intervalle de douze mois entre la dernière séance d'une session du parlement et sa première séance dans la session suivante.
- L'article 20 a été remplacé par l'article 5 de la *Loi constitutionnelle de 1982* qui prévoit que le Parlement et les législatures tiennent une séance au moins une fois tous les douze mois.**
- (11) **Modifié par la *Loi constitutionnelle de 1915*, 5-6 George V, ch. 45 (R.-U.), la *Loi sur Terre-Neuve*, 12-13 George VI, ch. 22 (R.-U.), la *Loi constitutionnelle n° 2 de 1975*, S.C. 1974-75-76, ch. 53 et la *Loi constitutionnelle de 1999 (Nunavut)*, L.C. 1998, ch. 15, partie 2. Texte de l'article original :**
- 21 Sujet aux dispositions de la présente loi, le Sénat se composera de soixante-douze membres, qui seront appelés sénateurs.
- La *Loi de 1870 sur le Manitoba* en a ajouté deux pour cette province; les *Conditions de l'adhésion de la Colombie-Britannique* en ont ajouté trois; lors de l'admission de l'Île-du-Prince-Édouard, quatre autres postes de sénateurs furent ajoutés aux termes de l'article 147 de la *Loi constitutionnelle de 1867*; la *Loi sur l'Alberta* et la *Loi sur la Saskatchewan* en ont chacune ajouté quatre. Le nombre des sénateurs fut porté à quatre-vingt-seize par la *Loi constitutionnelle de 1915*. L'Union avec Terre-Neuve en a ajouté six autres et la *Loi constitutionnelle n° 2 de 1975* a ajouté un sénateur pour le Yukon et un pour les Territoires du Nord-Ouest. La *Loi constitutionnelle de 1999 (Nunavut)* a ajouté un sénateur pour le Nunavut.**
- (12) **Modifié par la *Loi constitutionnelle de 1915*, 5-6 George V, ch. 45 (R.-U.), la *Loi sur Terre-Neuve*, 12-13 George VI, ch. 22 (R.-U.), la *Loi constitutionnelle n° 2 de 1975*, S.C. 1974-75-76, ch. 53 et la *Loi constitutionnelle de 1999 (Nunavut)*, L.C. 1998, ch. 15, partie 2. Texte de l'article original :**
- 22 En ce qui concerne la composition du Sénat, le Canada sera censé comprendre trois divisions :
1. Ontario;
 2. Québec;
 3. Les Provinces Maritimes, la Nouvelle-Écosse et le Nouveau-Brunswick.
- Ces trois divisions seront, sujettes aux dispositions du présent acte, également représentées dans le Sénat, comme suit : Ontario par vingt-quatre sénateurs; Québec par vingt-quatre sénateurs; et les Provinces Maritimes par vingt-quatre sénateurs, douze desquels représenteront la Nouvelle-Écosse, et douze le Nouveau-Brunswick.
- En ce qui concerne la province de Québec, chacun des vingt-quatre sénateurs la représentant sera nommé pour l'un des vingt-quatre collèges électoraux du Bas-Canada énumérés dans l'annexe A, au chapitre premier des Statuts révisés du Canada.
- Les statuts refondus du Canada mentionnés dans l'article 22 sont les statuts refondus de 1859.**
- (13) **L'article 44 de la *Loi constitutionnelle de 1999 (Nunavut)*, L.C. 1998, ch. 15, partie 2, déclare que pour l'application de la présente partie (qui ajoute un sénateur pour le territoire du Nunavut), le terme « province », à l'article 23 de la *Loi constitutionnelle de 1867*, s'entend au sens de l'article 35 de la *Loi d'interprétation*, L.R.C. (1985), ch. I-21, tel que modifié, qui prévoit que le terme « province » signifie : « province du Canada, ainsi que le Yukon, les Territoires du Nord-Ouest et le territoire du Nunavut ».**
- L'article 2 de la *Loi constitutionnelle n° 2 de 1975*, S.C. 1974-75-76, ch. 53, déclare que pour l'application de cette loi (qui ajoute un sénateur chacun pour le territoire du Yukon et les Territoires du Nord-Ouest), le terme « province » a, à l'article 23 de la *Loi constitutionnelle de 1867*, le même sens que dans l'article 28 de la *Loi d'interprétation*, L.R.C. (1970), ch. I-23, qui prévoit que le terme « province » signifie : « province du Canada, ainsi que le territoire du Yukon et les Territoires du Nord-Ouest ».**
- (14) **Abrogé par la *Loi de 1893 sur la révision du droit statutaire*, 56-57 Victoria, ch. 14 (R.-U.). Texte de l'article original :**
- 25 Les premières personnes appelées au Sénat seront celles que la Reine, par mandat sous le seing manuel de Sa Majesté, jugera à propos de désigner, et leurs noms seront insérés dans la proclamation de la Reine décrétant l'union.
- (15) **Tel que modifié par la *Loi constitutionnelle de 1915*, 5-6 George V, ch. 45 (R.-U.). Texte de l'article original :**
- 26 Si en aucun temps, sur la recommandation du gouverneur général, la Reine juge à propos d'ordonner que trois ou six membres soient ajoutés au Sénat, le gouverneur général pourra par mandat adressé à trois ou six personnes (selon le cas) ayant les qualifications voulues, représentant également les trois divisions du Canada les ajouter au Sénat.
- (16) **Tel que modifié par la *Loi constitutionnelle de 1915*, 5-6 George V, ch. 45 (R.-U.). Texte de l'article original :**

27 Dans le cas où le nombre des sénateurs serait ainsi en aucun temps augmenté, le gouverneur-général ne mandera aucune personne au Sénat, sauf sur pareil ordre de la Reine donné à la suite de la même recommandation, tant que la représentation de chacune des trois divisions du Canada ne sera pas revenue au nombre fixe de vingt-quatre sénateurs.

- (17) **Tel que modifié par la *Loi constitutionnelle de 1915*, 5-6 George V, ch. 45 (R.-U.), la *Loi constitutionnelle n° 2 de 1975*, S.C. 1974-75-76, ch. 53 et la *Loi constitutionnelle de 1999 (Nunavut)*, L.C. 1998, ch. 15, partie 2. Texte de l'article original :**

28 Le nombre des sénateurs ne devra en aucun temps excéder soixante-dix-huit.

- (18) **Tel qu'édicte par la *Loi constitutionnelle de 1965*, S.C. 1965, ch. 4, entrée en vigueur le 2 juin 1965. Texte de l'article original :**

29 Sujet aux dispositions du présent acte, le sénateur occupera sa charge dans le Sénat, à vie.

- (19) **La *Loi sur le Parlement du Canada*, L.R.C. (1985), ch. P-1, partie II, pourvoit à l'exercice des fonctions du président du Sénat durant son absence (autrefois prévu dans la *Loi sur le président du Sénat*, S.R.C. 1970, ch. S-14). L'Acte concernant l'Orateur canadien (nomination d'un suppléant) 1895, 2^e session, 59 Victoria, ch. 3 (R.-U.), qui a été abrogé par la *Loi constitutionnelle de 1982*, a dissipé les doutes qui existaient sur la compétence du Parlement pour édicte la *Loi sur le président du Sénat*.**

- (20) **Cette répartition découle de l'application de l'article 51 édicte par la *Loi constitutionnelle de 1985 (représentation électorale)*, L.C. 1986, ch. 8, partie I, et modifié par la *Loi constitutionnelle de 1999 (Nunavut)*, L.C. 1998, ch. 15, partie 2, et de la *Loi sur la révision des limites des circonscriptions électorales*, L.R.C. (1985), ch. E-3. Texte de l'article original (modifié par suite de l'admission de nouvelles provinces et de changements démographiques) :**

37 La Chambre des Communes sera, sujette aux dispositions de la présente loi, composée de cent quatre-vingt-un membres, dont quatre-vingt-deux représenteront l'Ontario, soixante-et-cinq Québec, dix-neuf la Nouvelle-Écosse et quinze le Nouveau-Brunswick.

- (21) **Périmé. Les circonscriptions électorales sont maintenant définies par proclamations prises en application de la *Loi sur la révision des limites des circonscriptions électorales*, L.R.C. (1985), ch. E-3, et ses modifications portant sur diverses circonscriptions (voir le dernier *Tableau des lois d'intérêt public et des ministres responsables*).**

- (22) **Périmé. Les élections sont maintenant régies par la *Loi électorale du Canada*, L.C. 2000, ch. 9; les conditions requises pour être député et sénateur, par la *Loi sur le Parlement du Canada*, L.R.C. (1985), ch. P-1. L'article 3 de la *Loi constitutionnelle de 1982* prévoit le droit pour les citoyens de voter et d'être élus.**

- (23) **Abrogé par la *Loi de 1893 sur la révision du droit statutaire*, 56-57 Victoria, ch. 14 (R.-U.). Texte de l'article original :**

42 Pour la première élection des membres de la Chambre des Communes, le gouverneur-général fera émettre les brefs par telle personne et selon telle forme qu'il jugera à propos et les fera adresser aux officiers-rapporteurs qu'il désignera.

La personne émettant les brefs, sous l'autorité du présent article, aura les mêmes pouvoirs que possédaient, à l'époque de l'union, les officiers chargés d'émettre des brefs pour l'élection des membres de la Chambre d'Assemblée ou Assemblée Législative de la province du Canada, de la Nouvelle-Écosse ou du Nouveau-Brunswick; et les officiers-rapporteurs auxquels ces brefs seront adressés en vertu du présent article, auront les mêmes pouvoirs que possédaient, à l'époque de l'union, les officiers chargés de rapporter les brefs pour l'élection des membres de la Chambre d'Assemblée ou Assemblée Législative respectivement.

- (24) **Abrogé par la *Loi de 1893 sur la révision du droit statutaire*, 56-57 Victoria, ch. 14 (R.-U.). Texte de l'article original :**

43 Survenant une vacance dans la représentation d'un district électoral à la Chambre des Communes, antérieurement à la réunion du parlement, ou subséquemment à la réunion du parlement, mais avant que le parlement ait statué à cet égard, les dispositions de l'article précédent du présent acte s'étendront et s'appliqueront à l'émission et au rapport du bref relativement au district dont la représentation est ainsi vacante.

- (25) **La *Loi sur le Parlement du Canada*, L.R.C. (1985), ch. P-1, partie III, prévoit maintenant l'exercice des fonctions du président (ancien titre : orateur) durant son absence.**

- (26) **Le mandat de la 12^e législature a été prolongé par l'Acte de l'Amérique du Nord britannique, 1916, 6-7 George V, ch. 19 (R.-U.) qui a été abrogé par la *Loi de 1927 sur la révision du droit statutaire*, 17-18 George V, ch. 42 (R.-U.). Voir également le paragraphe 4(1) de la *Loi constitutionnelle de 1982* qui prévoit que le mandat maximal de la Chambre des communes est de cinq ans à compter de la date fixée pour le retour des brefs relatifs aux élections générales correspondantes, et le paragraphe 4(2) de cette loi qui prévoit que le mandat de la Chambre des communes peut être prolongé dans des circonstances spéciales.**

- (27) **Tel qu'édicte par la *Loi sur la représentation équitable*, L.C. 2011, ch. 26, art. 2, entrée en vigueur à la sanction royale le 16 décembre 2011.**

Texte de l'article original :

51 Immédiatement après le recensement de mil huit cent soixante-et-onze, et après chaque autre recensement décennal, la représentation des quatre provinces sera répartie de nouveau par telle autorité, de telle manière et à dater de telle époque que pourra, de temps à autre, prescrire le parlement du Canada, d'après les règles suivantes :

1. Québec aura le nombre fixe de soixante-cinq représentants;
2. Il sera assigné à chacune des autres provinces un nombre de représentants proportionné au chiffre de sa population (constaté par tel recensement) comme le nombre soixante-cinq le sera au chiffre de la population de Québec (ainsi constaté);
3. En supputant le nombre des représentants d'une province, il ne sera pas tenu compte d'une fraction n'excédant pas la moitié du nombre total nécessaire pour donner à la province droit à un représentant; mais toute fraction excédant la moitié de ce nombre équivaldra au nombre entier;
4. Lors de chaque nouvelle répartition, nulle réduction n'aura lieu dans le nombre des représentants d'une province, à moins qu'il ne soit constaté par le dernier recensement que le chiffre de la population de la province par rapport au chiffre de la population totale du Canada à l'époque de la dernière répartition du nombre des représentants de la province, n'ait déchu dans la proportion d'un vingtième ou plus;
5. Les nouvelles répartitions n'auront d'effet qu'à compter de l'expiration du parlement alors existant.

La Loi de 1893 sur la révision du droit statutaire, 56-57 Victoria, ch. 14 (R.-U.), a modifié cet article en retranchant les mots qui suivent « après le recensement » jusqu'à « soixante et onze et », ainsi que le mot « autre ».

En vertu de l'Acte de l'Amérique du Nord britannique, 1943, 6-7 George VI, ch. 30 (R.-U.), qui a été abrogé par la Loi constitutionnelle de 1982, le rajustement de la représentation consécutif au recensement de 1941 a été renvoyé à la première session du Parlement postérieure à la guerre. Dans l'Acte de l'Amérique du Nord britannique, 1946, 9-10 George VI, ch. 63 (R.-U.), qui a également été abrogé par la Loi constitutionnelle de 1982, l'article a été réédité comme suit :

51 (1) Le nombre des membres de la Chambre des Communes est de deux cent cinquante-cinq et la représentation des provinces à ladite Chambre doit, dès l'entrée en vigueur du présent article et, par la suite, sur l'achèvement de chaque recensement décennal, être rajustée par l'autorité, de la manière et à compter de l'époque que le Parlement du Canada prévoit à l'occasion, sous réserve et en conformité des règles suivantes :

1. Sous réserve des dispositions ci-après, il est attribué à chacune des provinces un nombre de députés calculé en divisant la population totale des provinces par deux cent cinquante-quatre et en divisant la population de chaque province par le quotient ainsi obtenu, abstraction faite, sauf ce qui est prévu ci-après au présent article, du reste (s'il en est) consécutif à ladite méthode de division.
2. Si le nombre total des députés attribué à toutes les provinces en vertu de la règle 1 est inférieur à deux cent cinquante-quatre, d'autres députés seront attribués (à raison d'un par province) aux provinces qui ont des quantités restantes dans le calcul visé par la règle 1, en commençant par la province possédant le reste le plus considérable et en continuant avec les autres provinces par ordre d'importance de leurs quantités restantes respectives jusqu'à ce que le nombre total de députés attribué atteigne deux cent cinquante-quatre.
3. Nonobstant toute disposition du présent article, si, une fois achevé le calcul prévu par les règles 1 et 2, le nombre de députés à attribuer à une province est inférieur au nombre de sénateurs représentant ladite province, les règles 1 et 2 cesseront de s'appliquer à l'égard de ladite province, et il lui sera attribué un nombre de députés égal audit nombre de sénateurs.
4. Si les règles 1 et 2 cessent de s'appliquer à l'égard d'une province, alors, pour le calcul du nombre de députés à attribuer aux provinces concernant lesquelles les règles 1 et 2 demeurent applicables, la population totale des provinces doit être réduite du chiffre de la population de la province à l'égard de laquelle les règles 1 et 2 ne s'appliquent plus, et le nombre deux cent cinquante-quatre doit être réduit du nombre de députés attribué à cette province sous le régime de la règle 3.
5. Ce rajustement n'entrera en vigueur qu'à la fin du Parlement alors existant.

(2) Le territoire du Yukon, tel qu'il a été constitué par le chapitre quarante et un du Statut du Canada de 1901, avec toute partie du Canada non comprise dans une province qui peut, à l'occasion, y être incluse par le Parlement du Canada aux fins de représentation au Parlement, a droit à un député.

Dans l'Acte de l'Amérique du Nord britannique, 1952, S.C. 1952, ch. 15, qui a également été abrogé par la Loi constitutionnelle de 1982, cet article a été réédité comme suit :

51(1) Sous réserve des dispositions ci-après énoncées, le nombre des membres de la Chambre des Communes est de deux cent soixante-trois et la représentation des provinces à ladite Chambre doit, dès l'entrée en vigueur du présent article et, par la suite, sur l'achèvement de chaque recensement décennal, être rajustée par l'autorité, de la manière et à compter de l'époque que le Parlement du Canada prévoit à l'occasion, sous réserve et en conformité des règles suivantes :

1. Il est attribué à chacune des provinces un nombre de députés calculé en divisant la population totale des provinces par deux cent soixante et un et en divisant la population de chaque province par le quotient ainsi obtenu, abstraction faite du reste qui pourrait être consécutif à ladite méthode de division, sauf ce qui est prévu ci-après dans le présent article.
2. Si le nombre total de députés attribué à toutes les provinces en vertu de la règle 1 est inférieur à deux cent soixante et un, d'autres députés seront attribués (un par province) aux provinces qui ont des quantités restantes dans le calcul visé par la règle 1, en commençant par la province possédant le reste le plus considérable et en continuant avec les autres provinces par ordre d'importance de leurs quantités restantes jusqu'à ce que le nombre total de députés attribué atteigne deux cent soixante et un.
3. Nonobstant toute disposition du présent article, si, une fois achevé le calcul prévu par les règles 1 et 2, le nombre de députés à attribuer à une province est inférieur au nombre de sénateurs représentant ladite province, les règles 1 et 2 cesseront de s'appliquer à l'égard de ladite province, et il lui sera attribué un nombre de députés égal audit nombre de sénateurs.
4. Si les règles 1 et 2 cessent de s'appliquer à l'égard d'une province, alors, en vue du calcul du nombre de députés à attribuer aux provinces pour lesquelles les règles 1 et 2 demeurent applicables, la population totale des provinces doit être réduite du chiffre de la

population de la province à l'égard de laquelle les règles 1 et 2 ne s'appliquent plus, et le nombre deux cent soixante et un doit être réduit du nombre de députés attribué à cette province en vertu de la règle 3.

5. À l'occasion d'un tel rajustement, le nombre des députés d'une province quelconque ne doit pas être réduit de plus de quinze pour cent au-dessous de la représentation à laquelle cette province avait droit, en vertu des règles 1 à 4 du présent paragraphe, lors du rajustement précédent de la représentation de ladite province, et la représentation d'une province ne doit subir aucune réduction qui pourrait lui assigner un plus faible nombre de députés que toute autre province dont la population n'était pas plus considérable d'après les résultats du dernier recensement décennal d'alors. Cependant, aux fins de tout rajustement subséquent de représentation prévu par le présent article, aucune augmentation du nombre de membres de la Chambre des Communes, consécutive à l'application de la présente règle, ne doit être comprise dans le diviseur mentionné aux règles 1 à 4 du présent paragraphe.

6. Ce rajustement ne prendra effet qu'à la fin du Parlement alors existant.

(2) Le territoire du Yukon, tel qu'il a été constitué par le chapitre 41 des Statuts du Canada de 1901, a droit à un député, et telle autre partie du Canada non comprise dans une province qui peut, à l'occasion, être définie par le Parlement du Canada, a droit à un député.

Dans la Loi constitutionnelle de 1974, S.C. 1974-75-76, ch. 13, le paragraphe 51(1) a été réédité comme suit :

51(1) Le nombre des députés et la représentation des provinces à la Chambre des communes sont rajustés, dès l'entrée en vigueur du présent paragraphe et, par la suite, après chaque recensement décennal, par l'autorité, selon les modalités et à la date prévues par le Parlement du Canada, sous réserve et en conformité des règles suivantes :

1. Par suite du rajustement consécutif au recensement décennal de 1971, sont attribués au Québec soixante-quinze députés, auxquels s'ajouteront quatre députés par rajustement.

2. Sous réserve des règles 5(2) et (3), le nombre des députés d'une province très peuplée s'obtient en divisant le chiffre de sa population par le quotient électoral du Québec.

3. Sous réserve des règles 5(2) et (3), le nombre des députés d'une province peu peuplée s'obtient en divisant

a) le chiffre total de la population, à l'avant-dernier recensement décennal, des provinces (à l'exclusion du Québec) de moins de un million et demi d'habitants, lors de ce recensement, par le nombre total des députés de ces provinces, rajusté après ce recensement; et

b) le chiffre de la population de la province par le quotient obtenu conformément à l'alinéa a).

4. Sous réserve des règles 5(1)a), (2) et (3), le nombre des députés d'une province moyennement peuplée s'obtient :

a) en divisant le chiffre total des populations des provinces (à l'exclusion du Québec) de moins de un million et demi d'habitants par le nombre total des députés de ces provinces calculé conformément aux règles 3, 5(1)b), (2) et (3);

b) en divisant le chiffre de la population de la province moyennement peuplée par le quotient obtenu conformément à l'alinéa a); et

c) en ajoutant, au nombre des députés de la province moyennement peuplée, la moitié de la différence résultant de la soustraction de ce nombre, rajusté après l'avant-dernier recensement décennal, du quotient obtenu conformément à l'alinéa b).

5. (1) Lors d'un rajustement,

a) la règle 4 ne s'applique pas si aucune province (à l'exclusion du Québec) n'a moins de un million et demi d'habitants; sous réserve des règles 5(2) et (3), le nombre des députés d'une province moyennement peuplée s'obtient alors en divisant

(i) le chiffre total de la population, à l'avant-dernier recensement décennal, des provinces (à l'exclusion du Québec) de un million et demi à deux millions et demi d'habitants, lors de ce recensement, par le nombre total des députés de ces provinces, rajusté après ce recensement, et

(ii) le chiffre de la population de la province par le quotient obtenu conformément au sous-alinéa (i);

b) le nombre des députés de la province (à l'exclusion du Québec)

(i) de moins d'un million et demi d'habitants, ou

(ii) de un million et demi à deux millions et demi d'habitants,

dont la population n'a pas augmenté depuis l'avant-dernier recensement décennal, demeure sous réserve des règles 5(2) et (3), le nombre rajusté après ce recensement.

(2) Lors d'un rajustement,

a) le nombre des députés d'une province ne peut se calculer selon les règles 2 à 5(1) si, par suite de leur application, il devient inférieur à celui d'une province n'ayant pas plus d'habitants; il est alors égal au nombre des députés le plus élevé que peut avoir une province n'ayant pas plus d'habitants;

b) le nombre des députés d'une province ne peut se calculer selon les règles 2 à 5(1)a) si, par suite de leur application, il devient inférieur à celui qu'elle avait après le rajustement consécutif à l'avant-dernier recensement décennal; il demeure alors inchangé;

c) le nombre des députés de la province à laquelle s'appliquent les alinéas a) et b) est égal au plus élevé des nombres calculés conformément à ces alinéas.

(3) Lors d'un rajustement,

a) le nombre des députés d'une province dont le quotient électoral, obtenu en divisant le chiffre de sa population par le nombre de ses députés calculé conformément aux règles 2 à 5(2), est supérieur à celui du Québec s'obtient, par dérogation à ces règles, en divisant le chiffre de sa population par le quotient électoral du Québec;

b) l'alinéa a) cesse de s'appliquer à la province à laquelle, par suite de l'application de la règle 6(2)a), il attribue le même nombre de sièges que les règles 2 à 5(2).

6. (1) Dans les présentes règles,

chiffre de la population désigne le nombre d'habitants calculé d'après les résultats du dernier recensement décennal, sauf indication contraire;

province moyennement peuplée désigne une province (à l'exclusion du Québec) de un million et demi à deux millions et demi d'habitants, dont la population a augmenté depuis l'avant-dernier recensement décennal;

province peu peuplée désigne une province (à l'exclusion du Québec) de moins de un million et demi d'habitants, dont la population a augmenté depuis l'avant-dernier recensement décennal;

province très peuplée désigne une province (à l'exclusion du Québec) de plus de deux millions et demi d'habitants;

quotient électoral désigne le quotient d'une province obtenu en divisant le chiffre de sa population par le nombre de ses députés calculé conformément aux règles 1 à 5(3) et rajusté après le dernier recensement décennal.

(2) Pour l'application des présentes règles,

a) il n'y a pas lieu de tenir compte du reste lors du calcul définitif du nombre des sièges d'une province;

b) le plus récent rajustement postérieur à un recensement décennal est réputé, dès son entrée en vigueur, être le seul rajustement consécutif à ce recensement;

c) le rajustement ne peut prendre effet qu'à la fin du Parlement alors existant.

Le paragraphe 51(1) a été réédité par la Loi constitutionnelle de 1985 (représentation électorale), L.C. 1986, ch. 8, partie I, comme suit :

51 (1) À l'entrée en vigueur du présent paragraphe et, par la suite, à l'issue de chaque recensement décennal, il est procédé à la révision du nombre des députés et de la représentation des provinces à la Chambre des communes selon les pouvoirs conférés et les modalités de temps ou autres fixées en tant que de besoin par le Parlement du Canada, compte tenu des règles suivantes :

Règles

1. Il est attribué à chaque province le nombre de députés résultant de la division du chiffre de sa population par le quotient du chiffre total de la population des provinces et de deux cent soixante-dix-neuf, les résultats dont la partie décimale dépasse 0,50 étant arrondis à l'unité supérieure.

2. Le nombre total des députés d'une province demeure inchangé par rapport à la représentation qu'elle avait à la date d'entrée en vigueur du présent paragraphe si l'application de la règle 1 lui attribue un nombre inférieur à cette représentation.

(28) **Tel qu'édicte par la Loi constitutionnelle de 1999 (Nunavut), L.C. 1998, ch. 15, partie 2. Prendre note que L.R.C. (1985), ch. Y-2 a été remplacé par L.C. 2002, ch. 7 et que la description du territoire du Yukon maintenant se trouve dans l'annexe 1 de ce chapitre 7. Le paragraphe 51(2) a été modifié antérieurement par la Loi constitutionnelle n° 1 de 1975, S.C. 1974-75-76, ch. 28, et était ainsi rédigé :**

(2) Le territoire du Yukon et les territoires du Nord-Ouest, dans les limites et selon la description qu'en donnent l'annexe du chapitre Y-2 et l'article 2 du chapitre N-22 des Statuts révisés du Canada de 1970, ont droit respectivement à un et à deux députés.

(29) **Tel qu'édicte par la Loi constitutionnelle de 1915, 5-6 George V, ch. 45 (R.-U.).**

(30) **Prévu dans la Loi sur les traitements, L.R.C. (1985), ch. S-3.**

(31) **Maintenant prévu, en Ontario, dans la Loi sur le Conseil exécutif, L.R.O. 1990, ch. E.25, et, dans la province de Québec, par la Loi sur l'exécutif, L.R.Q. ch. E-18.**

(32) **Chacun des instruments admettant la Colombie-Britannique, l'Île-du-Prince-Édouard et Terre-Neuve renfermait une disposition de cette nature. Les autorités exécutives du Manitoba, de l'Alberta et de la Saskatchewan furent établies par les lois qui ont créé ces provinces. Voir la note (6) relative à l'article 5, ci-dessus.**

(33) **Voir la note (65) relative à l'article 129, ci-dessous.**

(34) **Périmé. Maintenant prévu dans la Loi de 2005 sur la représentation électorale, L.O. 2005, ch. 35, Annexe 1.**

(35) **La Loi concernant le Conseil législatif, S.Q. 1968, ch. 9, déclare que la Législature du Québec est composée du lieutenant-gouverneur et de l'Assemblée nationale et abroge les dispositions de la Loi de la Législature, S.R.Q. 1964, ch. 6, relatives au Conseil législatif du Québec. Maintenant prévu dans la Loi sur l'Assemblée nationale, L.R.Q. ch. A-23.1. Les articles 72 à 79 sont donc périmés.**

(36) **La Loi concernant les districts électoraux, S.Q. 1970, ch. 7, prévoit la cessation d'effet de cet article.**

(37) **Abrogé par la Loi de 1893 sur la révision du droit statutaire, 56-57 Victoria, ch. 14 (R.-U.). Texte de l'article original :**

81 Les législatures d'Ontario et de Québec, respectivement devront être convoquées dans le cours des six mois qui suivront l'union.

(38) **Probablement périmé. L'objet de cet article est maintenant visé, en Ontario, dans la Loi sur l'assemblée législative, L.R.O. 1990, ch. L-10, et, dans la province de Québec, par la Loi sur l'Assemblée nationale, L.R.Q. ch. A-23.1.**

(39) **Probablement périmé. L'objet de cet article est maintenant visé, en Ontario, dans la Loi électorale, L.R.O. 1990, ch. E.6, et la Loi sur l'Assemblée législative, L.R.O. 1990, ch. L.10; dans la province de Québec, dans la Loi électorale, L.R.Q. ch. E-3.3, et la Loi sur l'Assemblée nationale, L.R.Q. ch. A-23.1.**

- (40) **Le mandat maximal de l'assemblée législative du Québec a été porté à cinq ans. Voir la *Loi sur l'Assemblée nationale*, L.R.Q. ch. A-23.1. Voir également l'article 4 de la *Loi constitutionnelle de 1982* qui prévoit un mandat maximal de cinq ans pour les assemblées législatives mais qui autorise également des prolongations dans des circonstances spéciales.**
- (41) **Voir l'article 5 de la *Loi constitutionnelle de 1982* qui prévoit que chaque législature doit tenir une séance au moins une fois tous les douze mois.**
- (42) **Partiellement abrogé par la *Loi de 1893 sur la révision du droit statutaire*, 56-57 Victoria, ch. 14 (R.-U.). On y a retranché le dernier membre de phrase de la disposition originale :**
- et la chambre d'assemblée du Nouveau-Brunswick en existence lors de la passation de la présente loi devra, à moins qu'elle ne soit plus tôt dissoute, continuer d'exister pendant la période pour laquelle elle a été élue.
- Chacun des instruments admettant la Colombie-Britannique, l'Île-du-Prince-Édouard et Terre-Neuve renfermait une disposition semblable. Les législatures du Manitoba, de l'Alberta et de la Saskatchewan furent établies par les lois qui ont créé ces provinces. Voir la note (6) relative à l'article 5, ci-dessus.**
- Voir également les articles 3 à 5 de la *Loi constitutionnelle de 1982* qui prévoient les droits démocratiques s'appliquant à toutes les provinces et le paragraphe 2(2) de l'annexe de cette loi qui prévoit l'abrogation de l'article 20 de la *Loi de 1870 sur le Manitoba*. L'article 5 de la *Loi constitutionnelle de 1982* remplace l'article 20 de la *Loi de 1870 sur le Manitoba*. Texte de l'article 20 :**
- 20** Il y aura une session de la législature, une fois au moins chaque année, de manière à ce qu'il ne s'écoule pas un intervalle de douze mois entre la dernière séance d'une session de la législature et sa première séance de la session suivante.
- (43) **Abrogé par la *Loi de 1893 sur la révision du droit statutaire*, 56-57 Victoria, ch. 14 (R.-U.). Texte de l'article original :**
- 89** Chacun des lieutenants-gouverneurs d'Ontario, de Québec et de la Nouvelle-Écosse devra faire émettre des brefs pour la première élection des membres de l'assemblée législative, selon telle forme et par telle personne qu'il jugera à propos, et à telle époque et adressés à tel officier-rapporteur que prescrira le gouverneur-général, de manière que la première élection d'un membre de l'assemblée pour un district électoral ou une subdivision de ce district puisse se faire aux mêmes temps et lieux que l'élection d'un membre de la Chambre des Communes du Canada pour ce district électoral.
- (44) **La catégorie 1 a été ajoutée par l'*Acte de l'Amérique du Nord britannique (n° 2)*, 1949, 13 George VI, ch. 81 (R.-U.). Cette loi et la catégorie 1 ont été abrogées par la *Loi constitutionnelle de 1982*. Le paragraphe 4(2) et la partie V de la *Loi constitutionnelle de 1982* prévoient les matières visées dans la catégorie 1. Texte de la catégorie 1 :**
- 1.** La modification, de temps à autre, de la constitution du Canada, sauf en ce qui concerne les matières rentrant dans les catégories de sujets que la présente loi attribue exclusivement aux législatures des provinces, ou en ce qui concerne les droits ou privilèges accordés ou garantis, par la présente loi ou par toute autre loi constitutionnelle, à la législature ou au gouvernement d'une province, ou à quelque catégorie de personnes en matière d'écoles, ou en ce qui regarde l'emploi de l'anglais ou du français, ou les prescriptions portant que le parlement du Canada tiendra au moins une session chaque année et que la durée de chaque chambre des communes sera limitée à cinq années, depuis le jour du rapport des brefs ordonnant l'élection de cette chambre; toutefois, le parlement du Canada peut prolonger la durée d'une chambre des communes en temps de guerre, d'invasion ou d'insurrection, réelles ou appréhendées, si cette prolongation n'est pas l'objet d'une opposition exprimée par les votes de plus du tiers des membres de ladite chambre.
- (45) **La catégorie 1 a été renumérotée 1A par l'*Acte de l'Amérique du Nord britannique (n° 2)*, 1949, 13 George VI, ch. 81 (R.-U.).**
- (46) **Ajouté par la *Loi constitutionnelle de 1940*, 3-4 George VI, ch. 36 (R.-U.).**
- (47) **Les autres lois suivantes ont conféré une autorité législative au Parlement :**
- 1. La *Loi constitutionnelle de 1871*, 34-35 Victoria, ch. 28 (R.-U.) :**
- 2** Le parlement du Canada pourra de temps à autre établir de nouvelles provinces dans aucun des territoires faisant alors partie de la Puissance du Canada, mais non compris dans aucune province de cette Puissance, et il pourra, lors de cet établissement, décréter des dispositions pour la constitution et l'administration de toute telle province et pour la passation de lois concernant la paix, l'ordre et le bon gouvernement de telle province et pour sa représentation dans le dit Parlement.
- 3** Avec le consentement de toute province de la dite Puissance, le Parlement du Canada pourra de temps à autre augmenter, diminuer ou autrement modifier les limites de telle province, à tels termes et conditions qui pourront être acceptés par la dite législature, et il pourra de même avec son consentement établir les dispositions touchant l'effet et l'opération de cette augmentation, diminution ou modification de territoire de toute province qui devra la subir.
- 4** Le Parlement du Canada pourra de temps à autre établir des dispositions concernant la paix, l'ordre et le bon gouvernement de tout territoire ne formant pas alors partie d'une province.
- 5** Les textes suivants passés par le dit Parlement du Canada et respectivement intitulés : « Acte concernant le Gouvernement provisoire de la Terre de Rupert et du Territoire du Nord-Ouest, après que ces territoires auront été unis au Canada, » et « Loi de 1870 sur le Manitoba », seront et sont considérés avoir été valides à toutes fins à toutes dates, au nom de la Reine, ils ont reçu la sanction du Gouverneur Général de la dite Puissance du Canada.
- 6** Excepté tel que prescrit par le troisième article de la présente loi, le Parlement du Canada n'aura pas compétence pour changer les dispositions de la loi en dernier lieu mentionné du dit Parlement en ce qui concerne la province de Manitoba, ni d'aucune autre loi établissant à l'avenir de nouvelles provinces dans la dite Puissance, sujet toujours au droit de la législature de la Province de Manitoba

de changer de temps à autre les dispositions d'aucune loi concernant la qualification des électeurs et des députés à l'Assemblée législative, et de décréter des lois relatives aux élections dans la dite province.

L'Acte de Terre de Rupert, 1868, 31-32 Victoria, ch. 105 (R.-U.), — abrogé par la Loi de 1893 sur la révision du droit statutaire, 56-57 Victoria, ch. 14 (R.-U.) —, avait antérieurement conféré une autorité semblable relativement à la Terre de Rupert et au Territoire du Nord-Ouest lors de l'admission de ces régions.

2. La Loi constitutionnelle de 1886, 49-50 Victoria, ch. 35 (R.-U.) :

1 Le Parlement du Canada pourra, de temps à autre, pourvoir à la représentation au Sénat et à la Chambre des Communes du Canada ou à l'un ou l'autre, de tous territoires formant partie de la Puissance du Canada, mais non compris dans aucune de ses provinces.

3. Le Statut de Westminster de 1931, 22 George V, ch. 4 (R.-U.) :

3 Il est déclaré et statué par les présentes que le Parlement d'un Dominion a le plein pouvoir d'adopter des lois d'une portée extra-territoriale.

4. En vertu de l'article 44 de la Loi constitutionnelle de 1982, le Parlement a compétence exclusive pour modifier les dispositions de la Constitution du Canada relatives au pouvoir exécutif fédéral, au Sénat ou à la Chambre des communes. Les articles 38, 41, 42 et 43 de cette loi autorisent le Sénat et la Chambre des communes à approuver, par des résolutions, certaines autres modifications constitutionnelles.

(48) La catégorie 1 a été abrogée par la Loi constitutionnelle de 1982. Texte de la catégorie 1 :

1. L'amendement de temps à autre, nonobstant toute disposition contraire énoncée dans le présent acte, de la constitution de la province, sauf les dispositions relatives à la charge de lieutenant-gouverneur;

L'article 45 de la Loi constitutionnelle de 1982 autorise désormais une législature à adopter des lois pour modifier la constitution de sa province. Les articles 38, 41, 42 et 43 de cette loi autorisent les assemblées législatives à approuver, par des résolutions, certaines autres modifications de la Constitution du Canada.

(49) Ajouté aux termes de l'article 50 de la Loi constitutionnelle de 1982.

(50) Des solutions de rechange ont été adoptées pour quatre provinces.

Pour le Manitoba, l'article 22 de la Loi de 1870 sur le Manitoba, 33 Victoria, ch. 3, confirmée par la Loi constitutionnelle de 1871, 34-35 Victoria, ch. 28 (R.-U.), a constitué une solution de rechange, lequel article est ainsi rédigé :

22 Dans la province, la législature pourra exclusivement décréter des lois relatives à l'éducation, sujettes et conformes aux dispositions suivantes :

(1) Rien dans ces lois ne devra préjudicier à aucun droit ou privilège conféré, lors de l'Union, par la loi ou par la coutume à aucune classe particulière de personnes dans la province, relativement aux écoles séparées (*denominational schools*).

(2) Il pourra être interjeté appel au gouverneur général en conseil de tout acte ou décision de la législature de la province ou de toute autorité provinciale affectant quelqu'un des droits ou privilèges de la minorité protestante ou catholique romaine de sujets de Sa Majesté relativement à l'éducation.

(3) Dans le cas où il ne serait pas décrété telle loi provinciale que, de temps à autre, le gouverneur général en conseil jugera nécessaire pour donner suite et exécution aux dispositions du présent article — ou dans le cas où quelque décision du gouverneur général en conseil, sur appel interjeté en vertu de cet article, ne serait pas dûment mise à exécution par l'autorité provinciale compétente, — alors et en tout tel cas, et en tant seulement que les circonstances de chaque cas l'exigeront, le Parlement du Canada pourra décréter des lois propres à y remédier pour donner suite et exécution aux dispositions du présent article, ainsi qu'à toute décision rendue par le gouverneur général en conseil pour l'autorité du même article.

Pour l'Alberta, l'article 17 de la Loi sur l'Alberta, 1905, 4-5 Édouard VII, ch. 3, a constitué une solution de rechange, lequel article est ainsi rédigé :

17 L'article 93 de la Loi constitutionnelle de 1867 s'applique à la dite province sauf substitution de l'alinéa suivant à l'alinéa 1 du dit article 93:

« **(1)** Rien dans ces lois ne préjudiciera à aucun droit ou privilège dont jouit aucune classe de personnes en matière d'écoles séparées à la date de la présente loi aux termes des chapitres 29 et 30 des ordonnances des territoires du Nord-Ouest rendues en l'année 1901, ou au sujet de l'instruction religieuse dans toute école publique ou séparée ainsi que prévu dans les dites ordonnances. »

(2) Dans la répartition par la législature ou la distribution par le gouvernement de la province, de tous deniers destinés au soutien des écoles organisées et conduites en conformité du dit chapitre 29 ou de toute loi le modifiant ou le remplaçant, il n'y aura aucune inégalité ou différence de traitement au détriment des écoles d'aucune classe visée au dit chapitre 29.

(3) Là où l'expression *par la loi* est employée au paragraphe 3 du dit article 93, elle sera interprétée comme signifiant la loi telle qu'énoncée aux dits chapitres 29 et 30, et là où l'expression *lors de l'union* est employée au dit paragraphe 3, elle sera tenue pour signifier la date à laquelle la présente loi entre en vigueur.

Pour la Saskatchewan, l'article 17 de la Loi sur la Saskatchewan, 1905, 4-5 Édouard VII, ch. 42, a constitué une solution de rechange, lequel article est ainsi rédigé :

17 L'article 93 de la Loi constitutionnelle de 1867 s'applique à la dite province sauf substitution de l'alinéa suivant à l'alinéa 1 du dit article 93:

« (1) Rien dans ces lois ne préjudiciera à aucun droit ou privilège dont jouit aucune classe de personnes en matière d'écoles séparées à la date de la présente loi aux termes des chapitres 29 et 30 des Ordonnances des territoires du Nord-Ouest rendues en l'année 1901, ou au sujet de l'instruction religieuse dans toute école publique ou séparée ainsi que prévu dans lesdites ordonnances. »

(2) Dans la répartition par la Législature ou la distribution par le gouvernement de la province, de tous deniers destinés au soutien des écoles organisées et conduites en conformité du dit chapitre 29, ou de toute loi le modifiant ou le remplaçant, il n'y aura aucune inégalité ou différence de traitement au détriment des écoles d'aucune classe visée au dit chapitre 29.

(3) Là où l'expression *par la loi* est employée à l'alinéa 3 du dit article 93, elle sera interprétée comme signifiant la loi telle qu'énoncée aux chapitres 29 et 30, et là où l'expression *lors de l'union* est employée au dit alinéa 3, elle sera tenue pour signifier la date à laquelle la présente loi entre en vigueur.

Pour Terre-Neuve, la clause 17 des Conditions de l'union de Terre-Neuve au Canada, qu'a ratifiées la Loi sur Terre-Neuve, 12-13 George VI, ch. 22 (R.-U.), a constitué une solution de rechange. La clause 17 des Conditions de l'union de Terre-Neuve au Canada, présentée dans l'avant-dernier paragraphe de cette note, a été modifiée par la Modification constitutionnelle de 1998 (Loi sur Terre-Neuve) (voir TR/98-25) et la Modification constitutionnelle de 2001 (Terre-Neuve-et-Labrador) (voir TR/2001-117) et se lit présentement comme suit :

17 (1) En ce qui concerne la province de Terre-Neuve-et-Labrador, la présente clause s'applique au lieu de l'article quatre-vingt-treize de la Loi constitutionnelle de 1867.

(2) Dans la province de Terre-Neuve-et-Labrador et pour cette province, la Législature a compétence exclusive pour légiférer en matière d'éducation, mais elle doit prévoir un enseignement religieux qui ne vise pas une religion en particulier.

(3) L'observance d'une religion doit être permise dans une école si les parents le demandent.

Avant la Modification constitutionnelle de 1998 (Loi sur Terre-Neuve), la clause 17 des Conditions de l'union de Terre-Neuve au Canada avait été modifiée par la Modification constitutionnelle de 1997 (Loi sur Terre-Neuve) (voir TR/97-55) pour se lire comme suit :

17 En ce qui concerne la province de Terre-Neuve, le texte qui suit s'applique au lieu de l'article quatre-vingt-treize de la Loi constitutionnelle de 1867.

Dans la province de Terre-Neuve et pour ladite province, la Législature a le pouvoir exclusif d'édicter des lois sur l'enseignement, mais :

a) sauf dans la mesure prévue aux alinéas b) et c), sont confessionnelles les écoles dont la création, le maintien et le fonctionnement sont soutenus par les deniers publics; toute catégorie de personnes jouissant des droits prévus par la présente clause, dans sa version au 1^{er} janvier 1995, conserve le droit d'assurer aux enfants qui y appartiennent l'enseignement religieux, l'exercice d'activités religieuses et la pratique de la religion à l'école; les droits des catégories de personnes qui se sont regroupées par un accord conclu en 1969 pour constituer un système scolaire unifié sont assimilés à ceux dont jouit une catégorie de personnes en application de la présente clause;

b) sous réserve du droit provincial d'application générale prévoyant les conditions de la création ou du fonctionnement des écoles :

(i) toute catégorie de personnes visée à l'alinéa a) a le droit de créer, maintenir et faire fonctionner une école soutenue par les deniers publics,

(ii) la Législature peut approuver la création, le maintien et le fonctionnement d'une école soutenue par les deniers publics, qu'elle soit confessionnelle ou non;

c) toute catégorie de personnes qui exerce le droit prévu au sous-alinéa b)(i) conserve le droit d'assurer l'enseignement religieux, l'exercice d'activités religieuses et la pratique de la religion à l'école ainsi que d'y régir les activités académiques touchant aux croyances religieuses, la politique d'admission des étudiants et l'affectation et le congédiement des professeurs;

d) les écoles visées aux alinéas a) et b) reçoivent leur part des deniers publics conformément aux barèmes fixés par la Législature sur une base exempte de différenciation injuste;

e) si elles le désirent, les catégories de personnes jouissant des droits prévus par la présente clause ont le droit d'élire une proportion d'au moins deux tiers des membres d'un conseil scolaire et une de ces catégories a le droit d'élire le nombre de membres de cette proportion qui correspond au pourcentage de la population qu'elle représente dans le territoire qui est du ressort du conseil.

Avant la Modification constitutionnelle de 1997 (Loi sur Terre-Neuve), la clause 17 des Conditions de l'union de Terre-Neuve au Canada avait été modifiée par la Modification constitutionnelle de 1987 (Loi sur Terre-Neuve) (voir TR/88-11) pour se lire comme suit :

17 (1) En ce qui concerne la province de Terre-Neuve, la clause suivante devra s'appliquer au lieu de l'article quatre-vingt-treize de la Loi constitutionnelle de 1867:

Dans la province de Terre-Neuve et pour ladite province, la Législature aura le pouvoir exclusif d'édicter des lois sur l'enseignement, mais la Législature n'aura pas le pouvoir d'adopter des lois portant atteinte aux droits ou privilèges que la loi, à la date de l'Union, conférerait dans Terre-Neuve à une ou plusieurs catégories de personnes relativement aux écoles confessionnelles, aux écoles communes (fusionnées) ou aux collèges confessionnels et, à même les deniers publics de la province de Terre-Neuve affectés à l'enseignement,

a) toutes semblables écoles recevront leur part desdits deniers conformément aux barèmes établis à l'occasion par la Législature, sur une base exempte de différenciation injuste, pour les écoles fonctionnant alors sous l'autorité de la Législature; et

b) tous semblables collèges recevront leur part de toute subvention votée à l'occasion pour les collèges fonctionnant alors sous l'autorité de la Législature, laquelle subvention devra être distribuée sur une base exempte de différenciation injuste.

(2) Pour l'application du paragraphe un de la présente clause, les Pentecostal Assemblies of Newfoundland ont, à Terre-Neuve, tous les mêmes droits et privilèges à l'égard des écoles confessionnelles et des collèges confessionnels que ceux détenus de droit à Terre-Neuve lors de l'union par toute autre catégorie de personnes; les expressions *toutes semblables écoles* et *tous semblables*

collèges, à l'alinéa a) et b) de la présente clause, visent dès lors respectivement les écoles et les collèges des Pentecostal Assemblies of Newfoundland.

La clause 17 des Conditions de l'union de Terre-Neuve au Canada, qu'a ratifiées la Loi sur Terre-Neuve, 12-13 George VI, ch. 22 (R.-U.), laquelle clause a constitué une solution de rechange pour Terre-Neuve, se lisait comme suit à l'origine :

17 En ce qui concerne la province de Terre-Neuve, la clause suivante devra s'appliquer au lieu de l'article quatre-vingt-treize de la *Loi constitutionnelle de 1867* :

Dans la province de Terre-Neuve et pour ladite province, la Législature aura le pouvoir exclusif d'édicter des lois sur l'enseignement, mais la Législature n'aura pas le pouvoir d'adopter des lois portant atteinte aux droits ou privilèges que la loi, à la date de l'Union, conférait dans Terre-Neuve à une ou plusieurs catégories de personnes relativement aux écoles confessionnelles, aux écoles communes (fusionnées) ou aux collèges confessionnels et, à même les deniers publics de la province de Terre-Neuve affectés à l'enseignement,

a) toutes semblables écoles recevront leur part desdits deniers conformément aux barèmes établis à l'occasion par la Législature, sur une base exempte de différenciation injuste, pour les écoles fonctionnant alors sous l'autorité de la Législature; et

b) tous semblables collèges recevront leur part de toute subvention votée à l'occasion pour les collèges fonctionnant alors sous l'autorité de la Législature, laquelle subvention devra être distribuée sur une base exempte de différenciation injuste.

Voir également les articles 23, 29 et 59 de la Loi constitutionnelle de 1982. L'article 23 prévoit des nouveaux droits à l'instruction dans la langue de la minorité et l'article 59 accorde un délai pour l'entrée en vigueur au Québec d'un aspect de ces droits. L'article 29 prévoit que les dispositions de la Charte canadienne des droits et libertés ne portent pas atteinte aux droits ou privilèges garantis en vertu de la Constitution du Canada concernant les écoles séparées et autres écoles confessionnelles.

(51) Ajouté par la *Modification constitutionnelle de 1997 (Québec)* (voir TR/97-141).

(52) Modifié par la *Loi constitutionnelle de 1964*, 12-13 Elizabeth II, ch. 73 (R.-U.). Originellement édicté par *L'Acte de l'Amérique du Nord britannique, 1951*, 14-15 George VI, ch. 32 (R.-U.), l'article 94A se lisait comme suit :

94A Il est déclaré, par les présentes, que le Parlement du Canada peut, à l'occasion, légiférer sur les pensions de vieillesse au Canada, mais aucune loi édictée par le Parlement du Canada à l'égard des pensions de vieillesse ne doit atteindre l'application de quelque loi présente ou future d'une législature provinciale relativement aux pensions de vieillesse.

(53) Modifié par la *Loi constitutionnelle de 1960*, 9 Elizabeth II, ch. 2 (R.-U.), en vigueur le 1^{er} mars 1961. Texte de l'article original :

99 Les juges des cours supérieures resteront en charge durant bonne conduite, mais ils pourront être démis de leurs fonctions par le gouverneur-général sur une adresse du Sénat et de la Chambre des Communes.

(54) Voir la *Loi sur les juges*, L.R.C. (1985), ch. J-1.

(55) Voir la *Loi sur la Cour suprême*, L.R.C. (1985), ch. S-26, la *Loi sur les Cours fédérales*, L.R.C. (1985), ch. F-7, et la *Loi sur la Cour canadienne de l'impôt*, L.R.C. (1985), ch. T-2.

(56) Maintenant visé par la *Loi sur le gouverneur général*, L.R.C. (1985), ch. G-9.

(57) La *Loi constitutionnelle de 1930*, 20-21 George V, ch. 26 (R.-U.), a placé le Manitoba, l'Alberta et la Saskatchewan dans la même situation que les provinces originaires.

Pour la Colombie-Britannique, voir les *Conditions de l'adhésion de la Colombie-Britannique* et la *Loi constitutionnelle de 1930*.

Terre-Neuve a été placée dans la même situation par la *Loi sur Terre-Neuve*, 12-13 George VI, ch. 22 (R.-U.).

Quant à l'Île-du-Prince-Édouard, voir l'annexe aux *Conditions de l'adhésion de l'Île-du-Prince-Édouard*.

(58) Les obligations imposées par les articles 114, 115 et 116, ainsi que les obligations du même genre prévues par les instruments créant ou admettant d'autres provinces, se trouvent actuellement dans la *Loi sur les subventions aux provinces*, L.R.C. (1985), ch. P-26.

(59) Abrogé par la *Loi de 1950 sur la révision du droit statutaire*, 14 George VI, ch. 6 (R.-U.).

Texte de l'article original :

118 Les sommes suivantes seront annuellement payées par le Canada aux diverses provinces pour le maintien de leurs gouvernements et législatures :

Ontario.....	\$80,000
Québec.....	70,000
Nouvelle-Écosse.....	60,000
Nouveau-Brunswick.....	50,000

Total..... \$260,000

Et chaque province aura droit à une subvention annuelle de quatre-vingts centins par chaque tête de la population, constatée par le recensement de mil huit cent soixante-et-un, et — en ce qui concerne la Nouvelle-Écosse et le Nouveau-Brunswick — par chaque recensement décennal subséquent, jusqu'à ce que la population de chacune de ces deux provinces s'élève à quatre cent mille âmes, chiffre auquel la subvention demeurera dès lors fixée. Ces subventions libéreront à toujours le Canada de toutes autres réclamations, et elles seront payées semi-annuellement et d'avance à chaque province; mais le gouvernement du Canada déduira de ces subventions, à l'égard de chaque province, toutes sommes d'argent exigibles comme intérêt sur la dette publique de cette province si elle excède les divers montants stipulés dans le présent acte.

L'article était devenu désuet en raison de la *Loi constitutionnelle de 1907*, 7 Édouard VII, ch. 11 (R.-U.), laquelle déclarait :

1 (1) Les sommes ci-dessous mentionnées seront payées annuellement par le Canada à chaque province qui au commencement de la présente loi est une province du Dominion, pour ses fins locales, et pour le soutien de son gouvernement et de sa législature :

a) Un subside fixe

si la population de la province est de moins de cent cinquante mille, de cent mille dollars;

si la population de la province est de cent cinquante mille, mais ne dépasse pas deux cent mille, de cent cinquante mille dollars;

si la population de la province est de deux cent mille mais ne dépasse pas quatre cent mille, de cent quatre-vingt mille dollars;

si la population de la province est de quatre cent mille mais ne dépasse pas huit cent mille, de cent quatre-vingt-dix mille dollars;

si la population de la province est de huit cent mille, mais ne dépasse pas un million cinq cent mille, de deux cent vingt mille dollars;

si la population de la province dépasse un million cinq cent mille, de deux cent quarante mille dollars;

b) Subordonnement aux dispositions spéciales de la présente loi touchant les provinces de la Colombie-Britannique et de l'Île-du-Prince-Édouard, un subside au taux de quatre-vingts centins par tête de la population de la province jusqu'à deux millions cinq cent mille, et au taux de soixante centins par tête de la population qui dépasse ce nombre.

(2) Un subside additionnel de cent mille dollars sera payé annuellement à la province de la Colombie-Britannique durant dix ans à compter du commencement de la présente loi.

(3) La population d'une province sera constatée de temps à autre dans le cas des provinces du Manitoba, de la Saskatchewan et de l'Alberta respectivement, d'après le dernier recensement quinquennal ou estimation statutaire de la population faite en vertu des lois constitutives de ces provinces ou de toute autre loi du Parlement du Canada statuant à cet effet, et dans le cas de toute autre province par le dernier recensement décennal pour le temps d'alors.

(4) Les subsides payables en vertu de la présente loi seront versés semi-annuellement à l'avance à chaque province.

(5) Les subsides payables en vertu de la présente loi seront substitués aux subsides (désignés subsides actuels dans la présente loi) payables pour les mêmes fins lors de la mise en force de la présente loi aux diverses provinces du Dominion en vertu des dispositions de l'article cent dix-huit de la *Loi constitutionnelle de 1867*, ou de tout arrêté en conseil constituant une province ou de toute loi du Parlement du Canada, contenant des instructions pour le paiement de tout tel subside, et les susdites dispositions cesseront leur effet.

(6) Le gouvernement du Canada aura le même pouvoir de déduire de ces subsides les sommes imputées sur une province à compte de l'intérêt sur la dette publique dans le cas du subside payable en vertu de la présente loi à la province, qu'il a dans le cas du subside actuel.

(7) Rien de contenu dans la présente loi n'invalidera l'obligation du Canada de payer à une province tout subside qui est payable à cette province, autre que le subside actuel auquel est substitué le présent subside.

(8) Dans le cas des provinces de la Colombie-Britannique et de l'Île-du-Prince-Édouard, le montant payé à compte du subside payable par tête de la population aux provinces en vertu de la présente loi, ne sera jamais moindre que le montant du subside correspondant payable au commencement de la présente loi; et s'il est constaté lors de tout recensement décennal que la population de la province a diminué depuis le dernier recensement décennal, le montant payé à compte du subside ne sera pas diminué au-dessous du montant alors payable, nonobstant la diminution de la population.

Voir la *Loi sur les subventions aux provinces*, L.R.C. (1985), ch. P-26, et la *Loi sur les arrangements fiscaux entre le gouvernement fédéral et les provinces*, L.R.C. (1985), ch. F-8.

Voir également la partie III de la *Loi constitutionnelle de 1982* qui énonce les engagements du Parlement et des législatures des provinces relatifs à l'égalité des chances, au développement économique et aux services publics essentiels ainsi que l'engagement de principe du Parlement et du gouvernement du Canada de faire des paiements de péréquation.

(60) Péréqué.

(61) Péréqué. Maintenant visé par la *Loi sur les douanes*, L.R.C. (1985), ch. 1 (2^e suppl.), le *Tarif des douanes*, L.C. 1997, ch. 36, la *Loi sur l'accise*, L.R.C. (1985), ch. E-14, la *Loi de 2001 sur l'accise*, L.C. 2002, ch. 22, et la *Loi sur la taxe d'accise*, L.R.C. (1985), ch. E-15.

(62) Péréqué.

(63) Ces droits ont été abrogés en 1873 par le ch. 16 de 36 Victoria (N.-B.). Consulter aussi l'*Acte concernant les droits d'exportation imposés sur les bois de construction par la Législature de la Province du Nouveau-Brunswick*.

wick, 36 Victoria, ch. 41 (Canada), et l'article 2 de la *Loi sur les subventions aux provinces*, L.R.C. (1985), ch. P-26.

- (64) **Abrogé par la *Loi de 1893 sur la revision du droit statutaire*, 56-57 Victoria, ch. 14 (R.-U.). Texte de l'article original :**
- 127** Quiconque étant, lors de la passation du présent acte, membre du conseil législatif du Canada, de la Nouvelle-Écosse ou du Nouveau-Brunswick, et auquel un siège dans le Sénat sera offert, ne l'acceptera pas dans les trente jours, par écrit revêtu de son seing et adressé au gouverneur-général de la province du Canada ou au lieutenant-gouverneur de la Nouvelle-Écosse ou du Nouveau-Brunswick (selon le cas), sera censé l'avoir refusé; et quiconque étant, lors de la passation du présent acte, membre du conseil législatif de la Nouvelle-Écosse ou du Nouveau-Brunswick, et acceptera un siège dans le Sénat, perdra par le fait même son siège à ce conseil législatif.
- (65) **Le *Statut de Westminster de 1931*, 22 George V, ch. 4 (R.-U.), a supprimé la restriction frappant la modification ou l'abrogation de lois édictées par le Royaume-Uni ou existant sous l'autorité des lois de celui-ci, sauf à l'égard de certains documents constitutionnels. La partie V de la *Loi constitutionnelle de 1982* prévoit la procédure de modification de la Constitution du Canada.**
- (66) **Périmé.**
- (67) **Une disposition semblable a été édictée pour le Manitoba par l'article 23 de la *Loi de 1870 sur le Manitoba*, 33 Victoria, ch. 3 (confirmée par la *Loi constitutionnelle de 1871*, 34-35 Victoria, ch. 28 (R.-U.)). Texte de l'article 23 de la *Loi de 1870 sur le Manitoba* :**
- 23** L'usage de la langue française ou de la langue anglaise sera facultatif dans les débats des Chambres de la législature; mais dans la rédaction des archives, procès-verbaux et journaux respectifs de ces chambres, l'usage de ces deux langues sera obligatoire; et dans toute plaidoirie ou pièce de procédure par devant les tribunaux ou émanant des tribunaux du Canada, qui sont établis sous l'autorité de la *Loi constitutionnelle de 1867*, et par devant tous les tribunaux ou émanant des tribunaux de la province, il pourra être également fait usage à faculté, de l'une ou l'autre de ces langues. Les lois de la législature seront imprimées et publiées dans ces deux langues.
- Les articles 17 à 19 de la *Loi constitutionnelle de 1982* énoncent de nouveau les droits linguistiques que prévoit l'article 133 à l'égard du Parlement et des tribunaux qui sont établis en vertu de la *Loi constitutionnelle de 1867* et garantissent également ces droits à l'égard de la législature du Nouveau-Brunswick et des tribunaux de cette province.**
- Les articles 16, 20, 21 et 23 de la *Loi constitutionnelle de 1982* reconnaissent des droits linguistiques additionnels concernant la langue française et la langue anglaise; l'article 22 préserve les droits linguistiques et les privilèges des langues autres que le français et l'anglais.**
- (68) **Périmé. Ces dispositions sont maintenant prévues, en Ontario, par la *Loi sur le Conseil exécutif*, L.R.O. 1990, ch. E.25 et, au Québec, par la *Loi sur l'exécutif*, L.R.Q. ch. E-18.**
- (69) **Probablement périmé.**
- (70) **Probablement périmé.**
- (71) **Probablement périmé.**
- (72) **Périmé. La *Loi sur le système correctionnel et la mise en liberté sous condition*, L.C. 1992, ch. 20, est maintenant applicable.**
- (73) **Périmé. Voir les pages (xi) et (xii) des Comptes publics de 1902-1903.**
- (74) **Probablement périmé. Deux arrêtés prévus par cet article ont été pris le 24 janvier 1868.**
- (75) **Abrogé par la *Loi de 1893 sur la revision du droit statutaire*, 56-57 Victoria, ch. 14 (R.-U.). L'article prévoyait ce qui suit :**
- 145** Considérant que les provinces du Canada, de la Nouvelle-Écosse et du Nouveau-Brunswick ont, par une commune déclaration, exposé que la construction du chemin de fer intercolonial était essentielle à la consolidation de l'union de l'Amérique du Nord britannique, et à son acceptation par la Nouvelle-Écosse et le Nouveau-Brunswick, et qu'elles ont en conséquence arrêté que le gouvernement du Canada devait l'entreprendre sans délai : à ces causes, pour donner suite à cette convention, le gouvernement et le parlement du Canada seront tenus de commencer, dans les six mois qui suivront l'union, les travaux de construction d'un chemin de fer reliant le fleuve St. Laurent à la cité d'Halifax dans la Nouvelle-Écosse et de les terminer sans interruption et avec toute la diligence possible.
- (76) **Tous les territoires mentionnés à l'article 146 font actuellement partie du Canada. Voir la note (6) relative à l'article 5, ci-dessus.**
- (77) **Périmé. Voir les notes (11), (12), (15), (16) et (17) relatives aux articles 21, 22, 26, 27 et 28, ci-dessus.**
- (78) **Périmé. Voir la *Loi sur la représentation électorale*, L.R.O. 1990, ch. R.26.**
- (79) **Ajouté aux termes de l'article 51 de la *Loi constitutionnelle de 1982*.**
- (80) **Édictée comme l'annexe A de la *Loi de 1982 sur le Canada*, 1982, ch. 11 (R.-U.).**
- (81) **Édictée comme l'annexe B de la *Loi de 1982 sur le Canada*, 1982, ch. 11 (R.-U.), entrée en vigueur le 17 avril 1982.**

- (82) Voir l'article 50 de la *Loi constitutionnelle de 1867* et les notes (40) et (42) relatives aux articles 85 et 88 de cette loi.
- (83) Remplace en partie la catégorie 1 de l'article 91 de la *Loi constitutionnelle de 1867*, qui a été abrogée comme l'indique le paragraphe 1(3) de l'annexe de la *Loi constitutionnelle de 1982*.
- (84) Voir les notes (10), (41) et (42) relatives aux articles 20, 86 et 88 de la *Loi constitutionnelle de 1867*.
- (85) Le paragraphe 32(2) stipule que l'article 15 n'a d'effet que trois ans après l'entrée en vigueur de l'article 32. L'article 32 est en vigueur depuis le 17 avril 1982; par conséquent, l'article 15 a pris effet le 17 avril 1985.
- (86) L'article 16.1 a été ajouté aux termes de la *Modification constitutionnelle de 1993 (Nouveau-Brunswick)* (voir TR/93-54).
- (87) Voir l'article 133 de la *Loi constitutionnelle de 1867* et la note (67) relative à cet article.
- (88) *Ibid.*
- (89) *Ibid.*
- (90) *Ibid.*
- (91) *Ibid.*
- (92) *Ibid.*
- (93) Voir par exemple l'article 133 de la *Loi constitutionnelle de 1867* et le renvoi à la *Loi de 1870 sur le Manitoba* dans la note (67) relative à cet article.
- (94) L'alinéa 23(1)a n'est pas en vigueur pour le Québec. Voir l'article 59, ci-dessus.
- (95) L'alinéa 25b) a été abrogé et remplacé aux termes de la *Proclamation de 1983 modifiant la Constitution* (voir TR/84-102). Texte original de l'alinéa 25b) :
- b) aux droits ou libertés acquis par règlement de revendications territoriales.
- (96) Voir l'article 93 de la *Loi constitutionnelle de 1867* et la note (50) relative à cet article.
- (97) Les paragraphes 35(3) et (4) ont été ajoutés aux termes de la *Proclamation de 1983 modifiant la Constitution* (voir TR/84-102).
- (98) L'article 35.1 a été ajouté aux termes de la *Proclamation de 1983 modifiant la Constitution* (voir TR/84-102).
- (99) Voir les notes (58) et (59) relatives aux articles 114 et 118 de la *Loi constitutionnelle de 1867*.
- (100) L'article 54 de la *Loi constitutionnelle de 1982* prévoyait l'abrogation de la partie IV (article 37) un an après l'entrée en vigueur de la partie VII. La partie VII est entrée en vigueur le 17 avril 1982 abrogeant la partie IV le 17 avril 1983. Texte de l'article 37 :
- 37 (1)** Dans l'année suivant l'entrée en vigueur de la présente partie, le premier ministre du Canada convoque une conférence constitutionnelle réunissant les premiers ministres provinciaux et lui-même.
- (2)** Sont placées à l'ordre du jour de la conférence visée au paragraphe (1) les questions constitutionnelles qui intéressent directement les peuples autochtones du Canada, notamment la détermination et la définition des droits de ces peuples à inscrire dans la Constitution du Canada. Le premier ministre du Canada invite leurs représentants à participer aux travaux relatifs à ces questions.
- (3)** Le premier ministre du Canada invite des représentants élus des gouvernements du territoire du Yukon et des territoires du Nord-Ouest à participer aux travaux relatifs à toute question placée à l'ordre du jour de la conférence visée au paragraphe (1) et qui, selon lui, intéresse directement le territoire du Yukon et les territoires du Nord-Ouest.
- (101) L'article 54.1 de la *Loi constitutionnelle de 1982* prévoyait l'abrogation de la partie IV.1 (article 37.1) le 18 avril 1987. La partie IV.1 avait été ajoutée par la *Proclamation de 1983 modifiant la Constitution* (voir TR/84-102). Texte de l'article 37.1 :
- 37.1 (1)** En sus de la conférence convoquée en mars 1983, le premier ministre du Canada convoque au moins deux conférences constitutionnelles réunissant les premiers ministres provinciaux et lui-même, la première dans les trois ans et la seconde dans les cinq ans suivant le 17 avril 1982.
- (2)** Sont placées à l'ordre du jour de chacune des conférences visées au paragraphe (1) les questions constitutionnelles qui intéressent directement les peuples autochtones du Canada. Le premier ministre du Canada invite leurs représentants à participer aux travaux relatifs à ces questions.
- (3)** Le premier ministre du Canada invite des représentants élus des gouvernements du territoire du Yukon et des territoires du Nord-Ouest à participer aux travaux relatifs à toute question placée à l'ordre du jour des conférences visées au paragraphe (1) et qui, selon lui, intéresse directement le territoire du Yukon et les territoires du Nord-Ouest.
- (4)** Le présent article n'a pas pour effet de déroger au paragraphe 35(1).
- (102) Avant l'adoption de la partie V, certaines dispositions de la Constitution du Canada et des constitutions des provinces pouvaient être modifiées en vertu de la *Loi constitutionnelle de 1867*. Voir les notes (44) et (48)

relatives à la catégorie 1 de l'article 91 et à la catégorie 1 de l'article 92 de cette loi, respectivement. Seul le Parlement du Royaume-Uni pouvait apporter des modifications aux autres dispositions de la Constitution.

- (103) Le premier ministre a tenu une conférence des premiers ministres les 20 et 21 juin 1996.
- (104) Pour le texte de cette modification voir l'article 92A de la *Loi constitutionnelle de 1867*.
- (105) Pour le texte de cette modification voir la sixième annexe de la *Loi constitutionnelle de 1867*.
- (106) La partie VII est entrée en vigueur le 17 avril 1982 (voir TR/82-97).
- (107) L'article 54.1, ajouté par la *Proclamation de 1983 modifiant la Constitution* (voir TR/84-102), prévoyait l'abrogation de la partie IV.I et de l'article 54.1 le 18 avril 1987. Texte de l'article 54.1 :
- 54.1 La partie IV.1 et le présent article sont abrogés le 18 avril 1987.
- (108) Le comité de rédaction constitutionnelle française a été créé en 1984 pour assister le ministre dans cette mission. Le comité a déposé son rapport définitif au Parlement en décembre 1990.
- (109) La loi, à l'exception de l'alinéa 23(1)a pour le Québec, est entrée en vigueur le 17 avril 1982 par proclamation de la Reine (voir TR/82-97).
- (110) Aucune proclamation n'a été prise en vertu de l'article 59.
- (111) L'article 61 a été ajouté par la *Proclamation de 1983 modifiant la Constitution* (voir TR/84-102). Voir aussi l'article 3 de la *Loi constitutionnelle de 1985 (représentation électorale)*, L.C. 1986, ch. 8, partie I, et la *Modification constitutionnelle de 1987 (Loi sur Terre-Neuve)* (voir TR/88-11).

Police Act

CHAPTER 31 OF THE ACTS OF 2004

as amended by

2007, c. 10, s. 5; 2010, c. 12, s. 2; 2010, c. 68; 2011, c. 69;
2014, cc. 25, 55, 56



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CHAPTER 31 OF THE ACTS OF 2004
 amended 2007, c. 10, s. 5; 2010, c. 12, s. 2; 2010, c. 68; 2011, c. 69;
 2014, cc. 25, 55, 56

**An Act Respecting
 Policing in Nova Scotia**

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Short title

1 This Act may be cited as the *Police Act*. 2004, c. 31, s. 1.

Interpretation

2 In this Act,

(a) “advisory board” means a police advisory board established pursuant to Section 57;

(aa) “agency” means the Provincial Police, the Royal Canadian Mounted Police, a municipal police department or another police department;

(b) “board” means a municipal board of police commissioners and includes a joint board;

(c) “chief officer” means the chief of police of a police department and includes an officer acting as chief of police;

(d) “complaint” means any communication received from a member of the public in writing, or given orally to the chief officer or the chief officer’s delegate and reduced to writing and signed by the complainant, that alleges that a member of a department breached the code of conduct or alleges the failure of the department itself to meet public expectations;

(e) “Complaints Commissioner” means the Nova Scotia Police Complaints Commissioner appointed pursuant to this Act;

(f) “council” means the council of a municipality;

(g) “department” means, when used in reference to police, the necessary personnel, equipment, furnishings, vehicles and facilities;

(ga) “Director” means the Nova Scotia Civilian Director appointed under this Act;

(h) “Minister” means the Minister of Justice;

(i) “municipality” means a municipality as defined in the *Municipal Government Act*;

(j) “Provincial Police” means the Nova Scotia Provincial Police;

(k) “Review Board” means the Nova Scotia Police Review Board established pursuant to this Act;

(l) “serious incident” means a death, serious injury or sexual assault or any matter that is determined under this Act to be in the public interest to be investigated;

(m) “Serious Incident Response Team” means the team established by this Act and includes the Director and investigators and other staff appointed to the Team. 2004, c. 31, s. 2; 2010, c. 68, s. 1; 2014, c. 25, s. 1.

MINISTER OF JUSTICE

Administration of justice

3 The Minister is the constituted authority for the administration of justice within the Province and nothing contained in this Act shall be construed to change or alter this responsibility. 2004, c. 31, s. 3.

2004, c. 31

police

5

Supervision and management of Act

4 The Minister has the general supervision and management of this Act and the regulations. 2004, c. 31, s. 4.

Duties of Minister

5 (1) The Minister shall ensure that an adequate and effective level of policing is maintained throughout the Province.

(1A) The Minister shall approve uniform training programs and guidelines for police officers who work with individuals with mental disabilities.

(2) The Minister shall promote the preservation of peace, the prevention of crime, the efficiency of police services and the improvement of police relationships with communities within the Province.

(3) For the purpose of subsections (1), (1A) and (2), the Minister may

(a) issue a directive or a standard operating or administrative procedure to a police department or to the Serious Incident Response Team;

(b) require a police department, board or advisory board or the Serious Incident Response Team to develop a directive or a standard operating or administrative procedure.

(3A) Where the Minister issues a directive or a standard operating or administrative procedure under subsection (3), the police department or the Serious Incident Response Team, as the case may be, shall comply with it.

(4) The Minister may

(a) exempt, by regulation, any part of the Province from the operation of all or any provision of this Act or the regulations; and

(b) make any arrangements, regulations or agreements the Minister considers proper for the policing of that part of the Province exempted pursuant to clause (a).

(5) The exercise by the Minister of the authority contained in subsection (4) is regulations within the meaning of the *Regulations Act*. 2004, c. 31, s. 5; 2010, c. 12, s. 2; 2010, c. 68, s. 2.

Powers of Minister

6 The Minister may

(a) liaise, consult and co-operate with any similar body in Canada to encourage uniformity in procedures, proceedings, standards and any other matters relating to police services;

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- (b) establish and maintain a central information and statistics service and a system of research studies for the purpose of aiding police departments in the Province;
- (c) consult with and advise boards, advisory boards, employers of special constables and other police authorities and chief officers on all matters relating to police and police matters;
- (d) provide to boards, advisory boards and other police authorities and chief officers information and advice respecting the management and operation of police departments, techniques in handling special problems, training and other information the Minister considers to be of assistance;
- (e) determine the adequacy and effectiveness of police services provided in a municipality through a system of audits, reviews and inspections and any other means the Minister determines to be appropriate;
- (f) assist in co-ordinating the work and efforts of police departments in the Province;
- (g) develop, approve or deliver police training;
- (h) assist in the development of police education at the post-secondary school level;
- (i) establish programs and methods designed to create between the public and the police a mutual understanding of police functions, duties and responsibilities and to promote police relationships with the news media and the community. 2004, c. 31, s. 6.

Minister may order investigation into policing

7 (1) Notwithstanding anything contained in this Act, the Minister may order an investigation into any matter relating to policing and law enforcement in the Province, including an investigation respecting the operation and administration of a police department.

(2) An investigation pursuant to subsection (1) shall be conducted by such person and in such manner as the Minister may specify in the order and that person shall provide the Minister with

- (a) a written report; and
- (b) recommendations, where appropriate,

within the time frame specified by the Minister.

(3) The Minister may appoint a person with technical or other specialized knowledge to assist the person conducting an investigation pursuant to subsection (1).

(4) Upon receipt of a report pursuant to subsection (2), the Minister may take whatever action the Minister considers appropriate to implement any recommendations provided pursuant to clause (2)(b).

(5) A person conducting an investigation authorized by this Section has all of the powers and immunities of a peace officer during the investigation and any proceedings relating to the matter under investigation. 2004, c. 31, s. 7.

Minister may direct municipal department members

8 (1) The Minister may, at any time, direct a member of a municipal police department to serve in any part of the Province outside the boundaries of the area for which the member has been appointed.

(2) A municipality shall be reimbursed by the Minister for the reasonable costs incurred by the municipality as a result of the direction under subsection (1), including the salary and expenses of any member of the police department serving outside the municipality.

(3) The municipality in which a member of a police department is serving at the direction of the Minister shall reimburse the Minister for the costs incurred by the Minister pursuant to subsection (2) and such costs are a debt due by the municipality to the Province and may be recovered by the Minister with costs by action in any court of competent jurisdiction or may be deducted from any grant payable out of Provincial funds to the municipality. 2004, c. 31, s. 8.

Minister may assume administration in a municipality

9 (1) The Minister may assume the direction of police administration within a municipality or remove the investigation of a crime from a municipality.

(2) Where the Minister assumes the direction of police administration within a municipality or removes the investigation of a crime from a municipality pursuant to subsection (1), the Minister shall notify, either verbally or in writing, the chief officer and the chair of the board, where there is one, or, where none, the mayor or warden of the municipality involved.

(3) Where the Minister removes the investigation of a crime from a municipality, the municipal police department shall provide all possible assistance to and carry out the orders of the agency charged by the Minister with the investigation of the crime including delivering, upon request, all warrants, papers, exhibits, photographs and other information or records in its possession or under its control dealing with the crime that is the subject of the investigation.

(4) Where the Minister removes the investigation of a crime from a municipality, the Minister may assign that investigation to an agency. 2004, c. 31, s. 9; 2014, c. 55, s. 1.

Facilities and assistance for Complaints Commissioner and Review Board

10 The Minister shall provide facilities and any clerical or other assistance required by the Complaints Commissioner and the Review Board and the

Complaints Commissioner may appoint a person to act as executive officer. 2004, c. 31, s. 10.

NOVA SCOTIA POLICE COMPLAINTS COMMISSIONER

Nova Scotia Police Complaints Commissioner

11 (1) The Governor in Council shall appoint a person to be the Nova Scotia Police Complaints Commissioner.

(2) The Complaints Commissioner holds office for a term not exceeding three years and may be re-appointed.

(3) The Complaints Commissioner shall be paid such salary or remuneration and be entitled to the necessary expenses as determined by the Governor in Council. 2004, c. 31, s. 11.

Duties of Commissioner

12 (1) The Complaints Commissioner shall

(a) attempt to resolve complaints referred to the Complaints Commissioner under this Act; and

(b) perform the duties assigned to the Complaints Commissioner by this Act, the regulations, the Minister or the Governor in Council.

(2) The Complaints Commissioner is a member of the Review Board.

(3) For greater certainty, the Complaints Commissioner shall not sit as a member of a panel of the Review Board conducting a hearing into a complaint that has been dealt with by the Complaints Commissioner under this Act. 2004, c. 31, s. 12; 2014, c. 56, s. 1.

NOVA SCOTIA POLICE REVIEW BOARD

Nova Scotia Police Review Board

13 (1) There is hereby established a board to be known as the Nova Scotia Police Review Board composed of not fewer than three persons appointed by the Governor in Council.

(2) The Governor in Council shall designate one of the members of the Review Board to be the Chair of the Review Board and another to be the Vice-chair of the Review Board.

(3) Notwithstanding subsection (2), the Governor in Council may designate two members of the Review Board to be co-chairs of the Review Board.

(4) Each person appointed as a member of the Review Board holds office for a term not exceeding three years and may be re-appointed.

(5) The Chair or a co-chair of the Review Board, as the case may be, must hold a bachelor's degree in law or a degree that the Governor in Council determines to be equivalent. 2004, c. 31, s. 13; 2014, c. 56, s. 2.

Oath of office

14 Each member of the Review Board shall take an oath of office or affirmation as prescribed by regulation. 2004, c. 31, s. 14.

Remuneration and expenses

15 Members of the Review Board shall be paid the necessary expenses incurred by them while engaged in their duties and such salary or remuneration as the Governor in Council determines. 2004, c. 31, s. 15.

Head office

16 The head office of the Review Board shall be at such place in the Province as may be designated from time to time by the Governor in Council. 2004, c. 31, s. 16.

Execution and judicial notice of documents

17 All orders, consents, certificates and other documents issued or made by the Review Board shall be signed by the Chair or any member of the Review Board and, where purporting to be so signed, shall be judicially noticed without further proof. 2004, c. 31, s. 17.

Functions and duties of Review Board

18 The Review Board shall perform the functions and duties assigned to it by this Act, the regulations, the Minister or the Governor in Council and, without limiting the generality of the foregoing, the Review Board shall

- (a) conduct investigations and inquiries in accordance with this Act; and
- (b) conduct hearings into complaints referred to it by the Complaints Commissioner in accordance with this Act or the regulations. 2004, c. 31, s. 18.

Minister may direct Review Board

19 (1) The Minister may direct the Review Board to investigate, inquire into and report to the Minister upon any matter relating to

- (a) the extent, investigation or control of crime;
- (b) the enforcement of law;

(c) the operation and administration of a police department,

and the Minister shall define the scope of the inquiry in the direction.

(2) At the request of the majority of the members of a board or a council, the Minister may direct the Review Board to inquire into and report to the Minister upon any matter referred to in subsection (1) under the jurisdiction of the municipality. 2004, c. 31, s. 19.

Power of inquiry by Review Board

20 (1) The Review Board is authorized and empowered to hold hearings relating to the exercise of the powers and the discharge of the duties and functions assigned to the Review Board by this Act, the regulations, the Minister or the Governor in Council.

(2) For the purpose of any hearing held by the Review Board pursuant to this Act, the Review Board has and may exercise all the powers, privileges and immunities of a commissioner appointed pursuant to the *Public Inquiries Act*. 2004, c. 31, s. 20.

Counsel for Review Board

21 The Minister may, upon the request of the Review Board, appoint counsel to assist the Review Board in an inquiry or investigation pursuant to this Act. 2004, c. 31, s. 21.

Opportunity to appear

22 Every person likely to be directly affected by an inquiry under this Act shall be afforded a reasonable opportunity to appear and be heard either in person or through counsel. 2004, c. 31, s.22.

Payment of costs by municipality

23 (1) Where an inquiry is made at the request of a board or council, unless the Minister otherwise directs, the municipality shall pay the cost of the investigation or inquiry, or both, including the cost of reporting and transcribing evidence and reasonable legal fees, as determined by the Review Board in accordance with the regulations, for persons likely to be directly affected by the investigation or inquiry and witness fees incurred by those persons.

(2) Where an investigation or inquiry is made at the direction of the Minister or on a motion of the Review Board with the concurrence of the Minister, the cost of the investigation or inquiry, or both, including the cost of recording and transcribing the evidence and reasonable legal fees, as determined by the Review Board in accordance with the regulations, for persons likely to be directly affected by the investigation or inquiry and witness fees incurred by those persons shall be paid out of the Consolidated Fund of the Province. 2004, c. 31, s. 23.

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Implementation notwithstanding agreement

24 The findings, decisions and recommendations made by the Review Board in respect of an inquiry or investigation conducted pursuant to this Act may be implemented notwithstanding any provision in a contract or collective agreement. 2004, c. 31, s. 24.

Report of investigation

25 The Review Board shall make a report of its investigation under subsection 19(2) to

- (a) the Minister; and
- (b) the board of the municipality for which the police department is maintained. 2004, c. 31, s. 25.

Annual report of Complaints Commissioner

26 The Complaints Commissioner shall, within sixty days after the end of each calendar year, file with the Minister a report showing the number and nature of the inquiries and investigations held, the number and nature of complaints and internal disciplinary matters, summaries of the findings made thereon and such other matters as the Governor in Council may direct. 2004, c. 31, s. 26; 2014, c. 56, s. 3.

SERIOUS INCIDENT RESPONSE TEAM

Serious Incident Response Team

26A There is hereby established a Serious Incident Response Team to provide oversight of policing by providing independent investigation of serious incidents involving police in the Province. 2010, c. 68, s. 3.

Director

26B (1) The Governor in Council shall appoint a person to be the Nova Scotia Civilian Director of the Serious Incident Response Team.

(2) A person who is a current or former police officer in any jurisdiction may not be appointed as the Director.

(3) The Director holds office during good behaviour for a term of five years and may be re-appointed for one additional term of five years.

(4) The Director shall be paid such salary and remuneration as the Governor in Council determines.

- (5)** The Director ceases to hold office upon
- (a) expiry of the Director's term of office;
 - (b) resignation in writing to the Minister by the Director;
- or

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(c) termination of office by the Minister for cause,
whichever is earlier. 2010, c. 68, s. 3.

Interim Director

26C (1) The Governor in Council may appoint an interim Director for one term not exceeding one year

- (a) when the Director ceases to hold office; or
- (b) if the Director is unable to act.

(2) The Director may, after consultation with the Director of Public Prosecutions, designate a crown attorney to act as an acting Director in place of the Director while the Director is absent or unable for any reason to perform the duties of his or her office and any act done by the acting Director has the same force, validity and effect as if done by the Director.

(3) Where the Director is unable to designate an acting Director, the Minister may, after consultation with the Director of Public Prosecutions, designate a crown attorney to act as an acting Director in place of the Director while the Director is absent or unable for any reason to perform the duties of his or her office and any act done by the acting Director has the same force, validity and effect as if done by the Director.

(4) An acting Director appointed pursuant to subsection (2) or (3) must be

- (a) appointed for a period not exceeding one month; and
- (b) seconded from the public prosecution service to the acting Director's position. 2014, c. 31, s. 2.

Director responsible to Minister

26D The Director is responsible to the Minister for

- (a) the direction of the Serious Incident Response Team and the police officers made available to the Team from agencies for the purpose of assisting the Team;
- (b) the direction of investigations and reporting on serious incidents involving police;
- (c) the administration of the budget of the Team;
- (d) the discharge of other duties as assigned under this Act or the regulations. 2010, c. 68, s. 3.

Investigators

26DA (1) The Governor in Council may, on the recommendation of the Director, appoint investigators as necessary for the purpose of the Serious Incident Response Team.

(2) The investigators shall be paid such salary and remuneration as the Governor in Council determines. 2011, c. 69, s. 1.

Other employees

26E Such other employees as necessary for the purpose of the Serious Incident Response Team may be appointed pursuant to the *Civil Service Act*. 2010, c. 68, s. 3; 2011, c. 69, s. 2.

Agency assistance to Team

26F (1) The Minister may direct a chief officer of an agency to make available qualified police officers and other resources from the agency to the Serious Incident Response Team for the purpose of assisting the Team and the chief officer shall select police officers for that purpose and advise the Director accordingly.

(2) Upon consultation with the chief officer of an agency, the Director may assign police officers selected under subsection (1) from the agency to assist an investigation.

(3) Once a police officer is selected by the Director under this Section, that police officer reports solely to, and is under the sole command and direction of the Director with respect to that investigation but remains the financial responsibility of the agency from which the officer was selected.

(4) No person may perform the role of a team commander or a lead investigator in an investigation relating to a police officer who is a member of the same agency. 2010, c. 68, s. 3.

Powers of Director and investigators

26G The Director and the investigators appointed under Section 26E are peace officers and have all of the powers, authority, privileges immunities set out in subsection 42(1). 2010, c. 68, s. 3.

Agreements

26H (1) The Director may enter into agreements with an agency, the Government of Canada, the government of another province of Canada or a municipality as required to undertake the work of or related to the Serious Incident Response Team.

(2) On the recommendation of the Director, the Minister may enter into agreements with an agency, the Government of Canada, the government of another province of Canada or a municipality to allow the Serious Incident Response Team to provide independent oversight assistance or conduct an investigation. 2010, c. 68, s. 3; 2014, c. 25, s. 3.

Notifying Director of incident

26I (1) A chief officer shall notify the Director as soon as practicable if the chief officer

(a) has reason to believe that an incident may have occurred in which the actions of a police officer may have resulted in the death, serious injury or sexual assault of any person; or

(b) determines that it would be in the public interest for an incident alleged to have occurred from the actions of a police officer to be dealt with in accordance with subsection (3).

(2) The Minister may notify the Director if the Minister determines that it would be in the public interest for an incident alleged to have occurred from the actions of a police officer to be dealt with in accordance with subsection (3).

(3) Upon notification of an incident pursuant to subsection (1) or (2) or where the Director becomes aware of a serious incident, the Director may do any one or more of the following:

(a) arrange for an investigation to be undertaken by the Serious Incident Response Team, which may include taking over an ongoing investigation at any stage;

(b) refer the matter to an agency to conduct an investigation, which may include taking over an ongoing investigation at any stage;

(c) upon consultation with a chief officer, assign one or more police officers selected under subsection 26F(1) to assist or advise an agency that is investigating an incident or to assist or advise the Team investigating an incident;

(d) enter into an agreement to have an independent team or agency from another province of Canada conduct an investigation;

(e) direct that the Team oversee, observe, monitor or review an investigation by an agency;

(f) appoint a community liaison or observer to work with the Team in the course of an investigation;

(g) refer the matter to the chief officer or the Complaints Commissioner in accordance with Section 71;

(h) refer the matter under the complaints process in Part VII of the *Royal Canadian Mounted Police Act* (Canada);

(i) determine that the matter is not within the mandate of the Team.

(4) For greater certainty, the Director may determine that it would be in the public interest for an incident alleged to have occurred from the actions of

a police officer to be dealt with in accordance with subsection (3). 2010, c. 68, s. 3; 2014, c. 25, s. 4.

Report

26J Upon the conclusion of an investigation under Section 26I or as requested by the Director, a report must be submitted to the Director in the form prescribed by the Director. 2010, c. 68, s. 3.

Determining whether charges will be laid

26K (1) Upon the conclusion of an investigation by the Serious Incident Response Team under clause 26I(3)(a) and receipt of the report from the Team under Section 26J, the Director shall decide whether a charge will be laid.

(2) Upon the conclusion of an investigation by an agency under clause 26I(3)(b), that agency shall decide whether a charge will be laid.

(3) Upon the conclusion of an investigation by a team or agency under clause 26I(3)(d), that team or agency shall decide whether a charge will be laid. 2010, c. 68, s. 3.

Investigative file available to disciplinary authority

26L Upon conclusion of an investigation by the Serious Incident Response Team under clause 26I(3)(a), the Director shall make the investigative file of the Team available to the disciplinary authority for the agency in which the police officer under investigation is employed. 2010, c. 68, s. 3.

Investigation summary

26M (1) As soon as reasonably practicable but no later than three months after receiving a report pursuant to Section 26J, the Director shall provide a summary of any investigation conducted in accordance with Section 26I to the Minister and to the agency in which the police officer under investigation is or was employed.

(2) The summary must be in the form prescribed by the regulations.

(3) The Director or the Minister shall make a summary of an investigation available to the public in the form prescribed by the regulations. 2010, c. 68, s. 3.

Annual report

26N The Director shall submit an annual report to the Minister on the operations of the Serious Incident Response Team, which must include

- (a) the number of investigations started and concluded in the year;

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- (b) the nature of each investigation;
- (c) the result of each investigation;
- (d) the number of charges against police officers laid in the year;
- (e) other administrative and financial details as the Minister may direct; and
- (f) such other matters as prescribed by the regulations. 2010, c. 68, s. 3.

NOVA SCOTIA PROVINCIAL POLICE

Nova Scotia Provincial Police

27 The Governor in Council may establish a police service to be known as the Nova Scotia Provincial Police. 2004, c. 31, s. 27.

Chief officer

28 (1) The Provincial Police shall be under the general control and supervision of the Minister who may, with the approval of the Governor in Council, appoint a person to be the chief officer of the Provincial Police.

(2) The chief officer of the Provincial Police may from time to time appoint eligible persons to be members of the Provincial Police in accordance with the regulations. 2004, c. 31, s. 28.

Oath of office

29 A person appointed as a member of the Provincial Police shall take the oath or affirmation prescribed by the regulations. 2004, c. 31, s. 29.

Duties

30 (1) A member of the Provincial Police is charged with the enforcement of

- (a) the penal provisions of all the laws of the Province;
- (b) any penal laws in force in the Province, other than laws of a municipality; and
- (c) the laws of a municipality, where specified by the Minister.

(2) Notwithstanding clauses (1)(b) and (c), where the Provincial Police provides policing services to a municipality, the members of the Provincial Police shall enforce the penal provisions of the by-laws of the municipality in accordance with an agreement entered into pursuant to the regulations for the provision of those services. 2004, c. 31, s. 30.

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Services provided by Provincial Police

31 (1) The Provincial Police shall provide policing services including

- (a) crime prevention;
- (b) law enforcement;
- (c) assistance to victims of crime;
- (d) emergency and enhanced services; and
- (e) public order maintenance.

(2) At the direction of the Minister, the Provincial Police shall provide emergency policing services to any municipality or part of a municipality policed by a municipal police department in the event of a service disruption or such other emergency determined as such by the Minister. 2004, c. 31, s. 31.

Provincial highway patrol

32 (1) The Provincial Police shall act as the provincial highway patrol.

(2) The Minister may from time to time determine by specific or general description which highways or portions of highways constitute a provincial highway for the purpose of subsection (1). 2004, c. 31, s. 32.

Annual report

33 After the end of each calendar year, the chief officer of the Provincial Police shall file with the Minister an annual report on the affairs of the Provincial Police. 2004, c. 31, s. 33.

Agreement to employ R.C.M.P.

34 (1) The Governor in Council may from time to time enter into an agreement with

- (a) the Government of Canada for the use or employment of the Royal Canadian Mounted Police; or
- (b) another government for the use or employment of its police department,

to perform the functions of the Provincial Police.

(2) An agreement entered into pursuant to subsection (1) may contain such terms and conditions, including financial arrangements, as may be agreed upon and the Governor in Council has full power and authority to perform and carry out the agreement.

(3) Subject to the terms of the agreement referred to in subsection (1), while acting as the Provincial Police, the Royal Canadian Mounted

Police or other police department shall be under the general control and supervision of the Minister.

(4) Subject to the agreement entered into pursuant to subsection (1), the Royal Canadian Mounted Police or other police department shall perform the functions assigned to the Provincial Police by this Act.

(5) For greater certainty, where the Governor in Council enters into an agreement with the Royal Canadian Mounted Police pursuant to subsection (1),

(a) the *Royal Canadian Mounted Police Act* (Canada) applies;

(b) the complaints process in that Act applies to members of the Royal Canadian Mounted Police when acting as the Provincial Police. 2004, c. 31, s. 34.

Agreement with Government of Canada

34A The Minister may, subject to the approval of the Governor in Council, enter into an agreement with the Government of Canada respecting policing and the administration of justice. 2014, c. 55, s. 2.

MUNICIPAL POLICING

Responsibility for policing in municipality

35 (1) Every municipality is responsible for the policing of and maintenance of law and order in the municipality and for providing and maintaining an adequate, efficient and effective police department at its expense in accordance with its needs.

(2) In providing an adequate, efficient and effective police department for the purpose of subsection (1), a municipality is responsible for providing all the necessary infrastructure and administration.

(3) For the purpose of subsection (1), the service provided by a police department shall include

- (a) crime prevention;
- (b) law enforcement;
- (c) assistance to victims of crime;
- (d) emergency and enhanced services; and
- (e) public order maintenance. 2004, c. 31, s. 35.

Methods for discharge of responsibility

36 (1) The obligation of a municipality to provide policing services pursuant to Section 35 may be discharged by

(a) the establishment of a municipal police department pursuant to this Act;

(b) entering into an agreement with the Province, the Government of Canada or another municipality for the use or employment of an established police department or any portion of an established police department;

(c) entering into an agreement with another municipality pursuant to Section 84 or 85; or

(d) any other means approved by the Minister.

(2) An agreement entered into pursuant to subsection (1) may contain such terms and conditions, including financial arrangements, as may be agreed upon and the municipality and the Minister have authority to enter into, perform and carry out the agreement.

(3) Any amounts received by the Province pursuant to an agreement authorized by subsection (2) shall be paid into the Consolidated Fund of the Province.

(4) Any amount owed to the Province pursuant to an agreement authorized by subsection (2), where not collected by other means, may be recovered by court action, with costs, as a debt due to the Province and may be deducted from any grant payable to the municipality out of Provincial funds.

(5) A municipality may not abolish a municipal police department without the approval of the Minister.

(6) A municipality shall provide the Minister with immediate notice of a decision to change the manner in which it provides policing services pursuant to subsection (1) and the decision shall not be implemented without the approval of the Minister.

(7) The Minister may refuse to approve the change in policing services if the Minister is satisfied that the alternate method of service delivery is not sufficient to maintain an adequate and effective level of policing. 2004, c. 31, s. 36.

Composition of municipal police department

37 (1) A municipal police department shall consist of a chief officer and such other members, special constables, by-law enforcement officers and civilian employees as the council, after consultation with the board, may from time to time determine.

(2) The remuneration of the chief officer, other members, special constables, by-law enforcement officers and civilian employees shall be determined from time to time by the council.

(3) Every member of a municipal police department shall take an oath of office or affirmation as prescribed by the regulations and the chief officer shall maintain the oath or affirmation as part of the police records.

(4) Members, special constables, by-law enforcement officers and civilian employees of a municipal police department, other than the chief officer, shall be appointed, promoted, suspended, dismissed or reinstated by the board on the recommendation of the chief officer or by the chief officer in accordance with a by-law made by the municipality for that purpose.

(5) Notwithstanding any other enactment, a municipality has the authority to make a by-law referred to in subsection (4).

(6) No person shall perform the function of a municipal police officer unless directly employed by a municipality or a police department providing services to a municipality pursuant to this Act. 2004, c. 31, s. 37.

Chief officer of municipal police department

38 (1) The council shall appoint a person to be the chief officer of a municipal police department.

(2) For the purpose of selecting and hiring a chief officer, the council shall follow and apply the selection process and qualifications established by the regulations.

(3) For one year after the chief officer's appointment, the chief officer holds office at pleasure and thereafter may be dismissed only for cause.

(4) In accordance with this Act or the regulations or a direction of the board pursuant to Section 52, the responsibilities of the chief officer include

- (a) the management, administration and operation of the police department;
 - (b) the maintenance of discipline within the police department;
 - (c) filing an annual report with the board respecting, among other things, the initiation of programs and strategies implementing the department's priorities, goals and objectives;
 - (d) filing with the Minister an annual report respecting the number of members, special constables, by-law enforcement officers and civilian employees employed by the police department;
 - (e) conducting self audit and quality assurance programs;
 - (f) developing and implementing organizational plans;
- and
- (g) promoting programs to enhance policing services.

(5) The actual day-to-day direction of the police department with respect to the enforcement of law and the maintenance of discipline within the department are the responsibility of the chief officer. 2004, c. 31, s. 38.

Qualifications and requirements

39 (1) A member of a municipal police department must meet the qualifications and requirements, including those related to training, established by the regulations.

(2) A member of a municipal police department who does not meet the qualifications and requirements set out in subsection (1) shall not be deployed to perform operational police duties. 2004, c. 31, s. 39.

Agreements between municipalities

40 (1) Two or more municipalities may enter into an agreement for the sharing or provision of specified police services.

(2) A municipality that is not policed pursuant to subsection 36(1)(b) may enter into an agreement for the sharing or provision of specified police services to the municipality by the Provincial Police.

(3) Any amounts payable pursuant to an agreement authorized by subsection (2) shall be paid into the Consolidated Fund of the Province.

(4) Any amounts owed pursuant to an agreement authorized by subsection (2), where not collected by other means, may be recovered by a court action, with costs, as a debt due to the Province and, where the amount is owed by a municipality, may be deducted from any grant payable to the municipality out of Provincial funds. 2004, c. 31, s. 40.

Powers of Minister respecting municipal compliance

41 (1) Where, in the opinion of the Minister, a municipality is not

- (a) providing or maintaining adequate and effective policing services;
- (b) complying with this Act or the regulations or a direction of the Minister pursuant to Section 5,

the Minister shall send, to the board and to the municipality, a notice that

- (c) identifies the non-compliance;
- (d) directs the board or the municipality to correct the failure to comply; and
- (e) specifies the manner in which and the time within which the failure is to be corrected.

(2) The Minister, upon being satisfied that the board or the municipality has failed to comply with a notice sent pursuant to subsection (1), may refer the matter to the Review Board for an investigation.

(3) Where, after an investigation under subsection (2), the Review Board determines that the board or the municipality has not complied with the order, the Minister may

- (a) suspend the appointment of one or more members of the board, or the entire board, for a specified period;
- (b) remove one or more members of the board or the entire board from office;
- (c) disband the police department and direct the Provincial Police or another municipal police department to police the municipality;
- (d) appoint persons as special constables to police the municipality;
- (e) appoint an administrator to perform specified functions respecting police matters in the municipality for a specified period;
- (f) take any other steps the Minister considers necessary.

(4) Where the Minister suspends or removes the entire board pursuant to clause (3) (a) or (b), the Minister may appoint persons to act as members of the board until board members are appointed pursuant to this Act.

(5) All costs incurred pursuant to this Section shall be paid by the municipality and costs incurred by the Province pursuant to this Section constitute a debt due to and recoverable by the Province from the municipality which may be deducted from any funds payable by the Province to the municipality. 2004, c. 31, s. 41.

POLICE OFFICERS

Powers of police officers

42 (1) A member of the Provincial Police, the Royal Canadian Mounted Police, a municipal police department, another police department providing policing services in the Province or the Serious Incident Response Team is a peace officer and has

- (a) all the powers, authority, privileges, rights and immunities of a peace officer and constable under the common law, the *Criminal Code* (Canada) and any other federal or Provincial enactment; and
- (b) the power and authority to enforce and to act under every enactment of the Province and any reference in any enactment or in any law, by-law, ordinance or regulation of a municipality to a

police officer, peace officer, constable, inspector or any term of similar meaning or import shall be construed to include a reference to a member of the Provincial Police, the Royal Canadian Mounted Police, a municipal police department, another police department providing policing services in the Province or the Serious Incident Response Team.

(2) Subject to this Act and the regulations, or any other enactment or an order of the Minister, the authority, responsibility and duty of a member of a municipal police department includes

- (a) maintaining law and order;
- (b) the prevention of crime;
- (c) enforcing the penal provisions of the laws of the Province and any penal laws in force in the Province;
- (d) assisting victims of crime;
- (e) apprehending criminals and offenders who may lawfully be taken into custody;
- (f) laying charges and participating in prosecutions;
- (g) executing warrants that are to be executed by peace officers;
- (h) subject to an agreement respecting the policing of the municipality, enforcing municipal by-laws within the municipality; and
- (i) obeying the lawful orders of the chief officer,

and the person shall discharge these responsibilities throughout the Province. 2004, c. 31, s. 42; 2010, c. 68, s. 4.

Tort liability of municipality

43 (1) A municipality maintaining a police department established pursuant to clause 36(1)(a) or Section 84 or 85 is liable in respect of a tort committed by a member of the police department in the performance of that person's duties.

(2) A municipality shall pay any damages or costs awarded against a member of a police department of that municipality in respect of a tort committed by the member in the performance of the member's duties, any costs incurred and not recovered by the member in any such proceedings and any sum required in connection with the settlement of any claim that has or might have given rise to such proceedings.

(3) A municipality that may be liable under this Section has the right to defend in the name and on behalf of the member of the police department any claim or civil action that may be brought against the member and that may result in such liability, and the municipality has the right to make such investigation,

negotiation or settlement of the claim or action as may be deemed expedient by the municipality.

(4) The member of the police department against whom such claim or action is made or taken shall co-operate fully with the municipality in the settlement or defence of the claim or action. 2004, c. 31, s. 43.

MEDAL IN RECOGNITION

Medal for long service

43A (1) In recognition of a significant contribution to the protection of persons and property by a police officer or other person involved in the provision of police services, the Minister or a person designated by the Minister, on the recommendation of the Advisory Committee established by this Section, may issue a medal for long service.

(2) The Minister shall establish an Advisory Committee to recommend persons to be issued medals for long service.

(3) The Advisory Committee consists of chief officers and other persons determined by the Minister.

(4) The Minister may designate a member of the Advisory Committee to be the Chair of the Committee.

(5) Where the Minister or the Minister's designate has issued a medal for long service, the Minister or the designate, on the recommendation of a chief officer, may issue a bar for further service to accompany the medal. 2007, c. 10, s. 5.

MUNICIPAL BOARD OF POLICE COMMISSIONERS

Requirement for board of police commissioners

44 (1) Every municipality that establishes a municipal police department pursuant to Section 36, 84 or 85 shall, by by-law, provide for a board of police commissioners.

(2) Where a municipal police department is established pursuant to Section 36, the board consists of five or seven members.

(3) A five-member board appointed pursuant to subsection (2) consists of

(a) two members of council appointed by resolution of the council;

- (b) two members appointed by resolution of the council, who are neither members of council nor employees of the municipality; and
- (c) one member appointed by the Minister.
- (4) A seven-member board appointed pursuant to subsection (1) consists of
- (a) three members of council appointed by resolution of the council;
- (b) three members appointed by resolution of the council, who are neither members of council nor employees of the municipality; and
- (c) one member appointed by the Minister.
- (5) Where a municipal police department is established pursuant to Section 84 or 85, unless provided otherwise in the agreement, the board consists of
- (a) two members from each municipal council appointed by resolution of that council;
- (b) two members from each municipality appointed by resolution of the council, who are neither members of council nor employees of the municipality; and
- (c) one member appointed by the Minister.
- (6) The chief officer and the chief administrative officer of the municipality must receive notice of the meetings of the board and are entitled to attend such meetings but not to vote.
- (7) A member of a board may be dismissed by
- (a) the Minister, if the Minister appointed the member; or
- (b) resolution of municipal council, if the council appointed the member. 2004, c. 31, s. 44.

Operation of board

- 45 (1) Each member of a board shall take an oath of office or affirmation as prescribed by regulation and adhere to a code of conduct prescribed by regulation.
- (2) A chair and vice-chair of the board shall be chosen by the members of the board at the first meeting in each year.
- (3) Where a member of a board is unable to carry out the member's duties by reason of illness, absence or any other reason the person or the body

that made the initial appointment may appoint some other person to act as or be a member of the board in place or stead of the absent member. 2004, c. 31, s. 45.

Remuneration

46 The council may provide for the payment of a reasonable remuneration to the members of the board who are not members of the council. 2004, c. 31, s. 46.

No action lies

47 No action or other proceeding for damages shall be instituted against a member of a board for any act done in good faith in the execution or intended execution of the member's duty or for any alleged neglect or default in the execution in good faith of that duty. 2004, c. 31, s. 47.

Powers of board and liability of members

48 A board may contract and may sue and be sued in its own name, and the members of the board are not personally liable under any contract made by the board. 2004, c. 31, s. 48.

Meetings

49 The board must hold a board meeting at least every three months. 2004, c. 31, s. 49.

Quorum

50 A majority of the members of the board constitutes a quorum. 2004, c. 31, s. 50.

Public and private meetings

51 Meetings of the board are open to the public, but all matters relating to discipline, personnel conduct, contract negotiations and security of police operations may be conducted in private and, where the matter relates to a complaint against or the discipline of the chief officer, the chair may request that the chief not attend and the chief shall not attend. 2004, c. 31, s. 51.

Board may advise or direct chief officer

52 On behalf of the board, the board chair or the chair's delegate may give advice or direction, in writing, to the chief officer on any matter within the jurisdiction of the board under this Act, but not to other members of the police department and, for greater certainty, no other member of the board shall give advice or direction to a member of the police department. 2004, c. 31, s. 52.

Annual budget of police department

53 (1) The board shall annually cause the chief officer to prepare a budget for the police department.

(2) The board shall ensure that the budget prepared pursuant to subsection (1) is consistent with those matters referred to in subsection 55(3).

(3) The budget prepared pursuant to this Section shall be submitted to council by the board for approval. 2004, c. 31, s. 53.

Training of board members

54 The members of a board shall undergo any training that may be provided for members of the board or required by the Minister or by the regulations. 2004, c. 31, s. 54.

Function of board

55 (1) The function of a board is to provide

- (a) civilian governance on behalf of the council in relation to the enforcement of law, the maintenance of law and order and the prevention of crime in the municipality; and
- (b) the administrative direction, organization and policy required to maintain an adequate, effective and efficient police department,

but the board shall not exercise jurisdiction relating to

- (c) complaints, discipline or personnel conduct except in respect of the chief officer of the municipal police department;
- (d) a specific prosecution or investigation; or
- (e) the actual day-to-day direction of the police department.

(2) With the approval of the Minister, the council, by by-law, may prescribe

- (a) the additional or more specific roles and responsibilities of a board; and
- (b) the rules and regulations governing proceedings of a board,

and the board has sole jurisdiction over the matters so delegated to it.

(3) Without limiting the generality of subsection (1), a board shall

- (a) determine, in consultation with the chief officer, priorities, objectives and goals respecting police services in the community;
- (b) ensure the chief officer establishes programs and strategies to implement the priorities, objectives and goals respecting police services;

- (c) ensure that community needs and values are reflected in policing priorities, objectives, goals, programs and strategies;
 - (d) ensure that police services are delivered in a manner consistent with community values, needs and expectations;
 - (e) act as a conduit between the community and the police service providers;
 - (f) recommend policies, administrative and organizational direction for the effective management of the police department;
 - (g) review with the chief officer information provided by the chief officer respecting complaints and internal discipline;
 - (h) ensure a strategic plan and business plan is in place; and
 - (i) ensure the department is managed by the chief officer according to best practices and operates effectively and efficiently.
- 2004, c. 31, s. 55.

Extra-duty and off-duty employment

56 (1) Every board shall establish a written policy respecting extra-duty employment by members of its police department and the policy shall

- (a) define extra-duty employment;
- (b) provide that requests for a member of the police department to be employed on extra duty be made to the chief officer;
- (c) require that a member of the police department engaged in extra-duty employment be in uniform except where the chief officer determines that plain clothes are required; and
- (d) require that at all times while on extra duty the member of the police department is under the orders of the police department and no one else.

(2) Every board shall establish a written policy respecting off-duty employment by members of its police department and the policy shall

- (a) define off-duty employment;
- (b) set policy guidelines regarding permitted and prohibited off-duty employment;
- (c) prohibit a member of the police department from engaging in the business of serving civil process documents or in the private investigator or private guard business; and
- (d) prohibit a member of the police department from being in uniform while engaged in off-duty employment.

(3) The chief officer shall determine whether employment is extra-duty employment or off-duty employment and whether a particular kind of off-duty employment is permitted or prohibited within the off-duty police policy.

2004, c. 31, s. 56.

POLICE ADVISORY BOARDS

Establishment and composition of police advisory boards

57 (1) A municipality receiving policing services in whole or in part from the Royal Canadian Mounted Police or the Provincial Police shall establish a police advisory board.

(2) An advisory board consists of five or seven members.

(3) A five-member advisory board consists of

(a) two members of council appointed by resolution of the council;

(b) two members appointed by resolution of the council, who are neither members of council nor employees of the municipality; and

(c) one member appointed by the Minister.

(4) A seven-member advisory board consists of

(a) three members of council appointed by resolution of the council;

(b) three members appointed by resolution of the council, who are neither members of council nor employees of the municipality; and

(c) one member appointed by the Minister.

(5) Where two or more municipalities have entered into an agreement pursuant to Section 84 to be policed by the Royal Canadian Mounted Police or the Provincial Police, unless provided otherwise in the agreement, the advisory board consists of

(a) two members from each municipal council appointed by resolution of that council;

(b) two members from each municipality appointed by resolution of the council, who are neither members of council nor employees of the municipality; and

(c) one member appointed by the Minister.

(5A) Notwithstanding subsection (1), where two or more municipalities have common issues respecting policing in their municipalities and are

policed by the Royal Canadian Mounted Police, they may, with the Minister's approval, establish a joint advisory board by entering into an agreement to do so.

(5B) A joint advisory board established pursuant to subsection (5A) consists of

- (a) two members from each council appointed by resolution of that council;
- (b) two members from each municipality appointed by resolution of the council, who are neither members of council nor employees of the municipality; and
- (c) one member appointed by the Minister.

(6) The chief officer and the chief administrative officer of the municipality must receive notice of the meetings of an advisory board and are entitled to attend such meetings but not to vote.

- (7) A member of an advisory board may be dismissed by
- (a) the Minister, if the Minister appointed the member; or
 - (b) resolution of municipal council, if the council appointed the member.

(8) Notwithstanding anything contained in this Section, where the Minister is satisfied that a municipality has established, in conjunction with the Royal Canadian Mounted Police, a system of governance that is equal to or better than the governance provided by an advisory board, the Minister may exempt the municipality from the requirement to appoint an advisory board pursuant to this Section. 2004, c. 31, s. 57; 2014, c. 55, s. 3.

Oath of office and code of conduct

58 Each member of an advisory board shall take an oath of office or affirmation as prescribed by regulation and adhere to a code of conduct prescribed by the regulations. 2004, c. 31, s. 58.

Chair and vice-chair

59 A chair and vice-chair of the advisory board shall be chosen by the members of the advisory board at the first meeting in each year. 2004, c. 31, s. 59.

Appointment of person to act in place of absent member

60 Where a member of an advisory board is unable to carry out the duties as a member of the board by reason of illness, absence or any other reason, the person or the body that made the initial appointment may appoint some other person to act as or be a member of the advisory board in the place or stead of the absent member. 2004, c. 31, s. 60.

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Remuneration

61 The council may provide for the payment of a reasonable remuneration to the members of the advisory board who are not members of the council. 2004, c. 31, s. 61.

No action lies

62 No action or other proceeding for damages shall be instituted against a member of an advisory board for any act done in good faith in the execution or intended execution of the member's duty or for any alleged neglect or default in the execution in good faith of that duty. 2004, c. 31, s. 62.

Meetings

63 The advisory board must hold a board meeting at least every three months. 2004, c. 31, s. 63.

Quorum

64 A majority of the members of the advisory board constitutes a quorum. 2004, c. 31, s. 64.

Public and private meetings

65 Meetings of the advisory board are open to the public, but all matters relating to discipline, personnel conduct, contract negotiations and security of police operations may be conducted in private. 2004, c. 31, s. 65.

Advisory board may give advice or direction to chief officer

66 On behalf of the advisory board, the board chair or the chair's delegate may, in accordance with an agreement made pursuant to clause 36(1)(b), give advice in writing to the chief officer, but not to other members of the police department and, for greater certainty, no other member of the board shall give advice or direction to a member of the police department. 2004, c. 31, s. 66.

Training of advisory board members

67 An advisory board member shall undergo any training that may be provided for members of the board or required by the Minister or by regulation. 2004, c. 31, s. 67

Function of advisory board

68 (1) The function of an advisory board is to provide advice to the council in relation to the enforcement of law, the maintenance of law and order and the prevention of crime in the municipality, but the advisory board shall not exercise jurisdiction relating to complaints, discipline, personnel conduct or the internal management of the Royal Canadian Mounted Police.

(2) With the approval of the Minister, the council, by by-law, may prescribe

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(a) the additional or specific roles and responsibilities of an advisory board; and

(b) the rules and regulations governing proceedings of an advisory board,

and the advisory board has sole jurisdiction over matters so delegated to it.

(3) Without limiting the generality of subsection (1), an advisory board shall, subject to the police contract or policing agreement,

(a) determine, in consultation with the chief officer or the chief officer's designate, priorities, objectives and goals respecting police services in the community;

(b) ensure the chief officer establishes programs and strategies to implement the priorities, objectives and goals respecting police services;

(c) ensure that community needs and values are reflected in policing priorities, objectives, goals, programs and strategies;

(d) ensure that police services are delivered in a manner consistent with community values, needs and expectations;

(e) act as a conduit between the community and the police department;

(f) recommend policies, administrative and organizational direction for the effective management of the police department; and

(g) review with the chief officer or the chief officer's designate information provided by the chief officer respecting complaints and internal discipline. 2004, c. 31, s. 68.

POLICE INSIGNIA

Use of insignia

69 (1) No person or organization shall use the uniform, insignia, vehicle markings or other signs or symbols of a police department.

(2) Where the Minister is of the opinion that the uniform, insignia, vehicle markings or other signs or symbols employed by a person or organization are so similar to those used by a police department that the public or a member of the public may be misled, the Minister may, by order in writing, require the person or organization to cease using the uniform, insignia, vehicle markings or other signs or symbols. 2004, c. 31, s. 69.

COMPLAINTS

“member of a municipal police department” defined

70 In Sections 71 to 83, “member of a municipal police department” means a member of a police department appointed pursuant to subsection 37(4) or 38(1) or an amalgamated police department, by whatever rank or title the person may be designated, who has been sworn in as a peace officer and includes special constables and by-law enforcement officers employed by or appointed at the request of a municipality whose authority as peace officers is limited to duties contained in their appointment. 2004, c. 31, s. 70.

Referral to chief officer

71 (1) A complaint respecting the police department generally or the conduct of or the performance of a duty of a member of a municipal police department other than the chief officer shall be referred to the chief officer of that police department in accordance with the regulations.

(2) Upon receiving a complaint, the chief officer shall attempt to resolve the matter in an informal manner.

(3) The chief officer may delegate the chief officer’s authority to a member of the municipal police department or may ask a member of another police department to investigate the complaint and report on the findings.

(4) The chief officer shall report all complaints to the Complaints Commissioner at the time and in the manner prescribed by regulation. 2004, c. 31, s. 71.

Report and referral to Complaints Commissioner

72 (1) Where a complaint is satisfactorily resolved by the chief officer, a copy of the complaint and a notice of the manner of the final disposition shall be forwarded to the Complaints Commissioner and the Complaints Commissioner may publish statistics showing the nature and resolution of such complaints.

(2) Where a complaint is not satisfactorily resolved by the chief officer and where the person making the complaint or the member of a municipal police force has requested a review of that decision by the Review Board, the complaint shall be referred to the Complaints Commissioner in accordance with the regulations. 2004, c. 31, s. 72; 2014, c. 56, s. 4.

Complaint about chief officer

73 (1) A complaint respecting the conduct or performance of duty of a member of a municipal police department who is the chief officer shall be referred to the board.

(2) The board shall investigate the complaint and attempt to resolve the complaint.

(3) The board may designate a person to investigate the complaint and report to the board.

(4) A person conducting an investigation pursuant to this Section is a special constable and has all the powers and immunities of a peace officer during the investigation and any hearing related to the matter under investigation.

(5) Where the complaint is not satisfactorily resolved by the board and where the person making the complaint or the chief officer has requested a review of that decision by the Review Board, the complaint shall be referred to the Complaints Commissioner in accordance with the regulations.

(6) The board shall report all complaints concerning a chief officer to the Complaints Commissioner at the time and in the manner prescribed by the regulations. 2004, c. 31, s. 73.

Duties and powers of Complaints Commissioner

74 (1) Upon receipt of a complaint from the board or chief officer pursuant to subsection 72(2) or 73(5), the Complaints Commissioner shall attempt to resolve the complaint.

(2) In attempting to resolve the complaint, the Complaints Commissioner may investigate the complaint or designate another person to investigate the complaint and report to the Complaints Commissioner.

(3) A person conducting an investigation authorized by this Section is a special constable and has all the powers and immunities of a peace officer during the investigation and any proceeding relating to the matter under investigation.

(4) Where the Complaints Commissioner is unable to resolve the complaint, the complaint shall be referred to the Review Board in accordance with the regulations unless the Complaints Commissioner is satisfied that the complaint is frivolous, vexatious, without merit or an abuse of process, and the Review Board shall conduct a hearing in respect of the complaint.

(5) Where a complaint is satisfactorily resolved by the Complaints Commissioner, a copy of the complaint and a notice of the manner of the final disposition shall be forwarded to the Review Board and the Complaints Commissioner may publish statistics showing the nature and resolution of such complaints.

(6) The Complaints Commissioner shall not sit as a member of a panel conducting a hearing pursuant to subsection (4). 2004, c. 31, s. 74; 2014, c. 56, s. 5.

Admissibility of certain evidence

75 Where the Complaints Commissioner designates a person to investigate a complaint, any statement or admission made during the investigation by a

member of a municipal police force named in the complaint or the person who made the complaint shall not be admitted in evidence at any subsequent proceeding in respect of the complaint except with the consent of the member or the person who made the complaint, as the case may be, and the person designated to investigate for the Complaints Commissioner shall not give evidence nor shall any material in the file be produced at a proceeding in respect of the complaint. 2004, c. 31, s. 75.

Open and closed hearings

76 (1) A hearing by the Review Board respecting a complaint is open to the public unless the Review Board is of the opinion that it is in the best interests of the public, the maintenance of order or the proper administration of justice to exclude members of the public for all or part of the proceedings.

(2) A hearing with respect to an internal discipline matter is not open to the public. 2004, c. 31, s. 76

Parties to proceedings

77 At a hearing of the Review Board,

- (a) where the review is the result of or involves a complainant, the complainant;
- (b) a member of a municipal police department who is the subject of complaint or disciplinary proceedings;
- (c) the chief officer or the chief officer's delegate;
- (d) the board;
- (e) any person who can demonstrate a personal interest in the proceedings; and
- (f) the Minister,

are entitled to be parties to the proceedings. 2004, c. 31, s. 77.

Hearing de novo

78 A hearing by the Review Board shall be a hearing *de novo* and the parties to the proceeding may

- (a) appear and be heard and be represented by counsel; and
- (b) call witnesses and examine or cross-examine all witnesses.

2004, c. 31, s. 78.

Powers of Review Board at hearing and decision

79 (1) At a hearing under this Act, the Review Board may

- (a) determine all questions of fact and law;
- (b) dismiss the matter;

(c) find that the matter under review has validity and recommend to the body responsible for the member of the municipal police department what should be done in the circumstances;

(d) vary any penalty imposed including, notwithstanding any contract or collective agreement to the contrary, the dismissal of the member of the municipal police department or the suspension of the member with or without pay;

(e) affirm the penalty imposed;

(f) substitute a finding that in its opinion should have been reached;

(g) award or fix costs where appropriate, including ordering costs against the person making the complaint, where the complaint is without merit;

(h) supersede a disciplinary procedure or provision in a contract or collective agreement.

(2) The decision of the Review Board must be in writing and provide reasons and shall be forwarded to the parties.

(3) The decision of the Review Board is final.

(4) Where a decision of the Review Board awards costs against any party, the decision is enforceable in the same manner as any order or judgment of the Supreme Court of Nova Scotia.

(5) To make a decision of the Review Board enforceable in the same manner as an order of the Supreme Court of Nova Scotia, the Chair of the Review Board shall endorse a copy of the decision certified by the Chair to be a true copy as follows:

Make the within enforceable in the same manner as an order of the Supreme Court.

Dated this day of, 20. . . .
Chair of the Review Board

and the Review Board shall forward the decision so endorsed to the prothonotary of the Supreme Court who shall, on receiving it, enter the same as a record and it shall thereupon be enforceable in the same manner as an order or judgment of that Court. 2004, c. 31, s. 79; 2014, c. 56, s. 6.

INTERNAL DISCIPLINE

Proceedings required

80 (1) No member of a municipal police department is subject to reduction in rank, to dismissal or to any other penalty for breach of the code of conduct except after proceedings have been taken in accordance with this Act and the regulations.

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(2) Nothing in subsection (1) affects action taken against a member of a municipal police department in accordance with a collective agreement other than for breach of the code of conduct prescribed by regulation. 2004, c. 31, s. 80.

Initiation of review

81 After a disciplinary decision has been made in accordance with this Act and the regulations, a police officer who is the subject of the disciplinary decision may initiate a review of the decision by filing a notice of review with the Complaints Commissioner in accordance with the regulations. 2004, c. 31, s. 81; 2014, c. 56, s. 7.

Hearing

82 Upon receipt of a notice of review, the Review Board shall conduct a hearing. 2004, c. 31, s. 82.

Application of Review Board provisions

83 The provisions of this Act respecting the hearing of complaints by the Review Board apply *mutatis mutandis* to the hearing of a review of the matter of internal discipline. 2004, c. 31, s. 83.

AMALGAMATION OF POLICE DEPARTMENTS

Amalgamation agreement

84 (1) Notwithstanding any enactment, two or more municipalities having police departments may enter into an agreement to be policed by a single police department, but the agreement shall not take effect until it is approved by the Minister.

(2) An agreement entered into pursuant to subsection (1) shall comply with the regulations. 2004, c. 31, s. 84.

Approval

85 (1) Where two or more municipalities are amalgamated, the amalgamation of the police department shall not take effect until the organization of the amalgamated police department has been approved by the Minister.

(2) Any appointments to the board for a proposed amalgamated municipality may be made before the amalgamation takes effect. 2004, c. 31, s. 85.

Duties unaffected by agreement

86 A municipality that is a party to an agreement entered into pursuant to Section 85 is not relieved of duties and responsibilities pursuant to this Act and the regulations by reason of being a party to the agreement. 2004, c. 31, s. 86.

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ABORIGINAL POLICING

Appointment, powers and duties of aboriginal police officers

- 87 (1) The Minister may
- (a) appoint a person as an aboriginal police officer; and
 - (b) define the territorial jurisdiction and duties of an aboriginal police officer.

(2) An aboriginal police officer has all the power, authority, immunity and protection provided a peace officer or police officer in any enactment that the aboriginal police officer is responsible for enforcing pursuant to the appointment.

(3) Where the specified duties of an aboriginal police officer relate to a reserve as defined in the *Indian Act* (Canada), the appointment also requires the approval of the reserve's police governing authority.

(4) The Minister shall not terminate the appointment of an aboriginal police officer whose specified duties relate to a reserve without first consulting with the reserve's police governing authority that approved the appointment.

(5) The appointment of an aboriginal police officer must be in writing and state clearly the territorial jurisdiction and duties of the officer.

(6) Every aboriginal police officer shall take an oath of office or affirmation as prescribed by regulation. 2004, c. 31, s. 87.

SPECIAL CONSTABLES,
BY-LAW ENFORCEMENT OFFICERS AND
AUXILIARY CONSTABLES

Special constables

- 88 (1) The Minister or chief officer with the approval of the Minister may
- (a) appoint special constables as necessary;
 - (b) define the offices, positions, territorial jurisdiction and duties of special constables, generally or specifically;
 - (c) make rules and regulations governing the qualifications, office, position, duties, conduct and discipline of special constables and any other matter concerning special constables;
 - (d) suspend or revoke the appointment of a special constable

(2) Subject to the limitations of the appointment under subsection (1), a special constable is, while discharging the responsibilities and exercising the powers of a special constable, a peace officer.

(3) Before the suspension or revocation of the appointment of a special constable, the special constable shall be given reasonable information with respect to the reasons for the suspension or revocation and an opportunity to reply orally or in writing as the Minister or chief officer may determine.

(4) The employer of a special constable is responsible for ensuring that the special constable fulfils the duties imposed by this Act and the rules and regulations made pursuant to this Act and exercises the power and authority conferred by this Act and the appointment in a proper manner.

(5) The employer of a special constable is liable in respect of a tort committed by the special constable in the performance of the special constable's duties. 2004, c. 31, s. 88.

By-law enforcement officers

89 (1) The council of a municipality that has its own police department pursuant to Section 36 may, with the approval of the Minister or a person designated by the Minister, appoint one or more by-law enforcement officers who have the authority of a peace officer only with respect to the enforcement of the by-laws of the municipality.

(2) Where the council of a municipality appoints by-law enforcement officers pursuant to subsection (1), the municipality is liable in respect of a tort committed by the by-law enforcement officer in the performance of the by-law enforcement officer's duties. 2004, c. 31, s. 89.

Appointment, jurisdiction and oath of office

90 (1) The appointment of a special constable or by-law enforcement officer pursuant to Section 88 or 89 must be in writing and state clearly the territorial jurisdiction and duties of the special constable or by-law enforcement officer, and the person's authority as a constable or peace officer are only as stated.

(2) The territorial jurisdiction of a by-law enforcement officer does not extend beyond the boundaries of the municipality to which the officer is appointed.

(3) Every special constable or by-law enforcement officer, before entering upon the person's duties, shall take and subscribe such oath or affirmation as is prescribed by regulation. 2004, c. 31, s. 90.

Auxiliary police officers

91 (1) A chief officer in accordance with a by-law made by a municipality for that purpose or the officer in charge of the Provincial Police or that

officer's delegate may, in accordance with the regulations, appoint persons as auxiliary police officers to assist the police department in the performance of its duties.

(2) An auxiliary police officer

(a) has the powers, authority, privileges, rights and immunities of a peace officer;

(b) shall act only when accompanied by and under the direct supervision of a police officer other than an auxiliary police officer; and

(c) shall not be used to replace or reduce police positions.

(3) Every auxiliary police officer shall take an oath of office or affirmation as prescribed by the regulations.

(3A) No auxiliary police officer is liable for damage caused by an act or omission of the auxiliary police officer if

(a) the auxiliary police officer was acting within the scope of the auxiliary police officer's responsibilities at the time of the act or omission; and

(b) the auxiliary police officer was properly certified and authorized, if required by law, by the appropriate authorities for the activities or practices undertaken by the auxiliary police officer at the time the damage occurred,

but the limitations of the liability of the auxiliary police officer under this Act do not apply if

(c) the damage was caused by wilful, reckless or criminal misconduct or gross negligence by the auxiliary police officer;

(d) the damage was caused by the auxiliary police officer while operating a motor vehicle or other vehicle for which the owner is required by law to maintain insurance;

(e) the act or omission that caused the damage constitutes an offence; or

(f) the auxiliary police officer was unlawfully using or impaired by alcohol or drugs at the time of the act or omission that caused the damage.

(4) The municipality or police department for which an auxiliary police officer is appointed is liable in respect of a tort committed by the auxiliary police officer in the performance of that person's duties. 2004, c. 31, s. 91; 2014, c. 55, s. 4.

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GENERAL

Offence and penalty

92 Any person who violates this Act or the regulations or any oath taken pursuant to this Act is guilty of an offence and liable on summary conviction to the penalties provided by the *Summary Proceedings Act*. 2004, c. 31, s. 92.

Act prevails

93 (1) Where there is a conflict between this Act and any other Act, this Act prevails.

(2) Every collective agreement is subject to this Act and the regulations and, where there is a conflict between the agreement and this Act or between the agreement and the regulations, this Act and the regulations prevail. 2004, c. 31, s. 93.

No action lies

94 No action lies or shall be instituted against the Minister, Her Majesty in right of the Province, an employee of the Department of Justice, the Complaints Commissioner, the Review Board, a member of the Review Board or the Serious Incident Response Team for any act done in good faith in the execution or intended execution of duty or for any alleged neglect or default in the execution in good faith of that duty. 2004, c. 31, s. 94; 2010, c. 68, s. 5.

Authority to lay charge

95 (1) For greater certainty, a police officer who investigates a matter and who on reasonable grounds believes that a charge should be laid has the sole authority to lay a charge with respect to that matter.

(2) Notwithstanding subsection (1), the Director has the sole authority to lay a charge with respect to a matter that is investigated by the Serious Incident Response Team under clause 26I(3)(a). 2004, c. 31, s. 95; 2010, c. 68, s. 6.

Transitional provisions

96 (1) In this Section,

(a) “former Commission” means the Nova Scotia Police Commission established pursuant to Chapter 348 of the Revised Statutes, 1989, the *Police Act*;

(b) “former Review Board” means the Police Review Board established pursuant to Chapter 348 of the Revised Statutes, 1989, the *Police Act*.

(2) Upon the coming into force of this Act, the members of the former Commission and the members of the former Review Board are the members of the Review Board and hold office on the same basis, for the same term and upon the same conditions as their appointment to the former Commission or former

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Review Board, as the case may be, except where the appointment conflicts with this Act, in which case this Act applies.

(3) For greater certainty, every matter before the former Review Board immediately before the coming into force of this Act shall be continued before the Review Board and, where any such matter has been heard, in whole or in part, by any members of the former Review Board, the matter shall be heard by such of those members as are members of the Review Board. 2004, c. 31, s. 96.

Regulations

- 97 (1) The Governor in Council may make regulations
- (a) respecting the governance of police departments and the Serious Incident Response Team and the conduct, duties, suspension and dismissal of members of police departments and the Serious Incident Response Team;
 - (b) governing the qualifications and requirements for the appointment of members to police departments;
 - (c) governing the qualifications of and process for the appointment of a chief officer;
 - (d) respecting special constables and by-law enforcement officers;
 - (e) governing the qualifications, criteria, appointment, duties and training required of an auxiliary police officer;
 - (f) prescribing the deployment and department of auxiliary police officers;
 - (g) prescribing the minimum remuneration to be paid by a municipality to members of boards who are appointed by the Minister;
 - (h) providing for or granting financial assistance, including guarantees, to and the administration and course of study in a police training school;
 - (i) respecting applications for and other matters relating to appointments under this Act, including the fees therefor;
 - (j) respecting the procedures for dealing with complaints;
 - (k) respecting the investigative powers of a person assigned by the Review Board or the Complaints Commissioner to conduct an investigation pursuant to this Act;
 - (l) respecting costs and fees payable with respect to an investigation or inquiry pursuant to Section 23;
 - (m) respecting the investigative powers of a person assigned by the Minister to perform an investigation pursuant to Section 7;

(n) respecting the powers, privileges and immunities of the Review Board and the Complaints Commissioner;

(na) respecting the powers, privileges and immunities of the Serious Incident Response Team;

(nb) respecting investigations conducted by the Serious Incident Response Team;

(nc) respecting the operation and function of the Serious Incident Response Team;

(nd) prescribing forms required for investigations by the Serious Incident Response Team and for reports or summaries to or by the Team;

(ne) respecting the annual report of the Director;

(nf) creating programs to support the work of the Serious Incident Response Team;

(o) establishing minimum standards for municipal police officers, special constables, by-law enforcement officers and auxiliary police officers;

(p) prescribing a uniform code of conduct for members of police departments;

(q) respecting codes of conduct;

(r) respecting internal discipline procedures for police departments;

(s) establishing and requiring the installation of an inter-communications system for one or more police departments in the Province and regulating its operation and procedures;

(t) prescribing requirements respecting clothing, uniforms, badges of rank and equipment for police officers, special constables, by-law enforcement officers, auxiliary police officers and the Serious Incident Response Team;

(u) prescribing or regulating the number of meetings to be held by boards and advisory boards;

(v) prescribing oaths or affirmations;

(w) prescribing courses of training for recruits and members of police departments, including the institutions where training is to take place and the qualifications of instructors;

(x) prescribing the records, returns and books and accounts to be kept and made by police departments or the members of police departments;

(y) prescribing the method of accounting for fees and costs and other money that comes into the hands of members of police departments;

(z) prescribing what organizations and associations of police officers and what organizations and associations sponsored by police officers may solicit money or gifts from persons or sell or offer to sell to persons articles, advertisements, items or things, the nature and kind of the money, gifts, articles, advertisements, items or things, the records to be kept, the receipts to be given and the disclosure to be made;

(aa) relating to the powers, functions or duties of the Review Board or the Complaints Commissioner under this Act or any matter relating to the functions or duties assigned to the Review Board or the Complaints Commissioner;

(ab) providing for the minimum number of members of police departments that are to be employed, either on the basis of population, area, property assessment, criminal caseload, calls for service or a combination of them, or on another basis;

(ac) respecting the payment of fees and expenses to witnesses at hearings held pursuant to this Act;

(ad) prescribing a population over which a municipality is responsible for providing policing services and under which the Province is responsible for providing policing services to that municipality;

(ae) prescribing the administration of rewards offered in respect of an offence;

(af) respecting any matter relating to policing pursuant to Section 87;

(ag) prescribing costs a municipality pays to the Province for providing and maintaining a police department in the Province;

(ah) prescribing a process for the certification of municipal and Provincial police officers providing policing services in the Province;

(ai) respecting police reviews, including the frequency of reviews;

(aj) respecting agreements between the Provincial Police and a municipality;

(ak) prescribing duties and functions of boards and advisory boards;

(al) allocating costs for contracted or shared services;

(am) prescribing the minimum contents of agreements;

- (an) respecting the establishment of the Provincial Police;
- (ao) prescribing the level of police services to be provided by a municipality;
- (ap) prescribing standards for the adequacy and effectiveness of police services;
- (aq) defining any word or expression used but not defined in this Act;
- (ar) further defining any word or expression defined in this Act;
- (as) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act, including the governance of the Provincial Police.

(2) Where the Minister enters into an agreement referred to in Section 34, the Minister may make regulations

- (a) exempting the agreement from any provision of this Act or the regulations;
- (b) exempting policing services that are provided under the agreement from any provision of this Act or the regulations;
- (c) modifying any provision of this Act or the regulations for the purpose of applying the provision to
 - (i) the agreement, or
 - (ii) the policing services provided under the agreement;
- (d) governing any matter not referred to in clauses (a) to (c) respecting
 - (i) the agreement, or
 - (ii) the policing services provided under the agreement;
- (e) respecting the status of the reserve's police governing authority to sue and be sued in its own name, the determination of liability of members of the police governing authority and the determination of liability in respect of a tort committed by a an aboriginal police officer in the performance or purported performance of the officer's duties, where the agreement is one for the establishment of an aboriginal police department.

(3) Any regulation made pursuant to subsection (1) may be general or particular in its application.

(4) The exercise by the Governor in Council of the authority contained in subsection (1) and the exercise by the Minister of the authority contained

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police

2004, c. 31

in subsection (2) are regulations within the meaning of the *Regulations Act*. 2004, c. 31, s. 97; 2010, c. 68, s. 7.

Repeal of former Police Act


98 Chapter 348 of the Revised Statutes, 1989, the *Police Act*, is repealed. 2004, c. 31, s. 98.

Proclamation

99 This Act comes into force on such day as the Governor in Council orders and declares by proclamation. 2004, c. 31, s. 99.

Proclaimed - December 20, 2005
In force - January 1, 2006

NOVEMBER 20, 2014

Police Regulations, NS Reg 230/2005 

This regulation replaces [NS Reg 101/88](#).

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version : <https://canlii.ca/t/871r>

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Police Regulations
made under subsection 97(1) of the
Police Act
[S.N.S. 2004, c. 31](#)

O.I.C. 2005-567 (effective January 1, 2006), N.S. Reg. 230/2005
as amended up to O.I.C. 2020-018 (effective January 15, 2021), N.S. Reg. 11/2020

Citation

1 These regulations may be cited as the *Police Regulations*.

Definitions

2 In these regulations,

- (a) “Act” means the *Police Act*;
- (b) “advisory board” means an advisory board as defined in [clause 2\(a\)](#) of the *Act*;
- (c) “auxiliary police officer” means an auxiliary police officer appointed under [Section 91](#) of the *Act*;
- (d) “board” means a board as defined in [clause 2\(b\)](#) of the *Act*, and when used in the context of a police department means the board for the municipality served by that police department;
- (e) “by-law enforcement officer” means, except in [Section 17A](#) and Form 2A, a by-law enforcement officer appointed under [subsection 37\(4\)](#) of the *Act* by a board on a chief officer’s recommendation or by a chief officer in accordance with a municipal by-law;
- (f) “chief officer” means a chief officer as defined in [clause 2\(c\)](#) of the *Act*, and when used in the context of a police department means the chief officer of that police department;
- (g) “Code of Conduct” means the code of conduct for members, special constables and by-law enforcement officers prescribed in [Section 24](#), as referred to in [Section 80](#) of the *Act*;
- (h) “code of conduct for advisory board members” means the code of conduct for advisory board members prescribed in [Section 84](#), as required by [Section 58](#) of the *Act*;
- (i) “code of conduct for board members” means the code of conduct for board members prescribed in [Section 79](#), as required by [subsection 45\(1\)](#) of the *Act*;
- (j) “complaint” means a complaint as defined in [clause 2\(d\)](#) of the *Act*;
- (k) “Complaints Commissioner” means the Complaints Commissioner as defined in [clause 2\(e\)](#) of the *Act*;
- (l) “complaints officer” of a police department means the chief officer of the police department, or a member of the department designated by the chief officer as the complaints officer;
- (m) “council” means a council as defined in [clause 2\(f\)](#) of the *Act*, and when used in the context of a police department means the council of the municipality served by that police department;
- (n) “disciplinary authority” means a person or body, other than the Review Board, that has jurisdiction under the *Act* and these regulations to deal with a complaint, an internal disciplinary matter or [a] suspension;
- (o) “disciplinary default” means a breach of the Code of Conduct;
- (p) “investigator”, as the context requires, means a person who is
 - (i) designated in accordance with [Section 33](#) to investigate a complaint, or
 - (ii) designated in accordance with [Section 46](#) to investigate an allegation of disciplinary default;
- (q) “Minister” means the Minister of Justice;
- (r) “police department”, unless the context otherwise requires, means a municipal police department established in accordance with [clause 36\(1\)\(a\)](#) of the *Act* or an amalgamated police department established in accordance with [Section 84](#) or [85](#) of the *Act*;
- (s) “prescribed form” means a form prescribed by the Complaints Commissioner;
- (t) “record” includes data entered or stored in a computer or on tapes;
- (u) “Review Board” means the Review Board as defined in [clause 2\(k\)](#) of the *Act*;

- (v) “special constable” means, except in [Section 17A](#) and Form 2A, a special constable appointed under [subsection 37\(4\)](#) of the Act, and for greater certainty does not include a special constable designated under [subsection 73\(4\)](#) or [74\(3\)](#) of the Act or appointed under [clause 41\(3\)\(d\)](#) or [88\(1\)\(a\)](#) of the Act.

Part I—Qualifications and Appointments

Members

Definition of “member” for this Part

- 3 For the purposes of this Part, “member” means a member of a police department appointed under [subsection 37\(4\)](#) of the Act or a chief officer appointed under [subsection 38\(1\)](#) of the Act who has been sworn in as a peace officer, and for greater certainty does not include a special constable or a by-law enforcement officer.

Member qualifications

- 4 (1) To be a candidate for appointment as a member, a person must be at least 19 years old and must demonstrate all of the following qualifications to the satisfaction of the chief officer or, for an appointment as chief officer, to the satisfaction of the council:
- (a) a good character;
 - (b) Canadian citizenship with residence in Canada, or permanent residence as defined by the *Immigration and Refugee Protection Act (Canada)*;
 - (c) the ability to carry out the services required of them as a member;
 - (d) successful completion of a recognized training program;
 - (e) any qualifications prescribed by the Minister in addition to those specified in clauses (a) to (d).
- (2) To be a candidate for appointment as a member, a person must consent to criminal and background checks, including testing and interviews.
- (3) A person must not be appointed as a member if criminal and background checks show that the person has been convicted of any criminal offence or has been or is the subject of a disciplinary proceeding in any jurisdiction that, in the opinion of the chief officer or, for an appointment of a chief officer, the council, would reasonably be expected to have a negative impact on their acting as a member or on the policing profession generally.

Chief officer qualifications

- 5 In addition to meeting the requirements set out in [Section 4](#), to be a candidate for appointment as a chief officer, a person must demonstrate all of the following qualifications to the satisfaction of the council:
- (a) successful completion of a police management course at a recognized training facility, or an equivalent combination of experience and education;
 - (b) at least 10 years’ police experience;
 - (c) the professional qualifications pertinent to the position applied for;
 - (d) demonstrated administrative qualifications, including planning and organizational abilities and the ability to supervise;
 - (e) exceptional oral and written communication skills;
 - (f) knowledge of board governance and oversight and strategic business planning, including financial planning.

Chief officer selection process

- 6 The selection process used by a council in appointing a chief officer must meet the following requirements:
- (a) selection criteria must be applied consistently to each applicant;
 - (b) selection criteria must be properly related to established job requirements;
 - (c) assessment techniques, including interviewing and rating applicants, checking references and administering tests, must be carried out fairly, impartially and consistently;

- (d) except as otherwise provided in an established hiring policy of the municipality, the successful candidate must be chosen based on merit.

Special Constables and By-law Enforcement Officers

Special constable and by-law enforcement officer qualifications

- 7 (1) To be a candidate for appointment as a special constable or by-law enforcement officer, a person must be at least 19 years old and must demonstrate all of the following qualifications to the satisfaction of the chief officer:
 - (a) a good character;
 - (b) Canadian citizenship with residence in Canada, or permanent residence as defined by the *Immigration and Refugee Protection Act (Canada)*;
 - (c) the ability to carry out the services required of them as a special constable or by-law enforcement officer;
 - (d) the ability to meet the minimum training standards established by the Minister;
 - (e) any qualifications prescribed by the Minister in addition to those specified in clauses (a) to (d).
- (2) To be a candidate for appointment as a special constable or by-law enforcement officer, a person must consent to criminal and background checks.
- (3) A person must not be appointed as a special constable or by-law enforcement officer if criminal and background checks show that the person has been convicted of any criminal offence or has been or is the subject of a disciplinary proceeding in any jurisdiction that, in the opinion of the chief officer, would reasonably be expected to have a negative impact on their acting as a special constable or by-law enforcement officer or on the policing profession generally.

Record of appointments of special constables and by-law enforcement officers

- 8 Each municipality must maintain a record of all of its appointments of special constables and by-law enforcement officers, and must provide the record to the Minister on request.

Policies and procedures for special constables and by-law enforcement officers

- 9 (1) A municipality that appoints a special constable or by-law enforcement officer must establish policies and procedures specifying the authority, responsibility and duty of the special constable or by-law enforcement officer and must provide the policies and procedures to the Minister in writing, for the Minister's approval.
- (2) A municipality must not carry out a policy or procedure established for a special constable or a by-law enforcement officer unless it is approved by the Minister.

Performance evaluation for special constable or by-law enforcement officer

- 10 (1) Before reappointing a person as a special constable or by-law enforcement officer, the chief officer must evaluate the person's performance as a special constable or by-law enforcement officer since their appointment or most recent reappointment.
- (2) A municipality must keep records of all performance evaluations conducted under subsection (1), and must provide the records to the Minister on request.

Auxiliary Police Officers

Auxiliary police officer qualifications

- 11 (1) To be a candidate for appointment as an auxiliary police officer, a person must be at least 19 years old and must demonstrate all of the following qualifications to the satisfaction of the chief officer:
 - (a) a good character;
 - (b) Canadian citizenship with residence in Canada, or permanent residence as defined by the *Immigration and Refugee Protection Act (Canada)*;
 - (c) completion of Grade 12 or the equivalent;
 - (d) the ability to meet the minimum training standards established by the Minister in a standard operating procedure;
 - (e) the ability to carry out the services required of them as an auxiliary police officer;

- (f) any qualifications prescribed by the Minister in addition to those specified in clauses (a) to (e).
- (2) To be a candidate for appointment as an auxiliary police officer, a person must consent to criminal and background checks.
- (3) A person must not be appointed as an auxiliary police officer if criminal and background checks show that the person has been convicted of any criminal offence or has been or is the subject of a disciplinary proceeding in any jurisdiction that, in the opinion of the chief officer, would reasonably be expected to have a negative impact on their acting as an auxiliary police officer, or on the policing profession generally.

Conflict of interest

- 12 A person must not be appointed as an auxiliary police officer if acting as an auxiliary police officer would create a conflict of interest with their business operations or employment.

Liability insurance

- 13 A municipality or police department for which an auxiliary police officer is appointed must maintain third party liability insurance in respect of the performance of the auxiliary police officer's duties and must maintain documentation of the insurance for review by the Minister.

Record of appointments of auxiliary police officers

- 14 Each municipality must maintain a record of all of its appointments of auxiliary police officers, and must provide the record to the Minister on request.

Policies and procedures

- 15 (1) A person appointing an auxiliary police officer must provide policies and procedures for all of the following in writing to the Minister, for the Minister's approval:
 - (a) the auxiliary police officer carrying out their authority, responsibility and duty;
 - (b) the standard of conduct to be met by the auxiliary police officer;
 - (c) disciplining the auxiliary police officer;
 - (d) subject to subsection (2), the handling of any complaint that is made against the auxiliary police officer.
- (2) If a complaint is made against an auxiliary constable, the person who appointed the auxiliary police officer must investigate the complaint no later than 30 days after the date that the complaint is received.

Oaths of Office

Oath of office for member

- 16 The oath of office or affirmation required for a member is prescribed as Form 1.

Oath of office for special constable and by-law enforcement officer

- 17 The oath of office or affirmation required for a special constable or a by-law enforcement officer is prescribed as Form 2.

Oath of office or affirmation for other special constables and by-law enforcement officers

- 17A The oath of office or affirmation required for a special constable appointed under [subsection 88\(1\)](#) of the [Act](#) or a by-law enforcement officer appointed under [subsection 89\(1\)](#) of the [Act](#) is prescribed as Form 2A.

Oath of office for auxiliary police officer

- 18 The oath of office or affirmation required for an auxiliary police officer is prescribed as Form 3.

Must take oath before assuming duties

- 19 A person referred to in [Section 16](#), [17](#) or [18](#) must make their oath or affirmation before assuming their duties in the position for which the oath or affirmation is required.

Part 2 - Police Department Discipline and Conduct

Discipline and Duty

Definition of "member" for this Part

- 20 For the purposes of this Part, "member" includes a special constable and a by-law enforcement officer.

Disciplinary authority for police department

- 21 (1) Subject to subsection (2) and except as provided in subsection (3), the chief officer of a police department is the disciplinary authority for the police department.
- (2) A chief officer may delegate their powers as disciplinary authority to an officer not below the rank of inspector.
- (3) If a chief officer of a police department is the subject of a complaint or is alleged to have committed a disciplinary default, the disciplinary authority for the police department is the board.

Discipline standards for police departments and members

- 22 (1) Each police department must consistently maintain a high standard of police discipline.
- (2) Each member in a senior or supervisory rank must
- (a) set an example to all members in carrying out their assignments;
 - (b) display a strict sense of duty and impartiality in dealing with subordinates; and
 - (c) impartially administer disciplinary matters in accordance with these regulations.

Duty of member to assist board and Review Board

- 23 To enable the board and the Review Board to carry out their duties and functions pursuant to the Act, it is the duty of every member to assist and co-operate with the board and the Review Board, including board and Review Board staff, and to ensure that any required documentation is submitted to the parties in accordance with these regulations.

Code of Conduct and Disciplinary Defaults

Code of Conduct

- 24 (1) A member who engages in discreditable conduct in any of the following ways commits a disciplinary default:
- (a) acting in a disorderly manner or in a manner that is reasonably likely to bring discredit on the reputation of the police department;
 - (b) contravening an enactment of the Province, a province or territory of Canada or the Government of Canada in a manner that is likely to bring discredit on the reputation of the police department;
 - (c) assaulting another member;
 - (d) using oppressive or abusive conduct or language towards another member;
 - (e) being discourteous or uncivil to a member of the public, having regard to all the circumstances;
 - (f) knowingly being an accessory to a disciplinary default by aiding, abetting or conniving with a party;
 - (g) being improperly dressed or being untidy or unkempt in appearance while wearing a uniform on or off duty;
 - (h) withholding or suppressing a complaint or report against another member.
- (2) A member who is insubordinate, either by word or action, by disobeying, omitting or neglecting to carry out a lawful order without adequate reason commits a disciplinary default.
- (3) A member who neglects their duties in any of the following ways commits a disciplinary default:
- (a) neglecting to or, without adequate reason, failing to promptly, properly or diligently perform a duty as a member;
 - (b) failing to work in accordance with orders;
 - (c) leaving an area detail or other place of duty without permission or sufficient cause or, having left a place of duty with permission or cause, failing to return without undue delay;
 - (d) being absent from duty without adequate reason;
 - (e) being tardy in reporting for duty without adequate reason;

- (f) neglecting or lacking concern for the health or safety of a person in the member's custody.
- (4) A member who is deceitful in any of the following ways commits a disciplinary default:
- (a) wilfully or negligently making or signing a false, misleading or inaccurate written statement or entry, including by electronic means, in an official document or record;
 - (b) wilfully or negligently making a false, misleading or inaccurate oral or written statement or signing a false, misleading or inaccurate written statement pertaining to the member's duties;
 - (c) without lawful excuse, destroying, mutilating or concealing an official document or record or altering, erasing or adding to an entry in an official document or record.
- (5) A member who improperly discloses information in any of the following ways commits a disciplinary default:
- (a) communicating information that the member has as a member of a police department without proper authority;
 - (b) making an anonymous communication to any member of a police department;
 - (c) signing or circulating a petition or statement in respect of a matter concerning the police department as a representative of a certified police union, association or federation, except through the proper official channel of correspondence or established grievance procedure or in the *bona fide* performance of the member's duties as a member.
- (6) A member who engages in corrupt practice in any of the following ways commits a disciplinary default:
- (a) failing to properly account for, or make a prompt or true return of, any money or property received by the member in the course of duty;
 - (b) directly or indirectly soliciting or receiving a payment, gift, pass, subscription, testimonial or favour without the consent of the chief officer;
 - (c) being under a pecuniary or other obligation to any person in a manner that might affect the proper performance of the member's duties as a member;
 - (d) improperly using their position as a member for private advantage.
- (7) A member who abuses their authority in any of the following ways commits a disciplinary default:
- (a) making an arrest without good or sufficient cause;
 - (b) using unnecessary force on or cruelly treating any prisoner or other person with whom the member may be brought into contact in the course of duty;
 - (c) unlawfully exercising authority as a member.
- (8) A member who improperly uses a firearm or intermediate weapon in any of the following ways commits a disciplinary default:
- (a) without proper authorization, carrying while on duty any firearm or intermediate weapon other than one issued by the police department;
 - (b) discharging a firearm or intermediate weapon while on duty, other than during a training exercise, and failing to make a written report of the incident to a senior officer as soon as practicable.
- (9) A member who damages property in any of the following ways commits a disciplinary default:
- (a) wilfully or negligently causing waste, loss or damage to police property or any other property entrusted to the member's care as a member;
 - (b) failing to promptly report any waste, loss or damage referred to in clause (a), whether the waste, loss or damage was caused by the member or discovered by the member.

(10) A member who consumes or uses alcohol or drugs in a manner prejudicial to the carrying out of their duty in any of the following ways commits a disciplinary default:

- (a) reporting for duty, being on duty or standing by for duty while unfit to do so because of the use of alcohol or a drug;
- (b) without proper authority, using or possessing alcohol or drugs prohibited by law.

Penalty for disciplinary default by member other than chief officer

25 The penalty for a disciplinary default by a member other than a chief officer may be any one or more of the following, or a combination of any of the following:

- (a) a recommendation to the board that the member be dismissed or, if the chief officer has authority to dismiss in accordance with a by-law made under [subsection 37\(4\)](#) of the Act, an order to dismiss the member;
- (b) an order that the member resign from the police department and, if the member does not resign within 7 days after the date of the order, a recommendation to the board that the member be dismissed or, if the chief officer has authority to dismiss in accordance with a by-law made under [subsection 37\(4\)](#) of the Act, an order to dismiss the member;
- (c) reduction of the member's rank, seniority or pay;
- (d) suspension of the member without pay for no longer than 30 days;
- (e) an order that the member pay a fine in an amount not exceeding the equivalent of 10 days' pay payable to the member as a member, within a time determined by the chief officer;
- (f) an order for a period of close supervision of the member;
- (g) a reprimand of the member;
- (h) an order that the member undergo counseling, treatment or training acceptable to the chief officer, the expense of the counseling, treatment or training to be assumed by the police department;
- (i) any order not included in clauses (a) to (h) that the chief officer considers appropriate.

Penalty for disciplinary default by chief officer

26 The penalty for a disciplinary default by a chief officer may be any one or more of the following, or a combination of any of the following:

- (a) a recommendation to the council that the chief officer be dismissed;
- (b) an order that the chief officer resign from the police department and, if the chief officer does not resign within 7 days after the date of the order, a recommendation to the council that the chief officer be dismissed;
- (c) an order that the chief officer pay a fine in an amount not exceeding the equivalent of 10 days' pay payable to the chief officer as a member, within a time determined by the board;
- (d) a reprimand of the chief officer;
- (e) an order that the chief officer undergo counseling, treatment or training acceptable to the board, the expense of the counseling, treatment or training to be assumed by the police department;
- (f) any order not included in clauses (a) to (e) that the board considers appropriate.

General Complaint Procedures

Making complaint

27 A complaint may be made to any of the following, as applicable:

- (a) for a complaint about a police department generally, the complaints officer of the police department or any other member of the police department;
- (b) for a complaint about a member, the complaints officer of the police department of which the member complained of is a member, or any other member of the police department;
- (c) for any complaint, the board or the Complaints Commissioner.

Complaint made by third party

- 28 (1) A complaint made by a person who is not personally affected by the occurrence that gave rise to the complaint must not be proceeded with unless the person who is personally affected by the occurrence consents to the processing of the complaint by endorsing the complaint in writing at the time it is made.
- (2) Subsection (1) does not apply if the person who is personally affected by the occurrence that gave rise to the complaint is not competent to give consent.

Time limit for making complaint

- 29 (1) Except as provided in subsection (2), a complaint must be made no later than 1 year after the date the conduct complained of is alleged to have occurred.
- (2) The Complaints Commissioner may extend the time limit for making a complaint if the Commissioner is of the opinion that there are good reasons for doing so and that it is not contrary to the public interest.
- (3) Subsection (2) does not apply to a complaint if the conduct complained of is alleged to have occurred before January 15, 2020.

Statement of procedures and rights to complainant

- 30 The person to whom a complaint is made must give the complainant a statement in the prescribed form that sets out the procedures that must be followed respecting the complaint and the rights of the complainant under the Act and these regulations.

Recording and forwarding copies of complaint

- 31 (1) A person to whom a complaint is made must record the complaint in the prescribed form and ensure that the complainant signs the complaint.
- (2) A person who records a complaint about a police department generally must forward a copy of the complaint, as recorded, to the chief officer of the police department, as required by [subsection 71\(1\)](#) of the Act, unless the complaint was first made to the chief officer.
- (3) A person who records a complaint about a member other than a chief officer must forward a copy of the complaint, as recorded, to each of the following:
- (a) the member complained of;
 - (b) the chief officer of the police department, as required by [subsection 71\(1\)](#) of the Act, unless the complaint was first made to the chief officer.
- (4) A person who records a complaint about a chief officer must forward a copy of the complaint, as recorded, to each of the following:
- (a) the chief officer complained of;
 - (b) the chair of the board, unless the complaint was originally made to the board.

Report of complaint to Complaints Commissioner

- 32 (1) A chief officer's report of a complaint to the Complaints Commissioner under [subsection 71\(4\)](#) of the Act must be in writing and filed with the Commissioner no later than 30 days after the date the chief officer received the complaint.
- (2) A board's report of a complaint to the Complaints Commissioner under [subsection 73\(6\)](#) of the Act must be in writing and filed with the Commissioner no later than 30 days after the date the board received the complaint.

Who may investigate complaint

- 33 (1) A member designated by a chief officer under [subsection 71\(3\)](#) of the Act to investigate a complaint about a member other than a chief officer must be of a higher rank than the member complained of.
- (2) A person designated by a board under [73\(3\)](#) of the Act to investigate a complaint about a chief officer must be a barrister or a chief officer of another police department.

Informal resolution of complaint

- 34 (1) A complaint is resolved informally if
- (a) a resolution of the complaint is proposed; and
 - (b) the complainant and the member or police department complained of agree with the proposed resolution by signing a record of informal resolution in the prescribed form.

- (2) A disciplinary authority must forward a copy of an informal resolution, as recorded under clause (1) (b), to each of the following:
 - (a) the complainant;
 - (b) the member or police department complained of;
 - (c) the Complaints Commissioner.
- (3) A complaint that is resolved informally must not be processed further and, if the complaint is about a member, must not appear in the service record of the member.

Continuing investigation of unresolved complaint

35 If a complaint is not resolved informally under Section 34, the disciplinary authority or, if applicable, the investigator designated under Section 33, must continue to investigate the complaint.

Time limit for investigation

- 36 (1) An investigation must be completed no later than 60 days after the date the complaint was first made.
- (2) Despite subsection (1), the Complaints Commissioner may, on request before or after the time limit has expired, extend the time to complete the investigation if the Complaints Commissioner is satisfied that there are reasonable grounds for granting the extension and the extension will not unduly prejudice any member.

Retention of information, notes and evidence

37 Any information or evidence gathered or notes taken during an investigation of a complaint must be recorded and preserved and must be retained for 2 years after the complaint is finally disposed of.

Request for review and referral to Complaints Commissioner

38 A request to the Review Board for a review of a disciplinary authority's decision in a complaint matter, as referred to in subsection 72(2) or 73(5) of the Act, must be made by filing a notice of review with the Complaints Commissioner in the prescribed form no later than 30 days after the date the decision is received.

Referral by Complaints Commissioner to Review Board

- 39 (1) [repealed]
- (2) [repealed]
- (3) On receiving a referral of a complaint from the Complaints Commissioner, the Review Board must notify each of the following of the time and place set for the hearing of the review by the Review Board:
 - (a) the complainant;
 - (b) the member to whom the decision relates;
 - (c) the disciplinary authority that made the decision in the complaint under review;
 - (d) the Complaints Commissioner.

Withdrawing a complaint

- 40 (1) A complainant may withdraw a complaint at any time by giving notice of the withdrawal of the complaint in the prescribed form to
 - (a) the chief officer, if the member complained of is not the chief officer;
 - (b) the board, if the member complained of is the chief officer; or
 - (d) [the] Complaints Commissioner.
- (2) On receipt of a notice of withdrawal of a complaint, a person must notify each of the following of the withdrawal:
 - (a) the member complained of;
 - (b) the chief officer, unless the notice was given to the chief officer;
 - (c) the Complaints Commissioner, unless the notice was given to the Complaints Commissioner.

- (3) If the disciplinary authority for a withdrawn complaint believes, for any good or sufficient reason, that the complaint should not have been withdrawn, the disciplinary authority, no later than 30 days after the date the complaint is withdrawn, may begin internal disciplinary proceedings against the member complained of by serving a notice of allegation on the member in the prescribed form, in accordance with the provisions in these regulations respecting internal discipline proceedings.
- (4) A disciplinary authority must forward a copy of a notice served under subsection (3) to the Complaints Commissioner.

Investigation of Complaint About Member by Disciplinary Authority

Notice of allegation

- 41 If a complaint about a member is not resolved informally, the investigator must serve a notice of allegation in the prescribed form on the member complained of as soon as practicable and forward a copy of the notice to the Complaints Commissioner.

Report and notification on completion of investigation of complaint

- 42 (1) After completing an investigation of a complaint about a member, an investigator must promptly submit a report to the disciplinary authority that includes the following details:
 - (a) whether, in the investigator's opinion, the evidence proves that the member has committed a disciplinary default;
 - (b) if applicable, any organizational or administrative practices of the police department that the investigator identifies as factors that may have caused or contributed to the alleged disciplinary default.
- (2) An investigator's report may include a recommendation of what penalty should be imposed on the member if the allegation of disciplinary default is proved.
- (3) An investigator must notify each of the following in the prescribed form of the date the investigation was completed:
 - (a) the complainant;
 - (b) the member complained of;
 - (c) the Complaints Commissioner.

Consideration of organizational or administrative matters addressed in report

- 43 If an investigator's report in a complaint matter identifies departmental practices that may have caused or contributed to an alleged disciplinary default, the chief officer must consider, independently of the disposition of the complaint, all organizational or administrative matters that may need further consideration and report these matters, together with their disposition, to the board.

Disciplinary authority's decision

- 44 (1) No later than 30 days after the date a disciplinary authority receives an investigator's report on a complaint against a member, the disciplinary authority must
 - (a) decide whether the evidence gathered in the investigation shows that the member may have committed a disciplinary default; and
 - (b) take action in accordance with subsection (2) or (3).
- (2) If a disciplinary authority decides that the evidence gathered in an investigation does not establish that the member has committed a disciplinary default, the disciplinary authority must dismiss the complaint and forward a report of the disposition of complaint proceedings in the prescribed form to each of the following:
 - (a) the complainant;
 - (b) the member complained of;
 - (c) the Complaints Commissioner.
- (3) If a disciplinary authority decides that the evidence gathered in an investigation discloses that the member may have committed a disciplinary default, the disciplinary authority must immediately serve a notice on the member in the prescribed form that

- (a) states that the member is alleged to have committed a disciplinary default; and
 - (b) requires the member to appear at a private meeting of the disciplinary authority and the member to be held on the date and at the time and place specified in the notice.
- (4) At a private meeting with a disciplinary authority, a member may be represented by
- (a) counsel, a union representative or another member of the same police department; or
 - (b) if the member is a chief officer, counsel or a member of the Nova Scotia Chiefs of Police Association.
- (5) At a private meeting with a disciplinary authority, a member must be given an opportunity to
- (a) hear the results of the investigation; and
 - (b) admit or deny the allegation.
- (6) After a private meeting under this Section,
- (a) if a disciplinary authority decides that a member other than a chief officer has committed a disciplinary default, the disciplinary authority must impose a penalty specified in [Section 25](#);
 - (b) if a disciplinary authority decides that a chief officer has committed a disciplinary default, the disciplinary authority may impose a penalty specified in [Section 26](#);
 - (c) if a disciplinary authority decides that a member has not committed a disciplinary default, the disciplinary authority must dismiss the complaint and take no further action with respect to the complaint.
- (7) No later than 30 days after the date the disciplinary authority makes a decision under subsection (6), the disciplinary authority must forward a written copy of the decision and the reasons for their decision in the prescribed form to each of the following:
- (a) the member who is the subject of the decision;
 - (b) the complainant;
 - (c) the Complaints Commissioner.

Internal Discipline

Allegation of disciplinary default

- 45 (1) A member may allege that another member of the same police department has committed a disciplinary default by filing a written allegation with the disciplinary authority.
- (2) Subject to subsection (3), a disciplinary authority to whom a written allegation is made must give notice of the allegation in the prescribed form to the member alleged to have committed the disciplinary default and, if the disciplinary authority is other than the board, must forward a copy of the notice to the board.
- (3) Proceedings for an alleged disciplinary default must not be commenced if more than 6 months have elapsed from the time the member making the allegation should have been aware of the alleged disciplinary default.
- (4) For the purpose of subsection (3), proceedings against a member are commenced at the time a written allegation is filed with the disciplinary authority.
- (5) An allegation may be resolved informally if
- (a) a resolution of the allegation is proposed; and
 - (b) the member making the allegation, the member against whom the allegation is made and the police department agree with the proposed resolution by signing a record of informal resolution in the prescribed form.
- (6) An allegation that is resolved informally must not be processed further and must not appear in the service record of the member.

- (7) An allegation may be withdrawn at any time by giving notice of the withdrawal of the allegation in the prescribed form to the disciplinary authority.
- (8) If the disciplinary authority for a withdrawn allegation believes, for any good or sufficient reason, that the allegation should not have been withdrawn, the disciplinary authority may continue internal disciplinary proceedings against the member complained of.

Investigator for alleged disciplinary default

- 46 (1) A disciplinary authority that commences discipline default proceedings under [Section 45](#) must designate a person as investigator to investigate the allegation, as follows:
- (a) for an allegation against a member other than a chief officer, the chief officer must designate as investigator a member within the same police department who is of a higher rank than the member alleged to have committed the disciplinary default;
 - (b) for an allegation against a chief officer, the board must
 - (i) engage a barrister to act as investigator, or
 - (ii) designate a person to act as investigator.
- (2) Despite the requirement in clause (1)(a) that the investigator be a member of the same police department, the chief officer may, after consulting with the chief officer of another police department, designate as investigator a member of the other police department who is of higher rank than the member alleged to have committed the disciplinary default.
- (3) In investigating an allegation of a disciplinary default, an investigator has all the powers and privileges of a peace officer.

Time limit for investigation of alleged disciplinary default

- 47 (1) An investigation of an allegation of disciplinary default must be completed promptly and in any case no later than 60 days after the date the written allegation is filed.
- (2) Despite subsection (1), the Complaints Commissioner may, upon request before or after the time limit has expired, extend the time to complete the investigation if the Complaints Commissioner is satisfied that there are reasonable grounds for granting the extension and the extension will not unduly prejudice any member.

Report on investigation of allegation against member other than chief officer

- 48 (1) After completing an investigation of an allegation of disciplinary default against a member other than a chief officer, an investigator must immediately submit a report to the chief officer that includes the following details:
- (a) whether, in the investigator's opinion, the evidence proves that the member has committed a disciplinary default;
 - (b) if applicable, any organizational or administrative practices of the police department that the investigator identifies as factors that may have caused or contributed to the alleged disciplinary default.
- (2) An investigator's report may include a recommendation of what penalty should be imposed on the member if the allegation of disciplinary default is proved.

Chief officer to consider departmental practices identified in report

- 49 If an investigator's report identifies departmental practices that may have caused or contributed to the alleged disciplinary default, the chief officer must consider, independently of the disposition of the disciplinary default matter, all organizational or administrative matters that may need further consideration and report these matters, together with their disposition, to the Complaints Commissioner.

Decision in disciplinary default matter for member other than chief officer

- 50 (1) No later than 30 days after the date a chief officer receives an investigator's report on an allegation of disciplinary default against a member other than the chief officer, the chief officer must decide whether the evidence gathered in the investigation discloses that the member may have committed a disciplinary default.
- (2) If the chief officer decides that the evidence gathered in the investigation establishes that the member has not committed a disciplinary default, the chief officer must dismiss the allegation and immediately notify the member and the Complaints Commissioner in writing that the allegation has been dismissed.

- (3) If the chief officer decides that the evidence gathered in the investigation discloses that the member may have committed a disciplinary default, the chief officer must immediately send a notice of meeting to the member in the prescribed form for a private meeting of the chief officer and the member to be held on the date and at the time and place specified in the notice.
- (4) A notice of meeting must include information about the penalty that the chief officer intends to consider if the disciplinary default is proved.
- (5) At the meeting with the chief officer, the member may be represented by counsel, a union representative and another member of the same police department, and the member must be given an opportunity to
 - (a) hear the results of the investigation; and
 - (b) admit or deny the allegation.
- (6) After a meeting referred to in subsection (5) the chief officer must do one of the following:
 - (a) if the chief officer decides that the member has committed a disciplinary default, impose a penalty specified in [Section 27](#) [25];
 - (b) if the chief officer decides that the member has not committed a disciplinary default, dismiss the allegation.
- (7) No later than 30 days after the date the chief officer makes a decision under subsection (6), the chief officer must forward a written copy of the decision and the reasons for their decision in the prescribed form to each of the following:
 - (a) the member who is the subject of the decision;
 - (b) the member who made the allegation;
 - (c) the Complaints Commissioner.

Report on investigation of allegation against chief officer

- 51 (1) After completing an investigation of an allegation of disciplinary default against a chief officer, an investigator must immediately submit a report to the board that includes all of the following details:
- (a) whether, in the investigator's opinion, the evidence proves that the chief officer has committed a disciplinary default;
 - (b) whether, in the investigator's opinion, the chief officer is able to carry out the chief officer's duties;
 - (c) if applicable, any organizational or administrative practices of the police department that the investigator identifies as factors that may have caused or contributed to the alleged disciplinary default.
- (2) An investigator's report may include a recommendation of what penalty should be imposed on the chief officer if the disciplinary default is proved.

Board to consider departmental practices identified in report

- 52 If an investigator's report identifies any departmental practices that may have caused or contributed to the alleged disciplinary default, the board must consider, independently of the disposition of the disciplinary default matter, all organizational or administrative matters that may need further consideration.

Decision in disciplinary default matter for chief officer

- 53 (1) No later than 30 days after the date a board receives an investigator's report on an allegation of disciplinary default against a chief officer, the board must decide whether the evidence gathered in the report establishes that the chief officer has committed a disciplinary default and whether the chief officer is able to carry out the chief officer's duties.
- (2) If the board decides that the chief officer has not committed a disciplinary default, the board must dismiss the allegation and immediately notify the chief officer in writing that the allegation has been dismissed.
- (3) If the board decides that the evidence gathered in the investigation discloses that the chief officer may have committed a disciplinary default, the board must immediately send a notice of meeting to the chief

office[r] in the prescribed form for a private meeting of the board and the chief officer to be held on the date and at the time and place specified in the notice.

- (4) A notice of meeting must include information about the penalty that the board intends to consider if the disciplinary default is proved.
- (5) At the meeting with the board, the chief officer may be represented by counsel and a member of the Nova Scotia Chiefs of Police Association, and the chief officer must be given an opportunity to
 - (a) hear the results of the investigation; and
 - (b) admit or deny the allegation.
- (6) After a meeting referred to in subsection (5), the board must decide whether the chief officer has committed a disciplinary default, and
 - (a) if the board decides that the chief officer has committed a disciplinary default and should be penalized, the board may impose a penalty specified in [Section 26](#); or
 - (b) if the board decides that the chief officer has not committed a disciplinary default, the board must dismiss the allegation.
- (7) No later than 30 days after the date of the board's decision, the board must forward a written copy of the decision and the reasons for the decision in the prescribed form to each of the following:
 - (a) the chief officer who is the subject of the decision;
 - (b) the member who made the allegation;
 - (c) the Complaints Commissioner.

Review of decision by Review Board

- 54 (1) A review of a disciplinary decision by the Review Board, as referred to in [Section 81](#) of the *Act*, must be initiated by a member who is the subject of a disciplinary decision by filing a notice of review with the Complaints Commissioner in the prescribed form no later than 30 days after the date the decision is received.
- (2) After receiving a notice of review, the Complaints Commissioner must refer the matter to the Review Board.
- (3) On receiving a referral of a disciplinary decision from the Complaints Commissioner, the Review Board must notify each of the following of the time and place set for the hearing of the review by the Review Board:
 - (a) the member who is the subject of the disciplinary decision; and
 - (b) the disciplinary authority that made the disciplinary decision.

Review Board Hearings

Quorum

- 55 Three members of the Review Board, including the Chair or Vice-chair, constitute a quorum, and a decision of the majority of the Review Board members present at a hearing is a decision of the Review Board.

Written submissions

- 56 The parties to a hearing of the Review Board may give written submissions to the Review Board.

Burden of proof

- 57 At a hearing of the Review Board, the burden of proof must be on the balance of probabilities.

Expungement of Disciplinary Default

When disciplinary default deemed expunged

- 58 If a penalty has been imposed on a member for a disciplinary default, and if there is no entry in the member's service record of a further disciplinary default after the date the penalty was imposed, the disciplinary default is deemed to be expunged from the member's record in the following applicable circumstance:

- (a) if the penalty was a reduction in rank, when 3 years have expired since the date of the reduction in rank;
- (b) if the penalty was a fine or a suspension, when 2 years have expired from the date the fine was paid or the suspension completed;
- (c) if the penalty was a period of close supervision, when 2 years have expired since the completion of the period of close supervision;
- (d) if the penalty was an order to undergo counseling, treatment or training, when 1 year has expired from the completion of the counseling, treatment or training;
- (e) if the penalty was a reprimand, when 1 year has expired since the date of reprimand;
- (f) if the penalty was any order made by the disciplinary authority other than as specified in clauses (a) to (e), when 1 year has expired from the date the order was made, fulfilled or completed.

Time periods deemed to run concurrently

- 59 When a combination of penalties is ordered under [Section 25](#) or [26](#), the time periods set out in [clauses 58\(a\)](#) to (f) are deemed to run concurrently.

Dismissal and Reduction in Rank

Dismissing member on probation

- 60 A chief officer may dismiss any member while the member is on probation.

Dismissing member guilty of offence

- 61 (1) A chief officer may dismiss a member who is found guilty of or has pleaded guilty to an indictable offence or an offence punishable on summary conviction under an enactment of the Province or a province or territory of Canada or the Government of Canada, if as a result, in the opinion of the chief officer, the member is unfit to perform their duties.
- (2) A council may dismiss a chief officer who is found guilty of or has pleaded guilty to an indictable offence or an offence punishable on summary conviction under an enactment of the Province or a province or territory of Canada or the Government of Canada, if as a result, in the opinion of the council, the chief officer is unfit to perform their duties.

Dismissal or reduction in rank and pay following investigation

- 62 (1) If an investigation ordered by the Minister under [Section 7](#) of the [Act](#) discloses that a member does not perform or is incapable of performing their duties in a manner consistent with their position, or that the member's conduct does not satisfy the requirements of their position, the board, the chief officer in accordance with a by-law referred to in [subsection 37\(4\)](#) of the [Act](#), or, in the case of the chief officer, the council on the recommendation of the board may
- (a) reduce the member's rank and reduce the member's pay in accordance with the rank to which the member is reduced; or
 - (b) subject to subsection (2), dismiss the member or, if the member is entitled to retirement, place the member on retirement.
- (2) A member must not be dismissed or placed on retirement under clause (1)(b) unless the dismissal or retirement is expressly recommended in the report resulting from the investigation and a majority of the members of the board or, in the case of a chief officer, the council agree with the recommendation.

Suspension

Suspending member from duty

- 63 (1) Despite any provision of these regulations, a chief officer may suspend a member other than a chief officer from duty if
- (a) the chief officer believes on reasonable grounds that the member has committed an indictable offence, an offence punishable on summary conviction under an enactment of the Province, a province or territory of Canada or the Government of Canada, or a disciplinary default and, in the chief officer's opinion, the member is unfit for duty as a result;
 - (b) the chief officer has received
 - (i) evidence that substantiates intentional misrepresentation or fraudulent information about the member's qualifications on appointment, or

- (ii) information or evaluation results that substantiate that the member does not meet the qualification requirements specified in [Section 4](#).
- (2) A member of a rank equal to or higher than non-commissioned officer in charge, delegated by the chief officer for the purpose, may exercise the power of suspension exercisable by the chief officer under subsection (1).
- (3) A member must inform the chief officer immediately after taking action under subsection (2).
- (4) A suspension under subsection (2) is conditional on confirmation by the chief officer no later than 24 hours after the suspension takes effect.
- (5) A chief officer may, at any time, revoke a suspension and order that the member be returned to duty, and in that case the chief officer must notify the Complaints Commissioner that the member has been returned to duty.
- (6) The chair of a board must exercise the authority of a chief officer in respect of the suspension of a chief officer.

Deciding whether to continue suspension

- 64** (1) No later than 72 hours after the time a member's suspension takes effect, the chief officer or, if the member is a chief officer, the chair of the board must decide whether the suspension is to continue in effect or be rescinded with or without conditions.
- (2) A chief officer or, if applicable, a chair of a board must immediately inform the Complaints Commissioner of a decision to continue a suspension.
- (3) Continuation of a suspension of a chief officer is conditional on confirmation by the board no later than 72 hours after the decision to continue is made.
- (4) If the chair of a board has suspended a chief officer from duty, the chair must not participate in a decision to confirm the continuation of the chief officer's suspension under subsection (3).

Restrictions on member during suspension

- 65** During a suspension from duty, a member must not exercise powers as a peace officer or member or wear or use the uniform or equipment of the police department.

Internal discipline proceedings against member on suspension

- 66** During a member's suspension, the disciplinary authority may commence internal disciplinary proceedings against the member.

Pay and allowances during suspension

- 67** (1) A member who is suspended under [Section 63](#) or [64](#) must receive pay and allowances for at least 60 days during the suspension, or for a longer period as determined by the disciplinary authority.
- (2) The pay and allowances received by a member during a suspension must be reduced by the amount that the member earns from other employment during the suspension.
- (3) Written notice of a decision by the disciplinary authority to discontinue a member's pay and allowances at the end of the first 60 days of the suspension must be given immediately to the member.
- (4) On receipt of a notice under subsection (3), a member whose pay and allowances are discontinued may appear personally or be represented by counsel or a member of the police department before the disciplinary authority for a review of the decision.
- (5) No later than 60 days after the receipt date of a notice under subsection (3), a member may initiate a review of the decision by filing a notice of review with the Complaints Commissioner in the prescribed form.
- (6) On receiving a notice of review filed under subsection (5), the Complaints Commissioner must
- (a) forward a copy of the notice to the disciplinary authority; and
 - (b) immediately notify each of the following of the date, time and place of the hearing of the review:
 - (i) the member on suspension,
 - (ii) the disciplinary authority.

- (7) A member who is acquitted of all charges and proceedings before a criminal court and against whom no disciplinary proceedings are taken arising out of the same facts and circumstances must receive full pay and allowances for any period of suspension for which the member was not given full pay and allowances.
- (8) A member who has been suspended during an investigation that results in no disciplinary action or criminal proceedings must receive full pay and allowances for any period of the suspension for which the member was not given full pay and allowances.
- (9) At a hearing in a complaint or internal discipline matter held under these regulations, a Review Board
 - (a) may, if it finds that a disciplinary default that resulted in the decision to suspend the member has been proved, make any order that the Review Board considers proper for full or partial pay and any allowances for any unpaid period of suspension; or
 - (b) must, if the Review Board dismisses all of the alleged disciplinary defaults that caused the decision to suspend the member, order that the member receive full pay and allowances for any period of the suspension for which the member was not given full pay and allowances.
- (10) Subsection (9) does not apply to earnings from other employment that was commenced before the period of suspension.

No permanent suspension without internal discipline proceedings

- 68 (1) Action taken under [Section 63](#) or [64](#) must not result in the permanent suspension of a member unless the disciplinary authority first complies with the provisions in these regulations respecting internal disciplinary proceedings.
- (2) For the purpose of these regulations, permanent suspension is deemed to be dismissal.

Criminal Misconduct by Member

Minister may request investigation of allegation

- 69 (1) If a complaint or an allegation alleging criminal misconduct on the part of a chief officer, or a chief officer and one or more members, is referred to the Minister, the Minister may request another police department, provincial police or the RCMP to investigate the complaint or allegation.
- (2) If a complaint or an allegation referred to the Minister alleges that a chief officer, or a chief officer and 1 or more members, has been involved in a serious incident, the Minister may refer the matter to the Director in accordance with [Section 26I](#) of the *Act*.

Criminal charge against member

- 70 (1) If it appears that the facts alleged in a complaint or an allegation against a member constitute a violation by the member of a criminal statute enacted by the Parliament of Canada, the disciplinary authority to which the complaint or allegation is referred must determine whether a charge should be laid against the member.
- (1A) If it appears that the facts alleged in a complaint or an allegation against a member constitute a serious incident, the chief officer of the disciplinary authority to which the complaint or allegation is referred must notify the Director in accordance with [Section 26I](#) of the *Act*.
- (2) Except as provided in subsection (3), the laying of criminal charges against a member who is the subject of complaint or internal discipline proceedings does not preclude the continuation of the proceedings.
- (3) If a complaint or allegation that is under investigation is also the subject of a criminal investigation or proceedings, the disciplinary authority or Review Board must suspend the investigation of the complaint or allegation until the completion of the criminal investigation or proceedings.
- (4) If an investigation is suspended under subsection (3), the time period provided for the completion of the investigation must be extended by the number of days that the investigation is suspended.
- (5) If a criminal charge is laid against a member for conduct that is the subject of a Review Board hearing in a complaint or internal discipline matter, the Review Board must adjourn the hearing until the criminal proceedings are completed.

Notices

Giving notice

71 Each notice required under this Part must be in writing and must be served personally or sent by fax, courier or mail.

When notice deemed received

- 72 (1) Except as provided in subsection (2), if notice is sent by mail, the addressee is deemed to have received the notice on the 5th day following the date of mailing.
- (2) If notice is sent by mail and the sender receives written confirmation, in the form of the addressee's signature, that the notice was received by the addressee, the addressee is deemed to have received the notice on the day specified in the written confirmation.

Transition for Complaint and Disciplinary Proceedings

73 Subject to [subsection 96\(3\)](#) of the [Act](#), which provides for matters that were before the Review Board immediately before the Act came into force, a complaint that was made or an internal disciplinary proceeding that was begun before these regulations came into force and that has not been completed on that date must be dealt with by a disciplinary authority or the Review Board as if these regulations were not in force.

Part 3 - Administrative and Governing Bodies

Oaths of Office for Members of Administrative and Governing Bodies

Oath of office for member of Review Board, board or advisory board

74 Form 4 is prescribed as the oath of office or affirmation for each of the following:

- (a) a Review Board member;
- (b) a board member;
- (c) an advisory board member.

Must take oath before assuming duties

75 A person referred to in [Section 74](#) must make their oath or affirmation before assuming their duties in the position for which the oath or affirmation is required.

Municipal Boards of Police Commissioners

Board member selection process

76 The selection process used by a council in appointing a board member to a vacancy on the board, except a board member appointed by the Minister under [clause 44\(3\)\(c\)](#) of the [Act](#), must include all of the following:

- (a) the board vacancy must be advertised and applications must be solicited for the vacancy;
- (b) each application must be reviewed by a panel established by the council.

Board member qualifications

77 (1) To be a candidate for appointment as a board member under [Section 76](#), a person must demonstrate all of the following qualifications to the satisfaction of the council:

- (a) residence in the municipality served by the board;
- (b) knowledge of community issues;
- (c) a good character;
- (d) the skills and abilities to make the commitment of time and effort required to carry out board responsibilities.

(2) To be a candidate for appointment as a board member under [Section 76](#), a person must consent to criminal and background checks.

(3) A person must not be appointed as a board member if criminal and background checks show that the person has been convicted of any criminal offence or has been or is the subject of a disciplinary proceeding in any jurisdiction that, in the opinion of the council, would reasonably be expected to have a negative impact on their acting as a board member or on the board generally.

Role of board chair

78 The role of a chair of a board includes the following responsibilities:

- (a) to preside over the board and to manage, organize, set agendas for and attend meetings, ensuring that all policies developed by the board are appropriately implemented;
- (b) to develop an operations and policy manual that will assist in the orientation of new appointees and direct acting board members regarding their roles and responsibilities;
- (c) to ensure that board members are informed of matters within the board's jurisdiction;
- (d) to act as the sole spokesperson for the board;
- (e) in conjunction with board members and in consultation with the Chief Administration Officer of the municipality, to evaluate the performance of the chief officer on a yearly basis.

Code of conduct for board members

79 (1) A board member must do all of the following:

- (a) uphold the letter and spirit of the code of conduct set out in this Section and discharge their duties in a manner that will inspire public confidence in the abilities and integrity of the board;
 - (b) unless they have a reasonable excuse, attend every board meeting;
 - (c) not interfere with the police department's operational decisions and responsibilities or with the day-to-day operation of the police department, including the recruitment and promotion of officers;
 - (d) keep confidential any information disclosed or discussed at a board meeting;
 - (e) not claim to speak on behalf of the board unless authorized by the chair of the board to do so;
 - (f) discharge their duties loyally, faithfully, impartially and according to the Act, any other Act and any regulation, rule or by-law;
 - (g) discharge their duties in a manner that respects the dignity of individuals and is in accordance with the *Human Rights Act* and the [*Canadian Charter of Rights and Freedoms* (~~Canada~~);
 - (h) not use their position inappropriately to advance their interests or the interests of any person or organization with whom or with which they are associated;
 - (i) immediately resign from the board if applying for employment with a police department, including employment on contract or on fee for service;
 - (j) refrain from engaging in professional or personal conduct that could discredit or compromise the integrity of the board or the police department;
 - (k) if their conduct or performance is the subject of investigation or inquiry, temporarily withdraw from all board activities and duties as a member of the board until the completion of the investigation or inquiry.
- (2) If the chair or the majority of the board determines that a board member has breached the code of conduct for board members, the board must record that determination in its minutes.
- (3) On determining that a board member has breached the code of conduct for board members, the board may take one or more of the following actions:
- (a) issue a reprimand to the board member;
 - (b) order a period of suspension for the board member;
 - (c) recommend to the Minister or the council that the board member be dismissed under [subsection 44\(7\)](#) of the Act.

Joint Boards and Boards of Amalgamated Municipalities

Agreement for joint policing services or amalgamated police department

80 An agreement under [Section 84](#) of the Act for a single police department to provide services to 2 or more municipalities, or under [Section 85](#) of the Act to organize an amalgamated police department, must include all of the following:

- (a) a statement of the boundaries of the region or amalgamated area to be policed under the agreement, which may include areas outside the limits of any municipality that is a party to the agreement;
- (b) a provision establishing a board for the region or amalgamated area;
- (c) a method for determining the contribution that each party must pay;
- (d) an interim budget;
- (e) a method for approving budgets proposed by the board;
- (f) a method for dealing with surplus funds;
- (g) a method for dealing with a deficit;
- (h) a method for sharing the debts and other liabilities of the board;
- (i) a method for the parties to the agreement to pay funds to the board;
- (j) a method for acquiring and disposing of property;
- (k) a method for selecting a chair of the board;
- (l) a provision establishing a quorum for meetings of the board;
- (m) a statement of the commencement date for the provision of police services under the agreement;
- (n) provisions to protect existing pensions and other rights and benefits of persons who are members or employees of police departments of the municipalities that are parties to the agreement and who will become members or employees of the police department established under the agreement;
- (o) provisions for administration and bookkeeping;
- (p) any provisions required by the Minister in addition to those referred to in clauses (a) to (o).

Membership of joint board or board of amalgamated municipality

81 A board established under an agreement referred to in [Section 80](#) must consist of

- (a) 1 or more members representing each municipality that is a party to the agreement, appointed by council, at least one of whom must be a mayor or a councillor and all of whom must ordinarily reside in the municipality;
- (b) 1 or more persons ordinarily residing in each municipality that is a party to the agreement, appointed by the Minister; and
- (c) the chief officer of the police department of each municipality that is a party to the agreement, who is a board member by virtue of their office and who does not have voting privileges.

Advisory Boards

Advisory board member selection process

82 (1) The selection process used by a council in appointing an advisory board member to a vacancy on the advisory board, except an advisory board member appointed by the Minister under [clause 57\(3\)\(c\)](#) of the [Act](#), must include all of the following:

- (a) the advisory board vacancy must be advertised and applications must be solicited for the vacancy;
- (b) an applicant must be required to go through a screening process, including an interview, conducted by a panel established by the council;
- (c) each applicant must be notified of the outcome of the selection process.

(2) In the process of selecting an advisory board member, the council must consider each candidate's education and work experience.

Advisory board member qualifications

- 83** (1) To be a candidate for appointment as an advisory board member under [Section 82](#), a person must demonstrate all of the following qualifications to the satisfaction of the council:
- (a) residence in the municipality served by the board, or considerable interest in serving on the advisory board;
 - (b) considerable knowledge of community issues and an understanding of policing values and governance;
 - (c) a good character;
 - (d) willingness to make the commitment of time and effort required to carry out advisory board responsibilities.
- (2) To be a candidate for appointment as an advisory board member under [Section 82](#), a person must consent to criminal and background checks.
- (3) A person must not be appointed as an advisory board member if criminal and background checks show that the person has been convicted of any criminal offence or has been or is the subject of a disciplinary proceeding in any jurisdiction that, in the opinion of the council, would reasonably be expected to have a negative impact on their acting as an advisory board member or on the advisory board generally.

Code of conduct for advisory board members

- 84** (1) An advisory board member must do all of the following:
- (a) uphold the letter and spirit of the code of conduct set out in this Section and discharge their duties in a manner that will inspire public confidence in the abilities and integrity of the advisory board;
 - (b) unless they have a reasonable excuse, attend every advisory board meeting;
 - (c) not interfere with the police department's operational decisions and responsibilities or with the day-to-day operation of the police department, including the recruitment and promotion of officers;
 - (d) keep confidential any information disclosed or discussed at an advisory board meeting;
 - (e) not claim to speak on behalf of the advisory board unless authorized by the chair of the advisory board to do so;
 - (f) if publicly disagreeing with a decision of the advisory board, make it clear that they are expressing a personal opinion;
 - (g) discharge their duties loyally, faithfully, impartially and according to the Act, any other Act and any regulation, rule or by-law;
 - (h) discharge their duties in a manner that respects the dignity of individuals and is in accordance with the *Human Rights Act* and the [*Canadian*] *Charter of Rights and Freedoms* (~~Canada~~);
 - (i) not use their position inappropriately to advance their interests or the interests of any person or organization with whom or with which they are associated;
 - (j) immediately resign from the advisory board if applying for employment with a police department, including employment on contract or on fee for service;
 - (k) refrain from engaging in professional or personal conduct that could discredit or compromise the integrity of the advisory board or the police department;
 - (l) if their conduct or performance is the subject of investigation or inquiry, temporarily withdraw from all advisory board activities and duties as a member of the advisory board until the completion of the investigation or inquiry.
- (2) If the chair or the majority of the advisory board determines that an advisory board member has breached the code of conduct for advisory board members, the advisory board must record that determination in its minutes.
- (3) On determining that an advisory board member has breached the code of conduct for advisory board members, the advisory board may take one or more of the following actions:
- (a) issue a reprimand to the advisory board member;

- (b) order a period of suspension for the advisory board member;
- (c) recommend to the Minister or the council that the [advisory] board member be dismissed under subsection 57(7) of the Act.

Form 1—Oath of Office for Member of Police Department
Section 16 of the *Police Regulations*

I, _____, do solemnly (*select one*) swear/affirm that I will well and truly serve our Sovereign Lady the Queen and her heirs and successors according to law, as a member of the _____ Police Department without favour, affection, malice or ill will and that I will, to the best of my power, cause the peace to be kept and preserved, and will prevent all offences against the persons and properties of Her Majesty’s subjects; and that I will not, except in the discharge of my duties, disclose to any person any matter or evidence which may come to my notice through my employment; and that while I continue to hold office I will, to the best of my judgement, skill, knowledge, and ability, carry out, discharge and perform all the duties of my office faithfully, impartially and according to the *Police Act* or any other Act, and any regulation rule or by-law, (*select one*) so help me God/I so affirm.

Sworn to/Affirmed at
 in the County of _____)
 Province of Nova Scotia, on _____)
 _____, 20____,)
 before me, _____)
 _____)
 _____)
 A Commissioner of Oaths in and _____)
 for _____)
 the Province of Nova Scotia _____)

Form 2—Oath of Office for Special Constable or By-law Enforcement Officer
Section 17 of the *Police Regulations*

I, _____, do solemnly (*select one*) swear/affirm that I will well and truly serve our Sovereign Lady the Queen and her heirs and successors according to law, as a (*select one*) special constable/by-law enforcement officer appointed under the *Police Act*, without favour, affection, malice or ill will, and that I will, to the best of my judgment, skill, knowledge, and ability, carry out, discharge and perform the duties assigned to me faithfully according to law and that I will not, except in the discharge of my duties, disclose to any person any matter or evidence which may come to my notice through my employment, (*select one*) so help me God/I so affirm.

Sworn to/Affirmed at
 in the County of _____)
 Province of Nova Scotia, on _____)
 _____, 20____,)
 before me, _____)
 _____)
 _____)
 A Commissioner of Oaths in and _____)
 for _____)
 the Province of Nova Scotia _____)

Form 2A—Oath of Office for Special Constables and By-law Enforcement Officers appointed under subsections 88(1) and 89(1) of the Police Act
Section 17A of the *Police Regulations*

I, _____, do solemnly (*select one*) swear/affirm that I will well and truly serve our Sovereign Lady the Queen and her heirs and successors according to law, as a (*select one*) special constable/by-law enforcement officer appointed under the *Police Act*, without favour, affection, malice or ill will, and that I will, to the best of my judgment, skill, knowledge, and ability, carry out, discharge and perform the duties assigned to me faithfully according to law and that I will not, except in the discharge of my duties, disclose to any person any matter or evidence which may come to my notice through my employment, (*select one*) so help me God/I so affirm.

Sworn to/Affirmed at)
 _____)
 in the County of)
 _____)
 Province of Nova Scotia, on)
 _____, 20____,)
 before me,)
 _____)

_____)
 A Commissioner of Oaths in and for)
 the Province of Nova Scotia)

Form 3 - Oath of Office for Auxiliary Police Officer
 Section 18 of the *Police Regulations*

I, _____ do solemnly (*select one*) swear/affirm that I will faithfully, diligently and impartially execute and perform the duties required of me as an auxiliary police officer in and for the (*insert name of municipality*) _____, and will well and truly obey and perform all lawful orders and instructions that I receive as an auxiliary police officer, without fear, favour and affection of or toward any person, (*select one*) so help me God/I so affirm.

Sworn to/Affirmed at)
 in the County of)
 Province of Nova Scotia, on)
 _____, 20____,)
 before me,)
 _____)
 _____)
 A Commissioner of Oaths in and)
 for)
 the Province of Nova Scotia)

Form 4 - Oath of Office for Member of Nova Scotia Police Review Board, Municipal Board of Police Commissioners or Police Advisory Board
 Section 73 of the *Police Regulations*

I, _____, of _____, in the County of _____ (*select one*) swear/affirm that I will faithfully, diligently and impartially execute and perform the duties required of me as a member of the (*select one*) Nova Scotia Police Review Board/(*insert name of municipal board*) _____/(*insert name of municipal police advisory board*) _____, and while I continue to hold office I will, to the best of my judgement, skill, knowledge, and ability, carry out, discharge and perform all the duties of my office faithfully, impartially and according to the *Police Act* or any other Act and any regulation rule or by-law, and will not, except in the discharge of my duties, disclose to any person any matter or evidence brought before the (*select one*) Nova Scotia Police Review Board/(*insert name of municipal board*) _____/(*insert name of municipal police advisory board*) _____, (*select one*) so help me God/I so affirm.

Sworn to/Affirmed at)
 in the County of)
 Province of Nova Scotia, on)
 _____, 20____,)
 before me,)
 _____)
 _____)
 A Commissioner of Oaths in and)
 for)
 the Province of Nova Scotia)

Legislative History
Reference Tables

Police Regulations N.S. Reg
Police Act

Note: The information in these tables does not form part of the regulations and is compiled by the Office of the Reg for reference only.

Source Law

The current consolidation of the *Police Regulations* made under the *Police Act* includes all of the following regulations:

N.S. Regulation	In force date*	How in force	Royal Gaz. Part II Iss
230/2005	Jan 1, 2005	date specified	Jan 6, 2006
14/2009	Jan 28, 2009	date specified	Feb 13, 2009
186/2009	Apr 7, 2009	date specified	April 24, 2009
90/2012	Apr 18, 2012	date specified	May 4, 2012
11/2020	Jan 15, 2021	date specified	Feb 14, 2020

The following regulations are not yet in force and are not included in the current consolidation:

N.S. Regulation	In force date*	How in force	Royal Gaz. Part II Iss
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*See subsection 3(6) of the *Regulations Act* for rules about in force dates of regulations.

Amendments by Provision

ad. = added fc. = fee change rep. = repealed
am. = amended ra. = reassigned rs. = repealed and substituted

Provision affected	How affected
2(c) defn. of "by-law enforcement officer".....	am. 14/2009
2(v) defn. of "special constable".....	am. 14/2009
17(A).....	ad. 14/2009
29.....	rs. 11/2020
39(1)-(2).....	rep. 186/2009
69.....	ra. as 69(1)
69(2).....	added
70(1A).....	added
Forms	
Form 2A.....	ad. 14/2009

Note that changes to headings are not included in the above table.

Editorial Notes and Corrections

Note	Effect date
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Repealed and Superseded

N.S. Regulation	Title	In force date	Repeal date
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Note: Only regulations that are specifically repealed and replaced appear in this table. It may not reflect the entire history of regulations on this subject matter.

Webpage last updated: 17-09-2021



Serious Incident Response Team Regulations, NS Reg 89/2012

Current version: as posted on May 11, 2012

Link to the latest [version](https://canlii.ca/t/8qkl) :

version :

Stable link to this [version](https://canlii.ca/t/lgz0)

version :

Citation to this version: Serious Incident Response Team Regulations, NS Reg 89/2012, <<https://canlii.ca/t/lgz0>> retrieved on 2021-09-24

Currency: Last updated from The Nova Scotia [Registry of Regulations](#) website on 2021-09-17

This consolidation is unofficial and is for reference only. For the official version of the regulations, consult the original documents on file with the Registry of Regulations, or refer to the Royal Gazette Part II.

Regulations are amended frequently. Please check the list of Regulations by Act to see if there are any recent amendments to these regulations filed with the Registry that are not yet included in this consolidation.

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Serious Incident Response Team Regulations
made under subsection 97(1) of the
Police Act

S.N.S. 2004, c. 31

O.I.C. 2012-120 (April 18, 2012, effective April 20, 2012), N.S. Reg. 89/2012

Citation

1 These regulations may be cited as the *Serious Incident Response Team Regulations*.

Definitions

2 (1) In these regulations,

“Act” means the *Police Act*;

“chief officer” means a chief officer as defined in [clause 2\(c\)](#) of the [Act](#), and in the context of an investigation means the chief officer of the agency that employs the police officer or officers who are involved in the serious incident that is being investigated;

“investigation” means investigation of a serious incident in accordance with [clause 26I\(3\)\(a\)](#), (b) or (d) of the [Act](#);

“person in charge of the investigation” means

- (i) the Director or a person acting under the authority of the Director, in an investigation undertaken by the Team under [clause 26I\(3\)\(a\)](#) of the [Act](#), or
- (ii) the officer in charge of the investigation, in an investigation conducted by
 - (A) an agency, under [clause 26I\(3\)\(b\)](#) of the [Act](#), or
 - (B) an independent team or agency from another province, under [clause 26I\(3\)\(d\)](#) of the [Act](#);

“subject police officer” means a police officer who is the subject of an investigation, or whose actions may have resulted in a serious incident;

“Team” means the Serious Incident Response Team;

“witness police officer” means a police officer who is a witness to or has material information relating to the events of a serious incident.

- (2) In Sections 26A to 26N of the [Act](#) and in these regulations, “police officer” means a member of the Provincial Police, the Royal Canadian Mounted Police, a municipal police department or another police department providing policing services in the Province, and includes a special constable while employed by an agency and working in a lock-up facility.

Communication from public

- 3 For the purposes of [subsection 26I\(3\)](#) of the [Act](#), the Director may become aware of a serious incident by receiving a communication from a member of the public in the form required by the Director.

Securing scene of serious incident

- 4 As soon as a chief officer becomes aware that an investigation is to be undertaken, and until the Team or the investigating agency takes charge of the scene of the incident, the chief officer must ensure that the chief officer’s agency secures the scene in a manner consistent with the policies and usual practice of that agency.

Segregating police officers during investigation

- 5 (1) As soon as a chief officer becomes aware that an investigation is to be undertaken, the chief officer, unless otherwise directed by the person in charge of the investigation, must ensure, to the extent that it is practicable, that all the police officers involved in the serious incident are segregated from each other until the Team or the investigating agency has finished interviewing all of the witness police officers.
- (2) Unless otherwise directed by the person in charge of the investigation, a police officer who is segregated under subsection (1) must not communicate about the details of the serious incident with any other police officer who was involved in the incident until after the Team or the investigating agency has finished interviewing all of the witness police officers.

Police officer's notes

- 6 (1) Each police officer who is involved in a serious incident must complete their police officer's notes about the serious incident in accordance with the procedures of their agency.
- (2) Before requesting a police officer's notes, the person in charge of the investigation must advise the chief officer and the officer in writing of the officer's status as a subject police officer or witness police officer, as applicable.
- (3) Except as provided in subsection (4), a witness police officer must provide their police officer's notes to the person in charge of the investigation, with a copy to the chief officer, no later than 48 hours after the person in charge of the investigation requests the notes.
- (4) If, in the opinion of the person in charge of the investigation, allowing up to 48 hours for a witness police officer's notes to be provided would cause an unreasonable delay that may jeopardize the investigation, the person in charge of the investigation may require the witness police officer's notes to be provided within a shorter time period.
- (5) A subject police officer is not required to provide their police officer's notes to the Team or investigating agency, and no other person may provide the subject police officer's notes to the Team or investigating agency without the express permission of the subject police officer.

Interviewing police officers

- 7 (1) Before requesting or directing a police officer to attend at an interview as part of an investigation, the person in charge of the investigation must advise the chief officer and the police officer in writing of the police officer's status as a subject police officer or witness police officer, as applicable.
- (2) The person in charge of the investigation may direct that a witness police officer attend at an interview and answer questions at a specified place and at a specified time that, except as provided in subsection (3), is at least 48 hours after the serious incident occurred.
- (3) If, in the opinion of the person in charge of the investigation, waiting 48 hours before conducting an interview with a witness police officer would cause an unreasonable delay that may jeopardize the investigation, the person in charge of the investigation may specify an earlier time for the interview.
- (4) Except as provided in subsection (5), each police officer requested or directed to attend at an interview must be given a reasonable opportunity to consult with legal counsel before the interview, and the person in charge of the investigation must advise the police officer of that opportunity.
- (5) Subsection (4) does not apply to a witness police officer if, in the opinion of the person in charge of the investigation, waiting for an opportunity for the witness police officer to consult with legal counsel before an interview would cause an unreasonable delay that may jeopardize the investigation.
- (6) If practicable, an interview with a police officer must be recorded by audio or video recording.

Change of status of police officer as subject or witness

- 8 (1) If, at any time after advising that a police officer is considered to be a subject police officer, the person in charge of the investigation decides that the police officer's status is changed to that of a witness police officer, the person in charge of the investigation must advise the chief officer and the police officer in writing of the change of status.
- (2) If, after conducting an interview with or obtaining police officer's notes from a police officer who was considered to be a witness police officer when the interview was directed or the police officer's notes requested, the person in charge of the investigation decides that the officer is now considered to be a subject police officer, the person in charge of the investigation must do all of the following:
- (a) advise the chief officer and the police officer in writing of the change of status;
 - (b) give the police officer the original and all copies of the record of any interview with the police officer that was requested when the police officer was considered to be a witness police officer;
 - (c) give the chief officer the original and all copies of the police officer's notes about the serious incident.

Summary of investigation

- 9 (1) Subsections (2) to (5) apply to both of the following:
- (a) a summary of an investigation that is provided to the Minister and to the agency in which the subject police officer is or was employed, as required by [subsection 26M\(1\) of the Act](#);
 - (b) a summary of an investigation that is made available to the public, as required by [subsection 26M\(3\) of the Act](#).
- (2) A summary must include all of the following:
- (a) a summary of facts;
 - (b) the time frame of the investigation;
 - (c) a statement of the number of civilian witnesses and witness police officers interviewed;
 - (d) a statement of the relevant legal issues;
 - (e) the decision whether a charge will be laid.
- (3) A summary may include the names of the subject police officers and witness police officers involved in the investigation.
- (4) If it is decided that no charge will be laid, a summary may include reasons for that decision.
- (5) If a charge is laid, the Director may provide a supplemental summary at the conclusion of the prosecution, setting out reasons why the charge was laid.

- (6) The summary to be made available to the public must be the same as the summary provided to the Minister and the agency, and must be made available to the public no later than 2 days after it is provided to the Minister and the agency.

Annual report to Minister

- 10 In addition to the matters set out in [Section 26N](#) of the [Act](#), the annual report to the Minister on the operations of the Team must include a comparison between the number of matters referred to the Director in the year and the number of investigations started and concluded in the year.

Oath of office for Director and investigators

- 11 The Director and each person appointed as an investigator for the purpose of the Team must take the following oath or affirmation before a commissioner of oaths:

I, (name of investigator), do (select one) solemnly swear/affirm that I will faithfully, diligently and impartially execute and perform the duties required of me as a member of the Serious Incident Response Team and that I will, to the best of my judgement, skill, knowledge, and ability, carry out, discharge and perform all the duties of my office faithfully, impartially and according to the *Police Act* or any other Act and any regulation, rule or bylaw, and will not, except in the discharge of my duties, disclose to any person any matter or evidence that may come to my notice through my employment, (select one) so help me God/I so affirm.

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Municipal Statistics



Annual Report
2018-19

Municipal Statistics Annual Report

Nova Scotia Department of
Municipal Affairs and Housing

ISSN 0383-4840 2020

Municipal Statistics Annual Report



Department of Municipal Affairs and Housing is pleased to issue the Annual Report of Municipal Statistics for the fiscal period April 1, 2018 to March 31, 2019.



Municipal Statistics Annual Report

Introduction

The Department of Municipal Affairs and Housing (DMAH) compiles the Annual Report of Municipal Statistics, which consolidates and analyzes the financial data submitted by Nova Scotia's 50 municipalities.

This Report contains assessment information, financial statement, and other data that can help municipalities analyze their financial health and plan. It is also useful to others who are interested in municipal government statistics.

DMAH strives to make it easier to access municipal financial data. To aid access, significant municipal financial data can now be accessed through Nova Scotia's open data portal located at data.novascotia.ca (See Appendix B for list). The information on the open data portal can easily be exported into Excel and filtered by municipality and/or fiscal year.



Municipal Statistics Annual Report

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1 - Municipal Organization

1.1 Municipalities

All of Nova Scotia is incorporated into municipalities. There are three types of municipalities: Regional municipalities (3), towns (26), and county or district municipalities (21). The regional and county or district municipalities' boundaries are based on traditional county or district boundaries. County and district municipalities' boundaries exclude the area included within the boundaries of incorporated towns. There are no towns in the regional municipalities.

In addition, there are other organizations providing what are commonly considered to be municipal services. Within the county or district municipalities as of March 31, 2019, these included:

- Village commissions incorporated and operating under the Municipal Government Act for furnishing municipal services;
- Local commissions incorporated and operating under special Acts of Legislature, for example street lighting or fire protection; and
- Service commissions such as rural fire districts, incorporated under the Rural Fire District Act to provide fire protection. In a few cases, commissions have been created in municipalities, or pursuant to an inter-municipal agreement, to operate municipal services.

Village commissions and service commissions are authorized to levy taxes in addition to those collected by the municipality itself.

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Please note:



- As of July 1, 2012, the **Town of Canso** dissolved its town status and became part of Municipality of the District of Guysborough;
- As of April 1, 2015, the **Town of Bridgetown** dissolved its town status and became part of Municipality of the County of Annapolis;
- As of April 1, 2015, the **Town of Springhill** dissolved its town status and became part of Municipality of the County of Cumberland;
- As of April 1, 2015, the **Town of Hantsport** dissolved its town status and became part of Municipality of the District of West Hants; and
- As of November 1, 2016, the **Town of Parrsboro** dissolved its town status and became part of Municipality of the County of Cumberland.

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1.2 Municipal Location

Location of Municipality as of March 31, 2019

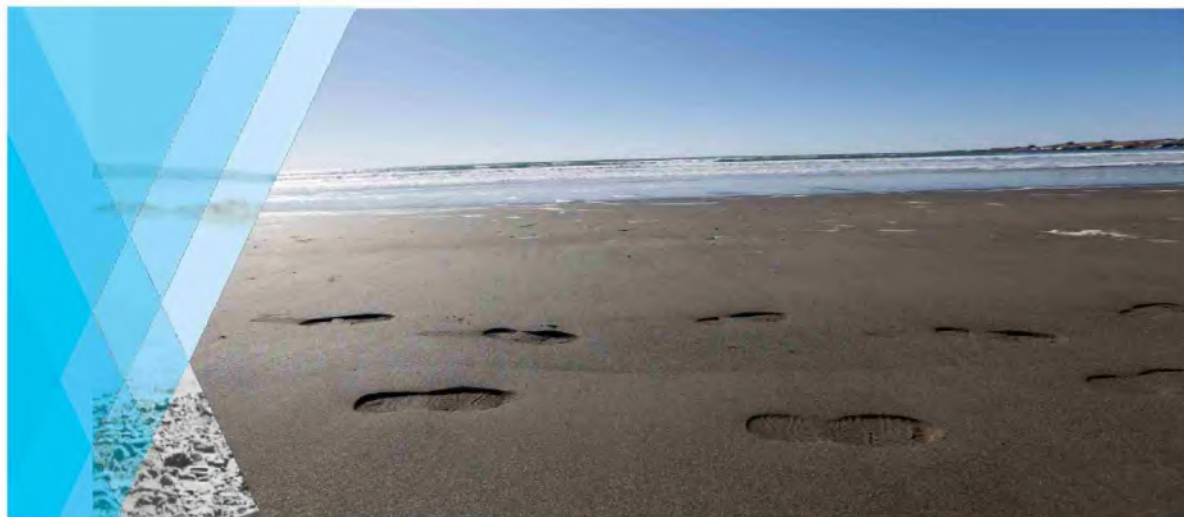
County	Municipality	Incorporated Towns	Villages
Annapolis	Municipality of the County of Annapolis	Annapolis Royal, Middleton	Lawrencetown
Antigonish	Municipality of the County of Antigonish	Antigonish	
Cape Breton	Cape Breton Regional Municipality		
Colchester	Municipality of the County of Colchester	Stewiacke, Truro	Bible Hill, Tatamagouche
Cumberland	Municipality of the County of Cumberland	Amherst, Oxford	Pugwash, River Hebert
Digby	Municipality of the District of Clare Municipality of the District of Digby	Digby	Freeport, Tiverton, Westport, Weymouth
Guysborough	Municipality of the District of Guysborough Municipality of the District of St. Mary's	Mulgrave	Dover
Halifax	Halifax Regional Municipality		
Hants	Municipality of the District of East Hants Municipality of the District of West Hants ¹	Windsor ¹	
Inverness	Municipality of the County of Inverness	Port Hawkesbury	
Kings	Municipality of the County of Kings	Berwick, Kentville, Wolfville	Aylesford, Canning, Greenwood, Kingston, New Minas, Port Williams, Cornwallis Square
Lunenburg	Municipality of the District of Chester Municipality of the District of Lunenburg	Bridgewater, Lunenburg, Mahone Bay	Chester, Hebbville
Pictou	Municipality of the County of Pictou	New Glasgow, Pictou, Trenton, Stellarton, Westville	
Queens	Region of Queens		
Richmond	Municipality of the County of Richmond		St. Peter's
Shelburne	Municipality of the District of Barrington Municipality of the District of Shelburne	Clark's Harbour, Lockeport, Shelburne	
Victoria	Municipality of the County of Victoria		Baddeck
Yarmouth	Municipality of the District of Argyle Municipality of the District of Yarmouth	Yarmouth	

¹ As of April 1, 2020, the Municipality of the District of West Hants¹ and the Town of Windsor became the Region of Windsor and West Hants

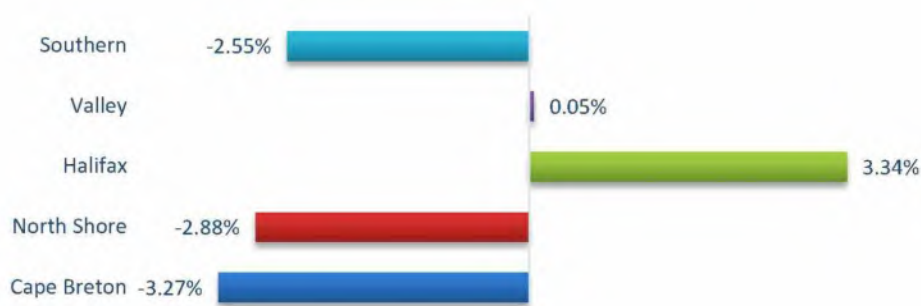
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1.3 Municipal Population

1.3.1 Population Change by Economic Region



Graph 1 -Change in Population from 2011 to 2016 by Economic Region



Source: Statistics Canada 2011 & 2016 Census

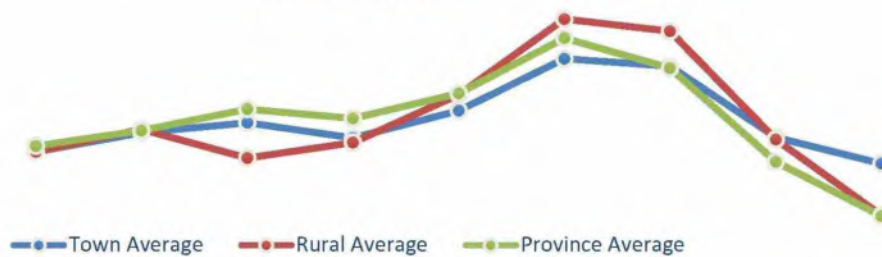
While the total population in Nova Scotia grew slightly, the growth was unevenly distributed across the province. As shown in the Graph 1, the Halifax and Valley economic regions have experienced population growth, while the Southern, Northern and Cape Breton economic regions experienced an overall decline in population.

The next two pages provide the population information by municipality.

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1.3.2 Population by Age Group

**Graph 2 - Population By Age Group
2016 Census**



	Age 0-9	10-19	20-29	30-39	40-49	50-59	60-69	70-79	80+
Town Average	9%	10%	11%	10%	12%	15%	15%	10%	8%
Rural Average	9%	11%	9%	10%	13%	18%	17%	10%	5%
Province Average	9%	10%	12%	11%	13%	17%	15%	8%	5%

Source: Statistics Canada 2011 & 2016 Census

The line graph above shows the population change by age group. As shown below, about 8% of the population are under 10 years old in both towns and rural municipalities. As expected, there are more young people living in towns than in rural municipalities. It also shows more people in their 80s and above live in the towns than in rural municipalities.

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1.3.3 Population by Municipality

Population by Regional Municipality	Population 2016	Population 2011
Cape Breton Regional Municipality	94,285	97,398
Halifax Regional Municipality	403,130	390,096
Region of Queens	10,305	10,917
Regionals Total	507,720	498,411

Population by Rural Municipality	Population 2016	Population 2011
Municipality of Annapolis	18,255	18,526
Municipality of Antigonish	14,585	14,692
Municipality of Argyle	7,900	8,252
Municipality of Barrington	6,645	6,994
Municipality of Chester	10,310	10,599
Municipality of Clare	8,020	8,319
Municipality of Colchester	36,090	36,624
Municipality of Cumberland	19,405	20,485
Municipality of Digby	7,105	7,463
Municipality of East Hants	22,455	22,111
Municipality of Guysborough	4,670	4,995
Municipality of Inverness	13,190	13,781
Municipality of Kings	47,405	47,569
Municipality of Lunenburg	24,860	25,118
Municipality of Pictou	20,690	21,278
Municipality of Richmond	8,460	8,812
Municipality of Shelburne	4,290	4,408
Municipality of St. Mary's	2,230	2,354
Municipality of Victoria	6,555	6,597
Municipality of West Hants	15,370	15,324
Municipality of Yarmouth	9,845	10,105
Rural Municipalities Total	308,335	314,406

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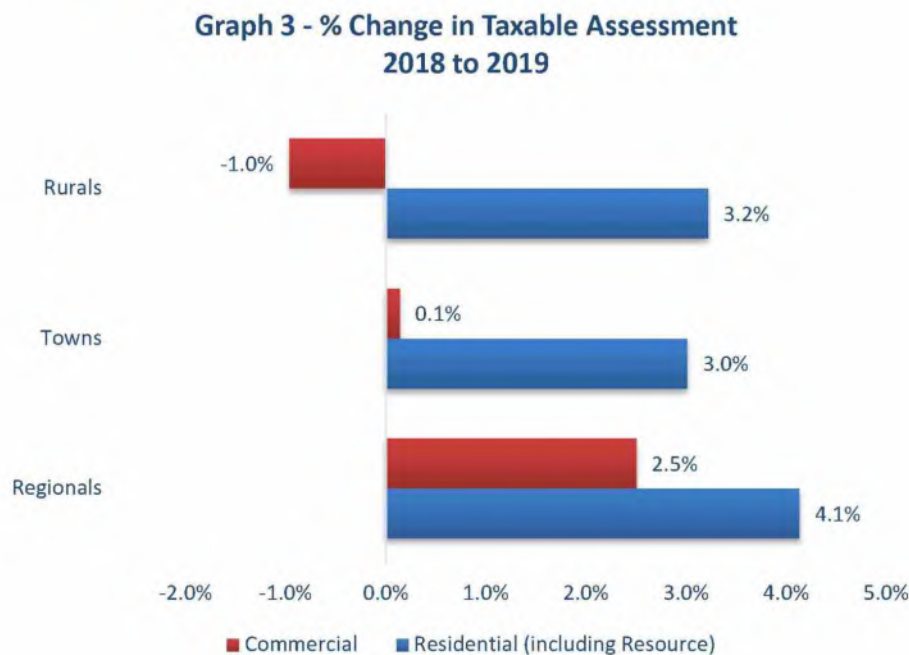
Population by Town	Population 2016	Population 2011
Town of Amherst	9,415	9,717
Town of Annapolis Royal	490	481
Town of Antigonish	4,365	4,524
Town of Berwick	2,510	2,454
Town of Bridgewater	8,535	8,241
Town of Clark's Harbour	760	820
Town of Digby	2,060	2,152
Town of Kentville	6,270	6,094
Town of Lockeport	530	588
Town of Lunenburg	2,260	2,313
Town of Mahone Bay	1,040	943
Town of Middleton	1,830	1,749
Town of Mulgrave	720	794
Town of New Glasgow	9,075	9,562
Town of Oxford	1,190	1,151
Town of Pictou	3,185	3,437
Town of Port Hawkesbury	3,215	3,366
Town of Shelburne	1,740	1,686
Town of Stellarton	4,210	4,485
Town of Stewiacke	1,375	1,438
Town of Trenton	2,475	2,616
Town of Truro	12,260	12,059
Town of Westville	3,625	3,798
Town of Windsor	3,650	3,785
Town of Wolfville	4,195	4,269
Town of Yarmouth	6,520	6,761
Towns Total	97,500	99,283

Municipal Statistics Annual

2 - Assessment Information

Assessment data provided here is obtained from the Property Valuation Services Corporation (PVSC). Two years of assessment data are presented in this report for comparative purposes.

2.1 Percentage Change in Taxable Assessment



Source: Property Valuation Services Corporation (PVSC) January Roll of 2018 and 2019

The bar graph above shows the change in both Residential and Commercial properties by municipality type from 2018 to 2019. The total residential assessment of the regional municipalities including HRM, CBRM, and Region of Queens increased by 4.1%. The total commercial assessment of the towns increased by 0.1% and the towns had an increase of 3.0% in the residential assessment. Rural municipalities' residential assessment increased by 3.2% while their commercial assessment decreased by 1.0%.

Municipal Statistics Annual Report

2.2 2018 Assessment Information for Regional and Rural

Municipality	Residential Market	Residential Cap Amount	Residential Taxable	Resource Market	Resource Cap Amount	Resource Taxable	Commercial Taxable	Total Taxable
Cape Breton Regional Municipality	4,801,808,800	936,314,100	3,865,494,700	106,013,100	11,775,300	94,237,800	634,886,100	4,594,618,600
Halifax Regional Municipality	41,276,182,100	3,659,443,100	37,616,739,000	278,600,700	22,888,200	255,712,500	8,280,307,200	46,152,758,700
Region of Queens Municipality	854,958,200	115,489,300	739,468,900	96,619,200	16,164,500	80,454,700	77,998,300	897,921,900
Municipality of the County of Annapolis	1,204,103,900	146,525,000	1,057,578,900	52,127,600	2,241,700	49,885,900	55,378,000	1,162,842,800
Municipality of the County of Antigonish	1,114,084,300	144,505,800	969,578,500	80,606,500	7,077,200	73,529,300	85,523,600	1,128,631,400
Municipality of the District of Argyle	445,858,300	21,711,500	424,146,800	36,692,400	2,336,200	34,356,200	50,660,700	509,163,700
Municipality of the District of Barrington	361,152,800	13,124,000	348,028,800	26,571,200	2,417,600	24,153,600	58,011,400	430,193,800
Municipality of the District of Chester	1,643,391,800	200,440,400	1,442,951,400	48,147,700	4,446,800	43,700,900	91,105,900	1,577,758,200
Municipality of the District of Clare	491,822,600	31,465,700	460,356,900	48,701,700	3,425,400	45,276,300	67,719,100	573,352,300
Municipality of the County of Colchester	2,323,884,400	278,753,900	2,045,130,500	65,661,400	2,250,600	63,410,800	277,441,400	2,385,982,700
Municipality of the County of Cumberland	1,471,379,200	216,657,000	1,254,722,200	43,454,000	2,062,700	41,391,300	125,799,700	1,421,913,200
Municipality of the District of Digby	394,849,800	37,392,200	357,457,600	27,642,800	1,496,200	26,146,600	45,330,700	428,934,900
Municipality of the District of East Hants	1,736,872,500	189,940,500	1,546,932,000	50,540,100	1,221,700	49,318,400	142,295,500	1,738,545,900
Municipality of the District of Guysborough	256,771,500	25,896,700	230,874,800	38,960,100	1,669,600	37,290,500	156,811,300	424,976,600
Municipality of the County of Inverness	912,545,800	115,905,700	796,640,100	169,811,000	12,381,400	157,429,600	100,726,700	1,054,796,400
Municipality of the County of Kings	3,332,532,500	343,407,900	2,989,124,600	138,704,300	632,300	138,072,000	378,443,000	3,505,639,600
Municipality of the District of Lunenburg	2,673,028,600	284,114,700	2,388,913,900	141,088,800	19,362,600	121,726,200	134,342,800	2,644,982,900
Municipality of the County of Pictou	1,570,450,300	276,437,800	1,294,012,500	99,527,500	11,771,700	87,755,800	183,649,900	1,565,418,200
Municipality of the County of Richmond	613,887,700	77,596,500	536,291,200	122,819,100	10,179,800	112,639,300	163,919,600	812,850,100
Municipality of the District of Shelburne	351,499,600	41,322,600	310,177,000	61,124,400	9,204,600	51,919,800	31,385,300	393,482,100
Municipality of the District of St. Mary's	144,937,800	17,665,200	127,272,600	22,359,400	1,026,300	21,333,100	24,527,400	173,133,100
Municipality of the County of Victoria	606,458,100	82,319,500	524,138,600	100,255,200	9,114,500	91,140,700	69,884,400	685,163,700
Municipality of the District of West Hants	1,147,985,500	150,990,800	996,994,700	38,941,400	1,409,200	37,532,200	63,887,700	1,098,414,600
Municipality of the District of Yarmouth	664,587,300	36,056,800	628,530,500	40,682,200	2,186,100	38,496,100	34,708,600	701,735,200
TOTAL Regional and Rurals	70,395,033,400	7,443,476,700	62,951,556,700	1,935,651,800	158,742,200	1,776,909,600	11,334,744,300	76,063,210,600

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2018 Assessment Information for Regional and Rural
cont.

Municipality	Residential Exempt	Commercial Exempt	Resource Exempt	Total Exempt	Total Assessment	Non-Profit Taxable Acres*	Commercial Taxable Acres*	Resource Taxable Acres*
Cape Breton Regional Municipality	60,899,200	902,796,400	20,517,300	984,212,900	5,578,831,500	452	0	155,216
Halifax Regional Municipality	473,621,400	5,737,106,600	126,830,600	6,337,558,600	52,490,317,300	580	216,957	155,783
Region of Queens Municipality	6,396,300	112,940,100	31,676,700	151,013,100	1,048,935,000	262	670	123,652
Municipality of the County of Annapolis	2,167,700	78,862,300	19,195,500	100,225,500	1,263,068,300	169	26,503	225,563
Municipality of the County of Antigonish	5,354,100	108,991,400	7,054,100	121,399,600	1,250,031,000	141	8,728	158,396
Municipality of the District of Argyle	300,000	70,042,800	2,166,100	72,508,900	581,672,600	0	650	42,174
Municipality of the District of Barrington	1,355,300	49,080,300	5,286,400	55,722,000	485,915,800	0	3,213	12,677
Municipality of the District of Chester	1,222,000	82,995,100	7,890,100	92,107,200	1,669,865,400	130	21,261	107,016
Municipality of the District of Clare	7,644,000	74,838,400	449,400	82,931,800	656,284,100	0	21,144	100,102
Municipality of the County of Colchester	12,182,200	304,740,600	6,289,600	323,212,400	2,709,195,100	49	192,266	336,574
Municipality of the County of Cumberland	10,633,900	215,811,400	6,310,800	232,756,100	1,654,669,300	661	237,076	397,938
Municipality of the District of Digby	13,079,100	70,361,400	8,028,200	91,468,700	520,403,600	50	84,232	93,494
Municipality of the District of East Hants	718,000	90,987,100	5,097,800	96,802,900	1,835,348,800	0	56,157	172,151
Municipality of the District of Guysborough	1,925,600	49,639,900	7,997,500	59,563,000	484,539,600	0	635	116,208
Municipality of the County of Inverness	4,029,500	126,653,900	8,984,000	139,667,400	1,194,463,800	90	0	168,345
Municipality of the County of Kings	58,229,100	392,945,800	5,859,900	457,034,800	3,962,674,400	274	63,191	186,766
Municipality of the District of Lunenburg	3,294,300	104,984,200	13,171,600	121,450,100	2,766,433,000	0	1,941	246,112
Municipality of the County of Pictou	10,603,400	171,792,900	6,475,700	188,872,000	1,754,290,200	160	106,709	280,246
Municipality of the County of Richmond	1,628,800	164,732,700	4,371,700	170,733,200	983,583,300	9	187	48,075
Municipality of the District of Shelburne	1,157,300	35,524,600	4,461,200	41,143,100	434,625,200	0	1,832	50,704
Municipality of the District of St. Mary's	2,217,600	22,070,500	1,514,400	25,802,500	198,935,600	0	72,173	55,369
Municipality of the County of Victoria	4,936,000	146,520,000	5,077,300	156,533,300	841,697,000	0	0	50,012
Municipality of the District of West Hants	2,343,000	59,193,500	1,384,400	62,920,900	1,161,335,500	177	51,453	91,273
Municipality of the District of Yarmouth	266,500	51,321,800	2,298,200	53,886,500	755,621,700	0	3,062	61,239
TOTAL Regional and Rurals	686,204,300	9,224,933,700	308,388,500	10,219,526,500	86,282,737,100	3,204	1,170,040	3,435,085

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2.3 2018 Assessment Information for Towns

Municipality	Residential Market	Residential Cap Amount	Residential Taxable	Resource Market	Resource Cap Amount	Resource Taxable	Commercial Taxable	Total Taxable
Town of Amherst	420,487,100	30,339,500	390,147,600	1,708,800	33,700	1,675,100	128,605,400	520,428,100
Town of Annapolis Royal	46,078,000	2,216,800	43,861,200	256,000	18,700	237,300	9,822,300	53,920,800
Town of Antigonish	331,188,100	22,444,600	308,743,500	634,600	7,800	626,800	67,991,600	377,361,900
Town of Berwick	139,114,000	10,122,500	128,991,500	1,035,100	10,400	1,024,700	26,561,900	156,578,100
Town of Bridgewater	515,349,100	21,633,700	493,715,400	3,365,300	980,400	2,384,900	168,186,400	664,286,700
Town of Clark's Harbour	29,954,900	912,700	29,042,200	980,900	31,300	949,600	7,716,500	37,708,300
Town of Digby	90,469,900	3,129,600	87,340,300	568,200	16,600	551,600	23,769,200	111,661,100
Town of Kentville	430,273,600	23,234,200	407,039,400	2,986,600	86,900	2,899,700	87,860,000	497,799,100
Town of Lockeport	27,235,700	3,628,400	23,607,300	732,100	100,400	631,700	7,337,000	31,576,000
Town of Lunenburg	235,983,100	14,568,100	221,415,000	625,400	108,900	516,500	43,308,200	265,239,700
Town of Mahone Bay	124,810,500	8,385,200	116,425,300	1,592,600	327,200	1,265,400	20,016,600	137,707,300
Town of Middleton	96,062,400	6,269,800	89,792,600	218,900	3,300	215,600	17,895,100	107,903,300
Town of Mulgrave	26,286,400	1,079,900	25,206,500	1,803,600	12,700	1,790,900	21,970,200	48,967,600
Town of New Glasgow	467,869,900	26,247,500	441,622,400	2,559,400	175,100	2,384,300	134,293,500	578,300,200
Town of Oxford	47,782,500	1,208,900	46,573,600	659,000	5,000	654,000	25,063,800	72,291,400
Town of Pictou	136,964,600	4,417,500	132,547,100	1,387,900	22,000	1,365,900	22,680,800	156,593,800
Town of Port Hawkesbury	147,029,400	4,596,700	142,432,700	1,631,100	7,400	1,623,700	51,122,400	195,178,800
Town of Shelburne	77,997,900	6,142,000	71,855,900	1,312,000	146,500	1,165,500	19,516,600	92,538,000
Town of Stellarton	193,485,100	13,621,100	179,864,000	742,500	17,600	724,900	80,318,200	260,907,100
Town of Stewiacke	86,183,800	7,654,600	78,529,200	1,347,700	39,600	1,308,100	9,941,700	89,779,000
Town of Trenton	94,012,000	7,502,000	86,510,000	1,107,500	136,000	971,500	6,213,600	93,695,100
Town of Truro	649,427,300	34,463,700	614,963,600	1,058,200	16,200	1,042,000	219,267,500	835,273,100
Town of Westville	140,175,600	10,615,400	129,560,200	1,841,300	113,500	1,727,800	12,174,000	143,462,000
Town of Windsor	184,619,500	13,813,700	170,805,800	596,600	28,900	567,700	51,977,900	223,351,400
Town of Wolfville	409,448,300	15,664,000	393,784,300	716,300	16,500	699,800	33,796,400	428,280,500
Town of Yarmouth	282,811,200	5,014,900	277,796,300	612,600	18,000	594,600	133,252,800	411,643,700
TOTAL TOWNS	5,431,099,900	298,927,000	5,132,172,900	32,080,200	2,480,600	29,599,600	1,430,659,600	6,592,432,100
TOTAL	75,826,133,300	7,742,403,700	68,083,729,600	1,967,732,000	161,222,800	1,806,509,200	12,765,403,900	82,655,642,700

Municipal Statistics Annual Report

2018 Assessment Information for Towns cont.

Municipality	Residential Exempt	Commercial Exempt	Resource Exempt	Total Exempt	Total Assessment	Non-Profit Taxable Acres*	Commercial Taxable Acres*	Resource Taxable Acres*
Town of Amherst	697,300	61,736,400	307,600	62,741,300	583,169,400	0	0	103
Town of Annapolis Royal	0	39,213,900	40,800	39,254,700	93,175,500	41	0	0
Town of Antigonish	98,049,300	226,310,800	166,200	324,526,300	701,888,200	0	0	0
Town of Berwick	14,000	26,434,700	196,800	26,645,500	183,223,600	0	0	5
Town of Bridgewater	1,147,100	139,918,100	239,400	141,304,600	805,591,300	0	0	83
Town of Clark's Harbour	67,000	10,827,000	40,000	10,934,000	48,642,300	0	0	0
Town of Digby	183,800	46,219,400	378,100	46,781,300	158,442,400	0	0	0
Town of Kentville	394,500	59,135,800	1,085,100	60,615,400	558,414,500	0	0	338
Town of Lockeport	174,800	9,473,800	551,000	10,199,600	41,775,600	0	0	0
Town of Lunenburg	229,000	56,239,000	0	56,468,000	321,707,700	0	0	0
Town of Mahone Bay	18,300	16,363,700	69,300	16,451,300	154,158,600	0	0	0
Town of Middleton	122,600	51,792,900	48,800	51,964,300	159,867,600	0	0	143
Town of Mulgrave	138,600	15,363,100	69,500	15,571,200	64,538,800	0	0	1,112
Town of New Glasgow	193,400	108,129,900	1,621,400	109,944,700	688,244,900	0	0	0
Town of Oxford	298,800	16,252,200	27,300	16,578,300	88,869,700	0	0	729
Town of Pictou	1,063,500	42,454,900	385,900	43,904,300	200,498,100	0	0	301
Town of Port Hawkesbury	1,531,700	87,773,300	2,095,600	91,400,600	286,579,400	0	0	115
Town of Shelburne	366,800	15,848,400	574,500	16,789,700	109,327,700	0	0	95
Town of Stellarton	322,000	41,135,800	862,400	42,320,200	303,227,300	0	0	0
Town of Stewiacke	107,300	10,329,500	79,500	10,516,300	100,295,300	0	297	1,135
Town of Trenton	202,600	68,217,000	709,600	69,129,200	162,824,300	0	0	9
Town of Truro	7,316,500	320,614,500	2,864,200	330,795,200	1,166,068,300	162	484	945
Town of Westville	261,600	13,163,100	493,700	13,918,400	157,380,400	0	0	381
Town of Windsor	6,921,400	56,078,500	254,400	63,254,300	286,605,700	0	0	0
Town of Wolfville	68,444,800	164,608,500	748,600	233,801,900	662,082,400	0	0	0
Town of Yarmouth	16,490,800	182,020,900	493,200	199,004,900	610,648,600	0	0	45
TOTAL TOWNS	204,757,500	1,885,655,100	14,402,900	2,104,815,500	8,697,247,600	203	781	5,539
TOTAL	890,961,800	11,110,588,800	322,791,400	12,324,342,000	94,979,984,700	3,407	1,170,821	3,440,624

Municipal Statistics Annual Report

2.4 2019 Assessment Information for Regional and Rural

Municipality	Residential Market	Residential Cap Amount	Residential Taxable	Resource Market	Resource Cap Amount	Resource Taxable	Commercial Taxable	Total Taxable
Cape Breton Regional Municipality	4,911,591,300	907,614,300	4,003,977,000	107,335,300	11,094,600	96,240,700	631,597,100	4,731,814,800
Halifax Regional Municipality	42,260,929,700	3,046,910,400	39,214,019,300	274,631,400	20,807,800	253,823,600	8,504,108,300	47,971,951,200
Region of Queens Municipality	871,930,600	105,288,700	766,641,900	95,021,400	15,033,100	79,988,300	82,566,800	929,197,000
Municipality of the County of Annapolis	1,228,388,900	134,296,400	1,094,092,500	52,990,200	2,167,000	50,823,200	56,284,000	1,201,199,700
Municipality of the County of Antigonish	1,152,925,000	132,957,600	1,019,967,400	81,549,100	6,493,400	75,055,700	83,109,000	1,178,132,100
Municipality of the District of Argyle	451,621,800	17,858,800	433,763,000	38,667,300	2,210,200	36,457,100	51,162,300	521,382,400
Municipality of the District of Barrington	368,919,200	11,803,400	357,115,800	26,222,600	2,344,900	23,877,700	58,160,000	439,153,500
Municipality of the District of Chester	1,662,667,900	180,867,400	1,481,800,500	48,592,100	4,332,800	44,259,300	94,310,100	1,620,369,900
Municipality of the District of Clare	498,520,300	27,032,300	471,488,000	47,566,500	3,675,400	43,891,100	68,067,900	583,447,000
Municipality of the County of Colchester	2,359,477,400	245,724,200	2,113,753,200	67,506,600	1,931,400	65,575,200	279,323,400	2,458,651,800
Municipality of the County of Cumberland	1,474,134,700	192,675,200	1,281,459,500	44,383,500	1,733,900	42,649,600	123,394,300	1,447,503,400
Municipality of the District of Digby	405,194,800	34,667,600	370,527,200	27,811,600	1,511,200	26,300,400	45,052,500	441,880,100
Municipality of the District of East Hants	1,764,276,100	163,871,300	1,600,404,800	53,217,400	1,120,500	52,096,900	145,262,300	1,797,764,000
Municipality of the District of Guysborough	260,678,700	23,158,900	237,519,800	39,254,700	1,614,600	37,640,100	121,735,300	396,895,200
Municipality of the County of Inverness	916,145,600	110,625,800	805,519,800	171,816,800	11,742,700	160,074,100	129,748,700	1,095,342,600
Municipality of the County of Kings	3,392,618,200	297,870,000	3,094,748,200	140,301,300	584,500	139,716,800	375,504,200	3,609,969,200
Municipality of the District of Lunenburg	2,723,928,800	250,902,100	2,473,026,700	143,912,800	18,253,700	125,659,100	131,595,800	2,730,281,600
Municipality of the County of Pictou	1,593,290,700	255,184,400	1,338,106,300	99,941,300	11,105,100	88,836,200	185,259,000	1,612,201,500
Municipality of the County of Richmond	625,103,500	70,004,000	555,099,500	122,605,000	9,444,000	113,161,000	145,378,600	813,639,100
Municipality of the District of Shelburne	359,893,600	37,608,100	322,285,500	60,590,800	8,933,300	51,657,500	32,938,100	406,881,100
Municipality of the District of St. Mary's	147,172,900	15,559,500	131,613,400	23,197,600	994,300	22,203,300	24,576,300	178,393,000
Municipality of the County of Victoria	622,283,800	75,957,300	546,326,500	99,294,600	8,125,000	91,169,600	65,255,900	702,752,000
Municipality of the District of West Hants	1,168,813,300	129,016,200	1,039,797,100	39,907,600	1,252,400	38,655,200	66,513,200	1,144,965,500
Municipality of the District of Yarmouth	680,458,000	30,900,300	649,557,700	41,506,300	1,916,700	39,589,600	36,367,400	725,514,700
TOTAL Regional and Rurals	71,900,964,800	6,498,354,200	65,402,610,600	1,947,823,800	148,422,500	1,799,401,300	11,537,270,500	78,739,282,400

Municipal Statistics Annual Report

2019 Assessment Information for Regional and Rural cont.

Municipality	Residential Exempt	Commercial Exempt	Resource Exempt	Total Exempt	Total Assessment	Non-Profit Taxable Acres*	Commercial Taxable Acres*	Resource Taxable Acres*
Cape Breton Regional Municipality	59,087,300	907,566,500	19,024,900	985,678,700	5,717,493,500	452	-	154,853
Halifax Regional Municipality	475,756,500	5,841,187,400	129,988,000	6,446,931,900	54,418,883,100	580	216,149	153,905
Region of Queens Municipality	6,568,500	113,039,000	31,743,100	151,350,600	1,080,547,600	262	670	122,055
Municipality of the County of Annapolis	2,043,300	83,915,300	19,349,200	105,307,800	1,306,507,500	169	25,851	224,838
Municipality of the County of Antigonish	3,828,000	112,975,800	7,008,700	123,812,500	1,301,944,600	141	8,728	156,954
Municipality of the District of Argyle	301,600	71,059,600	2,170,200	73,531,400	594,913,800	-	302	42,937
Municipality of the District of Barrington	1,355,400	49,383,700	5,304,700	56,043,800	495,197,300	-	3,213	14,031
Municipality of the District of Chester	1,894,100	86,665,100	6,801,800	95,361,000	1,715,730,900	130	22,109	106,487
Municipality of the District of Clare	7,604,600	74,837,000	466,400	82,908,000	666,355,000	-	21,155	99,919
Municipality of the County of Colchester	12,084,500	300,864,700	6,291,100	319,240,300	2,777,892,100	49	192,327	336,350
Municipality of the County of Cumberland	21,377,200	206,622,000	6,122,900	234,122,100	1,681,625,500	663	236,906	398,772
Municipality of the District of Digby	12,360,200	75,431,400	7,719,000	95,510,600	537,390,700	50	84,076	91,905
Municipality of the District of East Hants	1,468,900	93,223,300	4,692,000	99,384,200	1,897,148,200	-	57,101	172,065
Municipality of the District of Guysborough	1,966,600	53,924,900	8,020,500	63,912,000	460,807,200	-	635	115,783
Municipality of the County of Inverness	4,236,400	128,203,400	9,285,100	141,724,900	1,237,067,500	90	-	166,508
Municipality of the County of Kings	59,147,300	394,575,700	5,894,100	459,617,100	4,069,586,300	274	55,691	193,065
Municipality of the District of Lunenburg	3,357,800	105,737,500	13,342,200	122,437,500	2,852,719,100	-	1,325	244,636
Municipality of the County of Pictou	10,552,600	182,834,000	6,352,100	199,738,700	1,811,940,200	160	106,795	279,439
Municipality of the County of Richmond	1,444,900	166,174,600	4,249,500	171,869,000	985,508,100	9	187	48,234
Municipality of the District of Shelburne	1,167,500	35,036,300	4,587,000	40,790,800	447,671,900	-	1,832	51,119
Municipality of the District of St. Mary's	2,194,100	22,211,200	1,656,800	26,062,100	204,455,100	-	72,173	55,273
Municipality of the County of Victoria	5,160,800	146,294,200	4,981,600	156,436,600	859,188,600	-	-	49,851
Municipality of the District of West Hants	2,358,000	62,007,700	1,406,400	65,772,100	1,210,737,600	177	49,788	93,837
Municipality of the District of Yarmouth	268,900	53,384,400	2,191,500	55,844,800	781,359,500	-	2,079	61,482
TOTAL Regional and Rurals	697,585,000	9,367,154,700	308,648,800	10,373,388,500	89,112,670,900	3,206	1,159,092	3,434,298

Municipal Statistics Annual Report

2.5 2019 Assessment Information for Towns

Municipality	Residential Market	Residential Cap Amount	Residential Taxable	Resource Market	Resource Cap Amount	Resource Taxable	Commercial Taxable	Total Taxable
Town of Amherst	417,093,500	24,498,000	392,595,500	1,721,000	32,400	1,688,600	125,399,800	519,683,900
Town of Annapolis Royal	48,036,500	1,676,400	46,360,100	256,000	17,600	238,400	10,034,400	56,632,900
Town of Antigonish	334,255,400	19,003,800	315,251,600	636,900	6,400	630,500	68,889,500	384,771,600
Town of Berwick	142,686,200	8,693,100	133,993,100	1,052,000	7,500	1,044,500	25,953,400	160,991,000
Town of Bridgewater	521,642,900	15,741,100	505,901,800	3,302,900	870,000	2,432,900	167,413,300	675,748,000
Town of Clark's Harbour	30,710,900	829,800	29,881,100	985,800	30,600	955,200	7,756,900	38,593,200
Town of Digby	90,493,800	2,517,300	87,976,500	551,900	15,500	536,400	23,792,700	112,305,600
Town of Kentville	437,976,900	20,778,900	417,198,000	3,144,700	82,500	3,062,200	95,754,100	516,014,300
Town of Lockeport	28,634,000	4,043,100	24,590,900	874,500	181,400	693,100	7,439,900	32,723,900
Town of Lunenburg	245,581,200	14,455,300	231,125,900	639,800	106,800	533,000	42,918,900	274,577,800
Town of Mahone Bay	129,175,000	7,400,000	121,775,000	1,714,900	274,800	1,440,100	20,315,700	143,530,800
Town of Middleton	96,530,400	5,537,300	90,993,100	219,400	2,200	217,200	17,647,800	108,858,100
Town of Mulgrave	26,302,700	961,900	25,340,800	1,815,400	11,400	1,804,000	20,383,400	47,528,200
Town of New Glasgow	459,172,800	17,343,000	441,829,800	2,389,800	161,100	2,228,700	132,463,700	576,522,200
Town of Oxford	46,980,000	864,600	46,115,400	638,900	4,100	634,800	24,569,600	71,319,800
Town of Pictou	135,952,400	3,779,400	132,173,000	1,483,800	25,300	1,458,500	26,546,100	160,177,600
Town of Port Hawkesbury	147,856,300	3,388,200	144,468,100	1,612,400	4,600	1,607,800	51,759,400	197,835,300
Town of Shelburne	79,675,000	5,911,900	73,763,100	1,347,100	134,000	1,213,100	19,361,400	94,337,600
Town of Stellarton	193,490,300	12,163,500	181,326,800	759,600	10,600	749,000	83,227,100	265,302,900
Town of Stewiacke	84,762,800	5,599,000	79,163,800	1,290,600	32,400	1,258,200	9,701,800	90,123,800
Town of Trenton	91,518,200	5,126,400	86,391,800	1,085,300	115,400	969,900	6,199,900	93,561,600
Town of Truro	658,307,000	29,742,900	628,564,100	1,027,600	8,500	1,019,100	221,177,100	850,760,300
Town of Westville	138,703,400	8,365,200	130,338,200	1,879,300	106,900	1,772,400	12,035,300	144,145,900
Town of Windsor	186,543,200	11,738,800	174,804,400	592,900	27,500	565,400	51,893,900	227,263,700
Town of Wolfville	422,831,500	11,880,600	410,950,900	763,000	16,400	746,600	34,958,700	446,656,200
Town of Yarmouth	286,770,100	2,822,200	283,947,900	630,800	16,400	614,400	133,117,200	417,679,500
TOTAL TOWNS	5,481,682,400	244,861,700	5,236,820,700	32,416,300	2,302,300	30,114,000	1,440,711,000	6,707,645,700
Overall TOTAL	77,382,647,200	6,743,215,900	70,639,431,300	1,980,240,100	150,724,800	1,829,515,300	12,977,981,500	85,446,928,100

Municipal Statistics Annual Report

2019 Assessment Information for Towns cont'd

Municipality	Residential Exempt	Commercial Exempt	Resource Exempt	Total Exempt	Total Assessment	Non-Profit Taxable Acres*	Commercial Taxable Acres*	Resource Taxable Acres*
Town of Amherst	699,000	60,614,600	308,100	61,621,700	581,305,600	-	-	103
Town of Annapolis Royal	-	39,029,400	40,800	39,070,200	95,703,100	40	-	-
Town of Antigonish	97,407,300	239,808,100	166,200	337,381,600	722,153,200	-	-	-
Town of Berwick	44,000	31,907,200	420,500	32,371,700	193,362,700	-	-	5
Town of Bridgewater	2,483,300	141,029,800	361,000	143,874,100	819,622,100	-	-	39
Town of Clark's Harbour	67,000	10,739,700	40,000	10,846,700	49,439,900	-	-	-
Town of Digby	223,000	42,998,900	354,000	43,575,900	155,881,500	-	-	-
Town of Kentville	339,800	54,103,700	1,085,100	55,528,600	571,542,900	-	-	338
Town of Lockeport	188,200	9,531,400	598,100	10,317,700	43,041,600	-	-	-
Town of Lunenburg	229,000	56,242,200	-	56,471,200	331,049,000	-	-	-
Town of Mahone Bay	18,300	16,259,300	69,300	16,346,900	159,877,700	-	-	-
Town of Middleton	178,400	51,330,200	48,700	51,557,300	160,415,400	-	-	98
Town of Mulgrave	201,400	12,332,600	76,800	12,610,800	60,139,000	-	-	1,112
Town of New Glasgow	193,600	105,171,700	1,557,900	106,923,200	683,445,400	-	-	-
Town of Oxford	302,900	16,235,100	27,300	16,565,300	87,885,100	-	-	729
Town of Pictou	1,134,300	39,920,300	384,200	41,438,800	201,616,400	-	-	301
Town of Port Hawkesbury	1,523,200	86,617,700	2,114,000	90,254,900	288,090,200	-	-	115
Town of Shelburne	367,000	15,957,300	574,900	16,899,200	111,236,800	-	-	95
Town of Stellarton	325,000	53,000,300	854,000	54,179,300	319,482,200	-	-	-
Town of Stewiacke	176,500	10,252,800	79,000	10,508,300	100,632,100	-	297	1,135
Town of Trenton	394,500	72,246,100	721,400	73,362,000	166,923,600	-	-	9
Town of Truro	7,348,300	320,594,700	2,642,400	330,585,400	1,181,345,700	162	484	993
Town of Westville	424,700	13,033,500	500,800	13,959,000	158,104,900	-	-	404
Town of Windsor	6,920,900	53,529,000	181,600	60,631,500	287,895,200	-	-	-
Town of Wolfville	67,478,500	169,755,900	785,000	238,019,400	684,675,600	-	-	-
Town of Yarmouth	16,480,700	179,236,100	493,200	196,210,000	613,889,500	-	-	45
TOTAL TOWNS	205,148,800	1,901,477,600	14,484,300	2,121,110,700	8,828,756,400	202	781	5,521
Overall TOTAL	902,733,800	11,268,632,300	323,133,100	12,494,499,200	97,941,427,300	3,408	1,159,873	3,439,819

Municipal Statistics Annual

3 – Municipal Financial Information

3.1 - Methodology and Approach

The annual report compiles information in compliance with the Financial Reporting and Accounting Manual and meets the Public-Sector Accounting Board (PSAB) standards.



Comparability

The financial information in this Annual Report is extracted directly from the Financial Information Return (FIR). The FIR is prepared and compiled in a uniform manner. The consistent format allows for comparisons between Nova Scotia municipalities, and between municipal units in other provinces.



Consistency

We recognize the wish to compare 2018-2019 with prior statistical information. Thus, the statistical data is collected in a uniform manner that is consistent year to year.

Please note the financial information in this Section 3 are now based on the consolidated financial statements, which was not available prior to 2015-16 year.



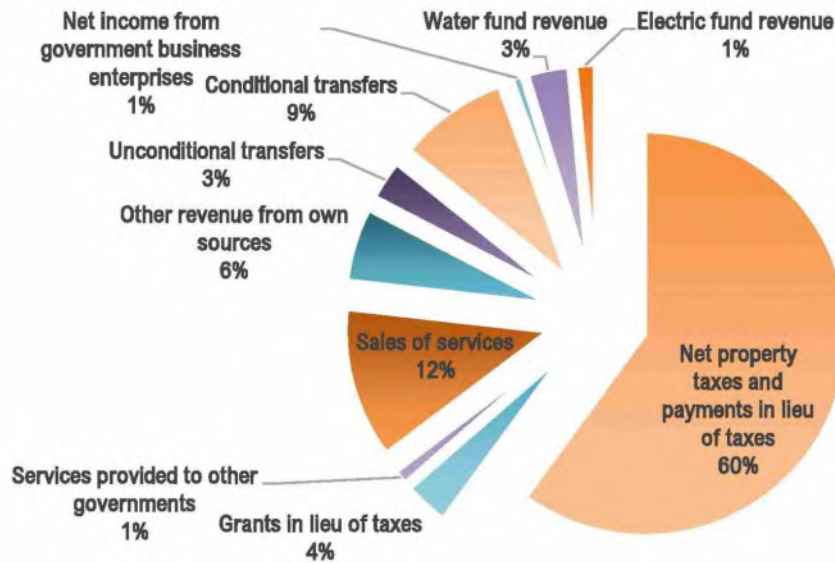
Electronic Access

Nova Scotia's open data portal located at data.novascotia.ca, contains municipal financial data that can be easily exported into an excel format. Please refer to Appendix B for a detail list.

Municipal Statistics Annual

3.2 Municipal Financial – 2019 Municipal Consolidated Revenue

3.2.1 - 2019 Consolidated Revenue by Source for All Municipalities

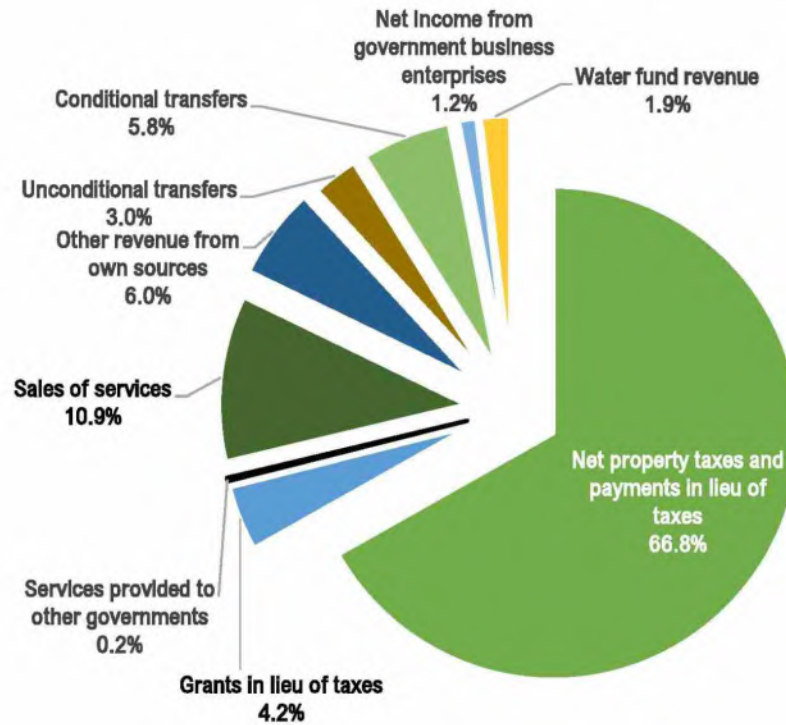


Revenue by Source – All Municipalities	Revenue (\$ in millions)
Net property taxes and payments in lieu of taxes	\$ 1,085
Grants in lieu of taxes	64
Services provided to other governments	21
Sales of services	218
Other revenue from own sources	106
Unconditional transfers	57
Conditional transfers	158
Net income from government business enterprises	14
Water fund revenue	59
Electric fund revenue	27
Total	\$ 1,807

Source: Financial Information Return (FIR) for the year ended March 31, 2019

Municipal Statistics Annual

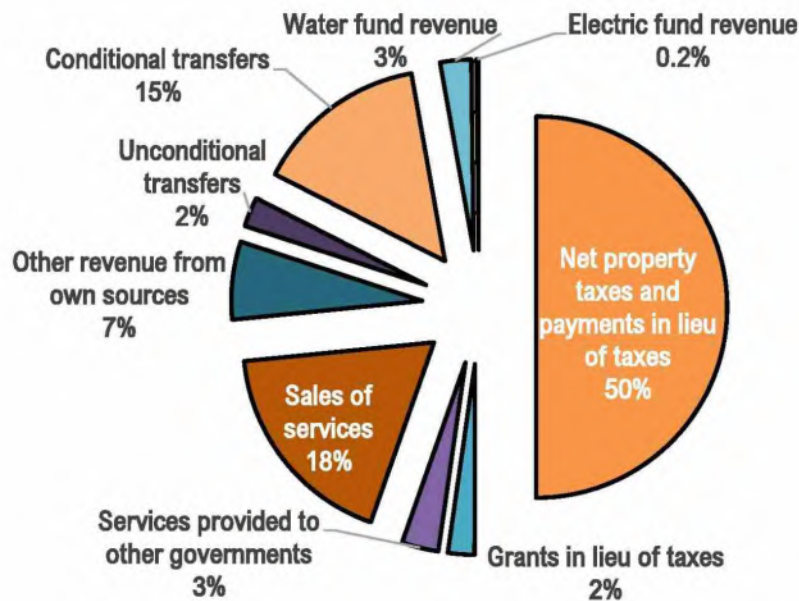
3.2.2 – 2019 Consolidated Revenue by Source for all Regional Municipalities



Revenue by Source for Regional Municipalities		Revenue
Source: Financial Information Return (FIR) for the year ended March 31, 2019		(\$ in millions)
Net property taxes and payments in lieu of taxes	\$	719
Grants in lieu of taxes		46
Services provided to other governments		2
Sales of services		117
Other revenue from own sources		65
Unconditional transfers		32
Conditional transfers		63
Net income from government business enterprises		12
Water fund revenue		20
Total	\$	1,076

Municipal Statistics Annual

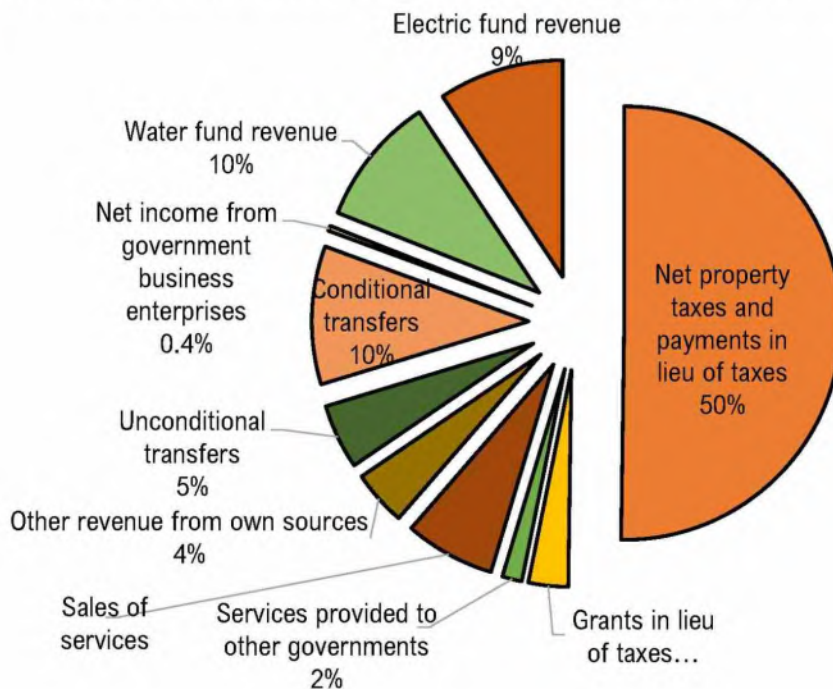
3.2.3 – 2019 Consolidated Revenue by Source for all Rural Municipalities



Revenue by Source – Rural Municipalities		Revenue
<small>Source: Financial Information Return (FIR) for the year ended March 31, 2019</small>		(\$ in millions)
Net property taxes and payments in lieu of taxes	\$	227.0
Grants in lieu of taxes		10.2
Services provided to other governments		14.1
Sales of services		81.9
Other revenue from own sources		29.9
Unconditional transfers		11.3
Conditional transfers		66.5
Water fund revenue		11.9
Electric fund revenue		0.9
Total	\$	453.7

Municipal Statistics Annual

3.2.4 - 2019 Consolidated Revenue by Source for all Towns



Source

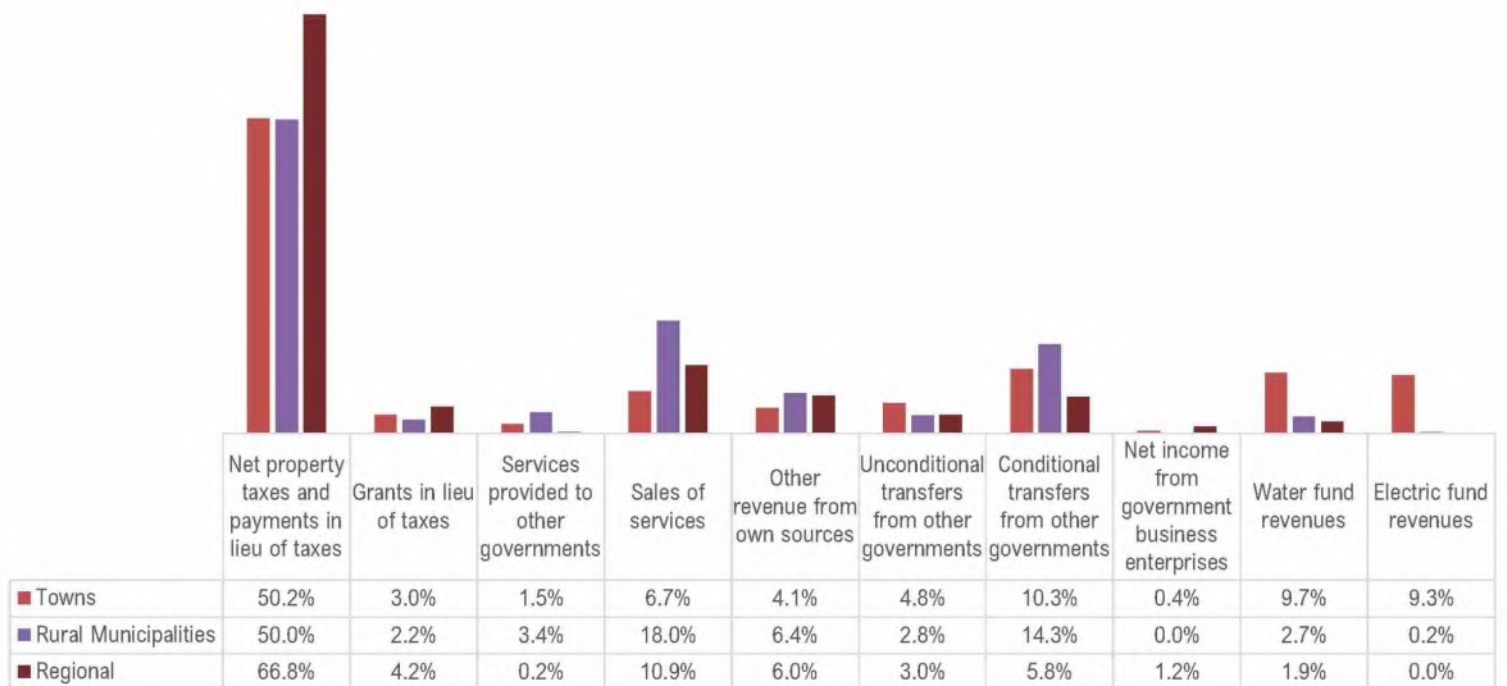
Source: Financial Information Return (FIR) for the year ended March 31, 2019

Revenue (\$ in millions)

Source	Revenue (\$ in millions)
Net property taxes and payments in lieu of taxes	\$ 139.5
Grants in lieu of taxes	8.2
Services provided to other governments	4.1
Sales of services	18.7
Other revenue from own sources	11.4
Unconditional transfers	13.4
Conditional transfers	28.6
Net income from government business enterprises	1.1
Water fund revenue	26.9
Electric fund revenue	25.9
Total	\$ 277.8

Municipal Statistics Annual

3.2.5 - 2019 Consolidated Revenue by Source: Regional, Rural and Town Percentage Comparison



Municipal Statistics Annual Report

3.2.6 Consolidated Revenue by Source by Regional and Rural Municipalities

Fiscal Period 2018-2019

Consolidated Revenue	Net Property Taxes and Payments in lieu of Taxes	Grants in lieu of Taxes	Services Provided to Other Governments	Sales of Services	Other Revenue From Own Sources	Unconditional Transfers From Other Governments	Conditional Transfers From Other Governments	Net Income From Government Business Enterprises	Water Fund Revenues	Electric Fund Revenues	Total Revenue
Cape Breton Regional Municipality	90,875,822	6,461,978	345,177	7,618,850	3,575,602	18,765,590	14,186,671	-	19,469,034	-	161,298,724
Halifax Regional Municipality	618,813,000	38,782,000	-	106,694,000	60,476,000	10,958,000	47,792,000	12,404,000	-	-	895,919,000
Region of Queens Municipality	9,085,579	325,046	1,961,301	2,901,288	485,274	2,089,968	812,559	-	734,961	-	18,395,976
Municipality of the County of Annapolis	12,165,100	623,698	-	168,998	747,971	995,473	2,034,756	-	1,170,072	-	17,906,068
Municipality of the County of Antigonish	8,919,975	187,988	-	1,432,788	994,409	52,299	751,776	-	996,832	-	13,336,067
Municipality of the District of Argyle	5,026,197	150,111	120,286	58,782	1,717,571	184,042	561,703	-	-	-	7,818,692
Municipality of the District of Barrington	5,009,987	143,442	126,276	332,506	756,059	193,359	437,277	-	-	-	6,998,906
Municipality of the District of Chester	11,879,144	164,588	1,831,910	917,467	1,272,921	165,735	970,270	-	-	-	17,202,035
Municipality of the District of Clare	5,178,249	157,888	337,041	311,140	694,759	352,164	718,984	-	-	-	7,750,225
Municipality of the County of Colchester	23,484,528	772,001	1,600,072	3,182,327	4,893,281	952,958	2,152,033	-	780,452	-	37,817,652
Municipality of the County of Cumberland	17,732,845	2,423,564	60,433	19,144,433	1,417,341	1,651,615	7,452,509	-	1,482,851	-	51,365,591
Municipality of the District of Digby	5,109,684	147,978	91,112	99,453	672,958	922,211	74,159	-	-	-	7,117,555
Municipality of the District of East Hants	21,449,887	179,054	-	1,184,809	2,889,587	178,445	3,222,282	-	2,074,547	-	31,178,611
Municipality of the District of Guysborough	5,714,823	278,037	5,038,196	10,342,376	965,871	268,482	2,422,314	-	360,964	884,019	26,275,082
Municipality of the County of Inverness	9,209,709	393,299	201,313	15,163,494	1,269,170	510,826	1,706,012	-	685,663	-	29,139,486
Municipality of the County of Kings	26,477,600	2,924,600	3,482,800	8,629,600	2,564,700	779,400	32,616,900	-	1,069,100	-	78,544,700
Municipality of the District of Lunenburg	17,076,674	203,244	40,033	97,370	2,993,926	51,795	2,671,325	-	-	-	23,134,367
Municipality of the County of Pictou	14,113,967	255,589	1,218	208,120	805,631	327,839	3,382,086	-	373,581	-	19,468,031
Municipality of the County of Richmond	7,509,596	146,397	-	8,366,993	1,173,489	1,676,937	2,281,251	-	526,206	-	21,680,869
Municipality of the District of Shelburne	4,217,041	205,977	367,708	448,207	402,267	115,450	251,296	-	-	-	6,007,946
Municipality of the District of St. Mary's	1,899,887	158,856	-	-	198,999	187,799	565,371	-	141,954	-	3,152,866
Municipality of the County of Victoria	6,582,617	485,062	31,700	11,343,618	292,175	1,355,867	66,696	-	722,213	-	20,879,948
Municipality of the District of West Hants	10,552,504	129,018	480,180	204,055	795,070	402,751	2,059,568	-	1,528,572	-	16,151,718
Municipality of the District of Yarmouth	7,676,248	31,884	311,000	216,151	2,412,900	23,901	86,114	-	-	-	10,758,198
Regional & Rural - Total	945,760,663	55,731,299	16,427,756	199,066,825	94,467,931	43,162,906	129,275,912	12,404,000	32,117,002	884,019	1,529,298,313

Municipal Statistics Annual Report

3.2.7 Consolidated Revenue by Source by Town

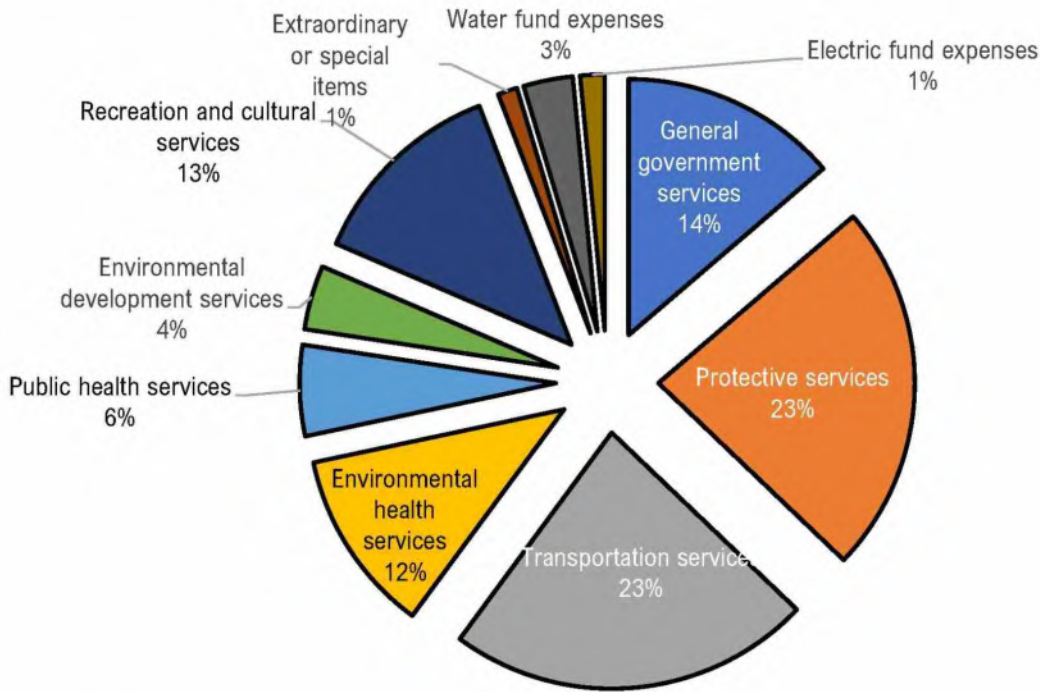
Fiscal Period 2018-2019

Consolidated Revenue	Net Property Taxes and Payments	Total Grants in lieu of Taxes	Total Services Provided to Other	Total Sales of Services	Total Other Revenue From Own Sources	Total Unconditional Transfers From Other	Total Conditional Transfers From Other	Net Income From Government Business	Water Fund Revenues	Electric Fund Revenues	Total Revenue
Town of Amherst	12,220,905	314,628	188,379	1,423,698	805,900	1,404,583	5,476,289	-	1,482,637	-	23,317,019
Town of Annapolis Royal	1,038,019	54,506	-	100,396	63,804	674,205	693,120	-	372,102	-	2,996,150
Town of Antigonish	4,967,050	1,117,805	339,527	5,428,306	174,266	244,704	325,640	-	1,349,836	11,841,727	25,788,861
Town of Berwick	3,024,230	6,558	172,061	2,399,653	244,859	319,830	263,673	-	-	5,192,558	11,623,422
Town of Bridgewater	14,694,496	774,563	-	900,757	676,729	607,980	1,533,028	864,909	-	-	20,052,462
Town of Clark's Harbour	816,319	31,570	576	-	51,483	192,388	54,249	-	-	-	1,146,585
Town of Digby	2,946,590	450,972	178,792	3,944	163,547	395,143	215,512	-	628,773	-	4,983,273
Town of Kentville	7,630,720	509,468	211,317	1,082,003	1,373,593	229,684	1,134,726	-	1,888,801	-	14,060,312
Town of Lockeport	883,736	15,290	17,716	2,333	69,069	161,400	164,904	-	-	-	1,314,448
Town of Lunenburg	4,646,375	233,320	-	454,924	957,401	75,889	955,259	-	1,507,524	6,414,928	15,245,620
Town of Mahone Bay	1,992,407	22,774	140,112	252,847	125,350	69,010	104,897	8,099	461,607	2,466,534	5,643,637
Town of Middleton	2,414,284	150,245	84,860	61,373	79,588	391,415	409,674	-	513,904	-	4,105,343
Town of Mulgrave	1,430,078	14,744	-	70,470	90,023	129,266	212,128	-	503,934	-	2,450,643
Town of New Glasgow	14,005,118	173,459	862,100	71,227	832,604	1,169,092	3,088,200	-	3,606,100	-	23,807,900
Town of Oxford	1,715,033	46,995	58,204	53,551	121,257	191,842	255,764	-	408,575	-	2,851,221
Town of Pictou	3,584,470	347,549	16,829	267,219	833,438	563,175	2,111,508	-	739,307	-	8,463,495
Town of Port Hawkesbury	4,129,236	753,427	273,092	852,663	396,776	334,534	3,960,943	-	1,092,270	-	11,792,941
Town of Shelburne	2,489,964	15,920	55,926	256,893	364,349	377,658	2,134,017	-	513,654	-	6,208,381
Town of Stellarton	5,660,150	149,288	106,253	262,328	143,815	556,281	1,552,640	-	1,514,876	-	9,945,631
Town of Stewiacke	1,686,489	5,444	-	50,129	91,545	211,381	131,782	-	528,984	-	2,705,754
Town of Trenton	1,550,700	3,331	149,371	233,207	88,456	1,504,893	250,444	-	370,823	-	4,151,225
Town of Truro	19,268,339	817,301	401,865	2,851,849	673,705	1,485,555	1,819,342	-	3,708,662	-	31,026,618
Town of Westville	2,921,431	8,771	64,992	25,850	209,377	704,644	350,521	-	774,579	-	5,060,165
Town of Windsor	5,520,441	138,797	69,351	404,537	435,714	466,644	387,797	-	1,576,109	-	8,999,390
Town of Wolfville	7,349,629	992,920	-	391,077	286,813	129,062	413,386	-	706,077	-	10,268,964
Town of Yarmouth	10,930,707	1,052,526	692,471	756,996	2,056,132	810,359	656,922	190,493	2,600,981	-	19,747,587
Towns - Total	139,516,916	8,202,171	4,083,794	18,658,230	11,409,593	13,400,617	28,656,365	1,063,501	26,850,115	25,915,747	277,757,047
Overall - Total	1,085,277,579	63,933,470	20,511,550	217,725,055	105,877,524	56,563,523	157,932,277	13,467,501	58,967,117	26,799,766	1,807,055,360

Municipal Statistics Annual

3.3 Municipal 2019 Expense

3.3.1 - 2019 Consolidated Expense by Object for all Municipalities

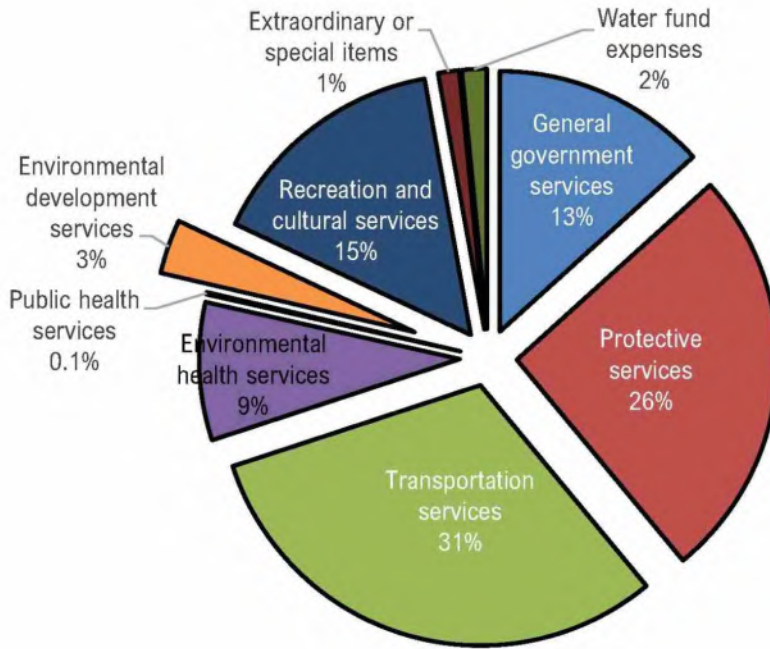


2019 Consolidated Expenses for all Municipalities

	Expenses (\$ in millions)	
General government services	\$	232.6
Protective services		396.6
Transportation services		388.8
Environmental health services		196.2
Public health services		97.1
Environmental development services		68.6
Recreation and cultural services		214.8
Extraordinary or special items		20.8
Water fund expenses		52.7
Electric fund expenses		25.9
Total	\$	1,694.1

Municipal Statistics Annual

3.3.2 – 2019 Consolidated Expense by Object for all Regional Municipalities



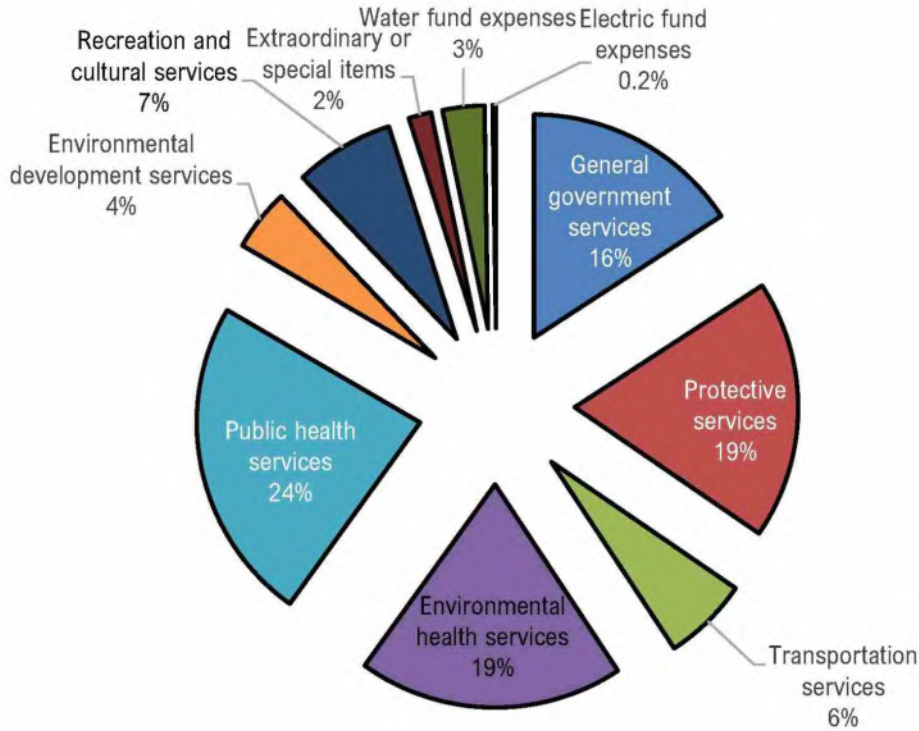
2019 Consolidated Expenses for all Regional Municipalities

Source: Financial Information Return (FIR) for the year ended March 31, 2019

	Expense (\$ in millions)
	\$
General government services	137.7
Protective services	266.3
Transportation services	320.6
Environmental health services	88.7
Public health services	1.3
Environmental development services	34.9
Recreation and cultural services	156.8
Extraordinary or special items	13.5
Water fund expenses	16.0
Electric fund expenses	-
Total	\$ 1,035.8

Municipal Statistics Annual

3.3.3 Consolidated Expense by Object for all Rural Municipalities



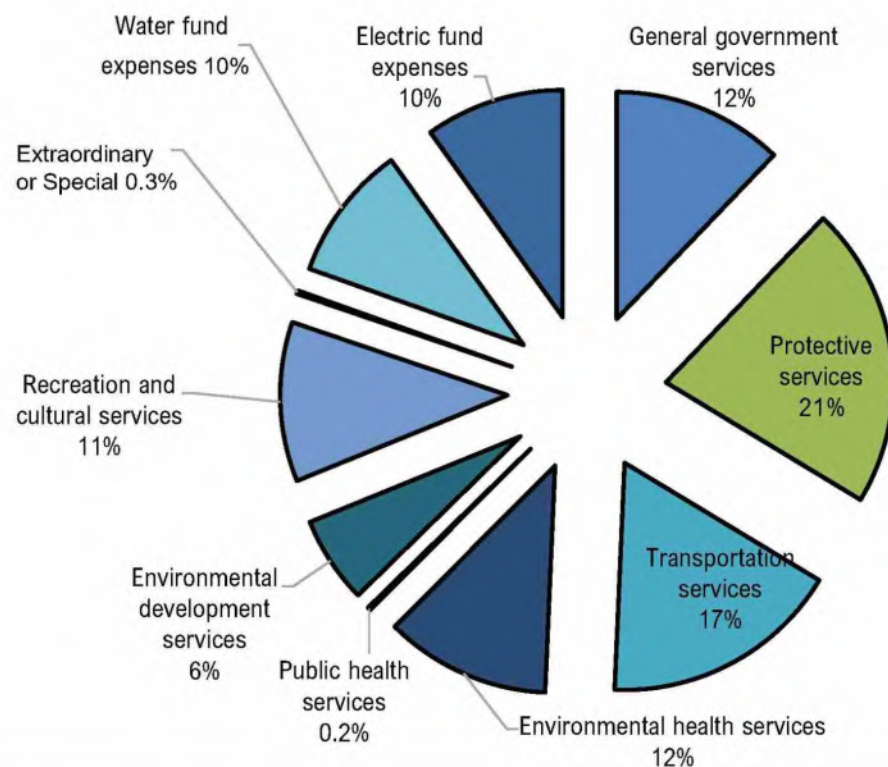
2019 Consolidated Expenses for all Rural Municipalities

Source: Financial Information Return (FIR) for the year ended March 31, 2019

	Expense (\$ in millions)
General government services	\$ 64.2
Protective services	75.9
Transportation services	25.0
Environmental health services	77.8
Public health services	95.2
Environmental development services	18.2
Recreation and cultural services	29.2
Extraordinary or special items	6.7
Water fund expenses	12.3
Electric fund expenses	1.0
Total	\$ 405.5

Municipal Statistics Annual

3.3.4 – 2019 Consolidated Expense by Object for all Towns



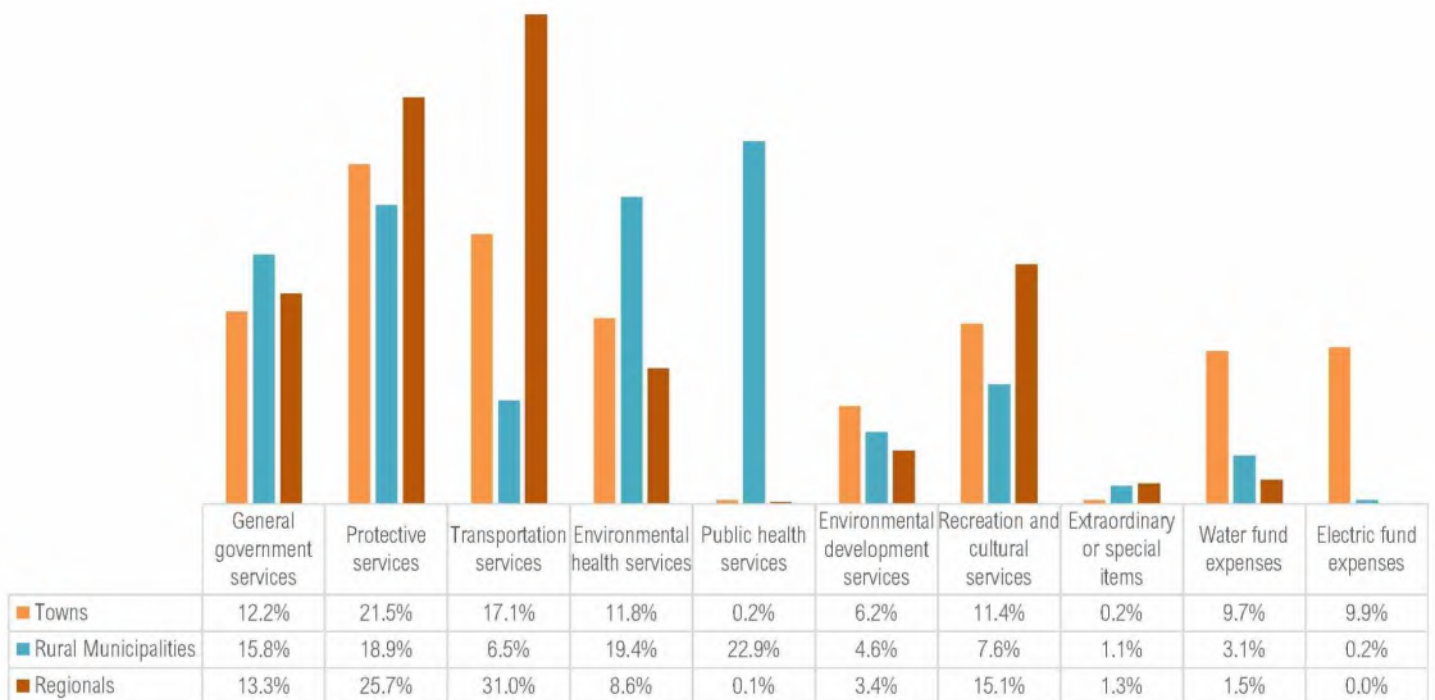
2019 Consolidated Expenses for all Towns

Source: Financial Information Return (FIR) for the year ended March 31, 2019

	Expense (\$ in millions)
General government services	\$ 30.7
Protective services	54.3
Transportation services	43.1
Environmental health services	29.7
Public health services	0.6
Environmental development services	15.6
Recreation and cultural services	28.7
Extraordinary or special items	0.8
Water fund expenses	24.4
Electric fund expenses	25.0
Total	\$ 253.0

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3.3.5 - 2019 Summary of Consolidated Expense: Comparison of Rural and Towns



Municipal Statistics Annual Report

3.3.6 Consolidated Expense by Function by Regional and Rural Municipalities

Fiscal Period 2018-2019

Consolidated Expenses	General Government Services	Protective Services	Transportation Services	Environmental Health Services	Public Health Services	Environmental Development Services	Recreation and Cultural Services	Extraordinary or Special Items	Water Fund	Electric Fund	Total Expenses
Cape Breton Regional Municipality	16,763,223	40,663,756	37,165,583	31,103,153	-	1,482,067	13,009,884	-	15,305,781	-	155,493,447
Halifax Regional Municipality	118,695,000	222,079,000	280,988,000	53,529,000	-	32,349,000	141,145,000	15,436,000	-	-	864,221,000
Region of Queens Municipality	2,242,321	3,604,399	2,493,096	4,027,739	1,326,268	1,024,008	2,685,672	- 1,909,605	670,243	-	16,164,141
Municipality of the County of Annapolis	3,521,605	3,942,129	2,106,634	2,967,702	-	452,639	1,726,088	-	1,037,360	-	15,754,157
Municipality of the County of Antigonish	2,684,334	2,636,496	492,193	2,607,181	109,300	384,813	1,345,292	-	1,121,731	-	11,381,340
Municipality of the District of Argyle	1,645,106	1,586,485	581,024	1,690,448	108,970	929,186	690,800	- 80,390	-	-	7,151,629
Municipality of the District of Barrington	1,623,523	1,714,161	288,066	1,387,065	23,772	409,871	963,784	-	-	-	6,410,242
Municipality of the District of Chester	3,704,357	2,551,984	1,074,955	4,322,031	-	1,306,890	894,789	-	-	-	13,855,006
Municipality of the District of Clare	1,341,974	1,671,000	95,890	1,679,911	616,593	241,566	977,633	-	-	-	6,624,567
Municipality of the County of Colchester	5,680,219	6,294,060	2,828,006	14,549,753	78,386	973,674	5,718,101	-	914,341	-	37,036,540
Municipality of the County of Cumberland	4,663,035	7,677,669	2,462,953	5,641,105	17,810,232	945,030	2,131,358	-	1,301,880	-	42,633,262
Municipality of the District of Digby	1,486,448	2,261,390	806,299	1,505,510	-	414,299	573,654	- 10,775	-	-	7,036,825
Municipality of the District of East Hants	5,940,375	6,821,112	2,059,674	4,590,407	-	1,362,626	2,003,683	-	1,970,994	-	24,748,871
Municipality of the District of Guysborough	2,725,304	2,148,118	615,137	2,143,708	6,102,354	3,276,365	1,233,914	-	341,808	996,627	19,583,335
Municipality of the County of Inverness	1,951,070	2,704,433	1,324,708	4,325,207	14,981,682	1,050,427	659,270	-	1,157,158	-	28,153,955
Municipality of the County of Kings	6,338,500	10,651,900	4,092,400	12,428,100	36,746,500	2,005,100	1,442,300	6,242,100	592,000	-	80,538,900
Municipality of the District of Lunenburg	4,172,492	4,027,814	1,552,609	3,728,385	-	1,124,172	3,197,464	-	-	-	17,802,936
Municipality of the County of Pictou	3,128,340	6,354,598	741,686	3,480,473	502,505	581,623	720,919	-	415,848	-	15,925,992
Municipality of the County of Richmond	4,039,929	1,759,462	686,861	2,120,973	7,605,706	602,082	834,328	605,377	359,293	-	18,614,011
Municipality of the District of Shelburne	1,635,551	1,409,417	197,079	1,353,957	11,384	143,676	485,495	-	-	-	5,236,559
Municipality of the District of St. Mary's	837,722	555,252	93,781	591,345	-	150,451	331,331	-	458,840	-	3,018,722
Municipality of the County of Victoria	2,618,264	2,671,865	577,191	2,198,173	10,482,934	174,090	332,397	-	713,422	-	19,768,336
Municipality of the District of West Hants	2,505,076	5,075,527	847,455	2,497,728	-	678,988	1,128,540	-	1,888,222	-	14,621,536
Municipality of the District of Yarmouth	1,921,970	1,459,025	1,471,676	1,979,779	41,749	964,223	1,794,715	- 91,111	-	-	9,542,026
Regional & Rural - Total	201,865,738	342,321,052	345,642,956	166,448,833	96,548,335	53,026,866	186,026,411	20,191,596	28,248,921	996,627	1,441,317,335

Municipal Statistics Annual Report

3.3.7 Consolidated Expense by Function by Town

Fiscal Period 2018-2019

Consolidated Expenses	General Government Services	Protective Services	Transportation Services	Environmental Health Services	Public Health Services	Environmental Development Services	Recreation and Cultural Services	Extraordinary or Special Items	Water Fund	Electric Fund	Total Expenses
Town of Amherst	2,168,465	5,249,790	3,004,664	3,171,359	-	396,128	2,119,648	240,681	1,977,527	-	18,328,262
Town of Annapolis Royal	403,373	514,735	262,572	243,877	14,293	274,337	152,759	123,336	306,376	-	2,295,658
Town of Antigonish	1,516,586	2,021,237	1,878,489	1,043,057	-	5,262,217	670,217	-	899,272	11,042,374	24,333,449
Town of Berwick	1,231,829	913,874	1,033,968	808,916	-	1,995,875	478,531	-	-	5,045,758	11,508,751
Town of Bridgewater	2,126,711	6,111,462	3,840,484	2,720,216	185,309	512,086	3,125,902	-	-	-	18,622,170
Town of Clark's Harbour	327,829	216,794	161,885	330,927	1,259	30,628	134,329	-	-	-	1,203,651
Town of Digby	707,912	1,337,595	818,544	823,508	-	139,328	472,687	-	550,108	-	4,849,682
Town of Kentville	1,552,578	2,984,410	2,545,373	2,051,567	4,000	698,632	1,622,317	727,419	1,425,964	-	13,612,260
Town of Lockeport	293,357	221,495	290,098	301,025	6,912	80,958	196,364	-	-	-	1,390,209
Town of Lunenburg	559,249	1,451,051	1,180,921	1,693,175	77,013	529,571	892,374	-	1,294,456	6,649,457	14,327,267
Town of Mahone Bay	1,006,685	451,042	632,576	316,702	-	104,381	64,828	-	547,198	2,244,502	5,367,914
Town of Middleton	536,047	876,441	840,530	695,415	-	213,837	469,776	-	487,853	-	4,119,899
Town of Mulgrave	559,677	255,428	413,684	328,831	-	-	250,003	-	442,076	-	2,249,699
Town of New Glasgow	2,492,679	6,524,477	4,188,617	1,862,105	5,000	327,916	1,662,403	-	2,931,704	-	19,994,901
Town of Oxford	348,003	718,892	496,674	271,413	41,821	53,263	286,040	-	387,435	-	2,603,541
Town of Pictou	891,550	1,317,073	1,084,241	1,157,319	42,208	111,563	707,748	-	875,399	-	6,187,101
Town of Port Hawkesbury	1,328,594	1,156,727	1,267,156	884,968	-	94,524	2,385,320	12,757	1,137,966	-	8,242,498
Town of Shelburne	897,656	918,209	785,333	645,302	15,056	378,753	535,293	-	460,353	-	4,635,955
Town of Stellarton	953,123	1,901,392	2,571,855	883,903	-	223,311	1,144,751	-	1,430,244	-	9,108,579
Town of Stewiacke	534,421	344,190	569,714	260,794	-	13,873	265,689	-	348,421	-	2,337,102
Town of Trenton	799,470	708,375	892,241	519,320	-	204,941	981,561	-	369,387	-	4,475,295
Town of Truro	4,364,560	7,969,098	6,352,273	2,565,599	81,678	1,141,316	6,410,641	-	2,797,390	-	31,682,555
Town of Westville	773,803	1,276,093	928,731	564,192	30,426	63,323	237,915	-	993,133	-	4,867,616
Town of Windsor	1,365,815	1,441,990	1,672,091	1,467,959	56,686	251,559	945,956	-	1,283,226	-	8,485,282
Town of Wolfville	1,333,473	2,043,660	2,337,736	1,028,721	-	896,766	822,342	-	883,690	-	9,346,388
Town of Yarmouth	1,657,531	5,389,606	3,061,505	3,062,124	-	1,604,700	1,694,673	234,671	2,619,618	-	18,855,086
Towns - Total	30,730,976	54,315,136	43,111,955	29,702,294	561,661	15,603,786	28,730,067	844,008	24,448,796	24,982,091	253,030,770
Overall - Total	232,596,714	396,636,188	388,754,911	196,151,127	97,109,996	68,630,652	214,756,478	21,035,604	52,697,717	25,978,718	1,694,348,105

Municipal Statistics Annual Report

3.4 Municipal Financial – Consolidated Accumulated Surplus

3.4.1 Consolidated Accumulated Surplus (Deficit) by Regional and Rural Municipalities

As at March 31, 2019

Consolidated Accumulated Surplus (Deficit)	Total Revenue	Total Expenses	Annual Surplus (Deficit)	Accumulated Surplus (Deficit) Beginning of Year	Accumulated Surplus(Deficit) End of Year ¹
Cape Breton Regional Municipality	161,298,724	155,493,447	5,805,276	265,137,179	270,942,456
Halifax Regional Municipality	895,919,000	864,221,000	31,698,000	2,085,205,000	2,075,692,000
Region of Queens Municipality	18,395,976	16,164,141	2,231,835	67,569,764	69,801,599
Municipality of the County of Annapolis	17,906,068	15,754,158	2,151,910	35,180,797	37,332,707
Municipality of the County of Antigonish	13,336,067	11,381,340	1,954,727	32,342,175	34,296,902
Municipality of the District of Argyle	7,818,692	7,151,629	667,063	20,064,966	20,732,029
Municipality of the District of Barrington	6,998,906	6,410,242	588,664	14,852,823	15,441,487
Municipality of the District of Chester	17,202,035	13,855,006	3,347,029	28,723,945	32,070,974
Municipality of the District of Clare	7,750,225	6,624,567	1,125,658	13,652,683	14,778,341
Municipality of the County of Colchester	37,817,652	37,036,540	781,112	100,296,678	101,077,790
Municipality of the County of Cumberland	51,365,591	42,633,262	8,732,329	92,588,774	101,321,103
Municipality of the District of Digby	7,117,555	7,036,825	80,730	15,663,271	15,744,001
Municipality of the District of East Hants	31,178,611	24,748,871	6,429,740	74,716,118	81,145,858
Municipality of the District of Guysborough	26,275,082	19,583,335	6,691,747	55,476,624	62,168,371
Municipality of the County of Inverness	29,139,486	28,153,955	985,531	29,513,180	30,498,711
Municipality of the County of Kings	78,544,700	80,538,900	-1,994,200	84,053,200	82,059,000
Municipality of the District of Lunenburg	23,134,367	17,802,936	5,331,431	59,997,092	65,328,523
Municipality of the County of Pictou	19,468,031	15,925,992	3,542,039	55,770,823	59,312,862
Municipality of the County of Richmond	21,680,869	18,614,011	3,066,858	23,933,276	27,000,134
Municipality of the District of Shelburne	6,007,946	5,236,559	771,387	9,493,301	10,264,688
Municipality of the District of St. Mary's	3,152,866	3,018,722	134,144	7,006,391	7,140,535
Municipality of the County of Victoria	20,879,948	19,768,336	1,111,612	11,351,977	12,123,955
Municipality of the District of West Hants	16,151,718	14,621,536	1,530,182	34,659,102	36,189,284
Municipality of the District of Yarmouth	10,758,198	9,542,026	1,216,172	29,347,498	30,563,670
Regional & Rural - Total	1,529,298,313	1,441,317,336	87,980,976	3,246,596,637	3,293,026,980

Note 1 - This includes remeasurement gains and losses.

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3.4.2 Consolidated Accumulated Surplus (Deficit) by Town

As at March 31, 2019

Consolidated Accumulated Surplus (Deficit)	Total Revenue	Total Expenses	Annual Surplus (Deficit)	Accumulated Surplus (Deficit), Beginning of Year	Accumulated Surplus (Deficit), End of Year ¹
Town of Amherst	23,317,019	18,328,262	4,988,757	56,974,828	61,969,571
Town of Annapolis Royal	2,996,150	2,295,658	700,493	9,283,481	9,983,974
Town of Antigonish	25,788,861	24,333,449	1,455,412	26,389,493	27,844,905
Town of Berwick	11,623,422	11,508,751	114,671	12,257,402	12,372,073
Town of Bridgewater	20,052,462	18,622,170	1,430,292	91,273,216	92,703,508
Town of Clark's Harbour	1,146,585	1,203,651	- 57,066	2,573,145	2,516,079
Town of Digby	4,983,273	4,849,682	133,591	15,214,170	15,347,761
Town of Kentville	14,060,312	13,612,260	448,052	51,317,040	51,765,092
Town of Lockeport	1,314,448	1,390,209	- 75,761	2,278,544	2,202,783
Town of Lunenburg	15,245,620	14,327,267	918,353	36,923,130	37,841,483
Town of Mahone Bay	5,643,637	5,367,914	275,723	15,022,160	15,297,883
Town of Middleton	4,105,343	4,119,899	- 14,556	11,351,507	11,336,951
Town of Mulgrave	2,450,643	2,249,699	200,944	8,101,198	8,302,142
Town of New Glasgow	23,807,900	19,994,901	3,812,999	51,009,491	54,822,490
Town of Oxford	2,851,221	2,603,541	247,680	7,402,120	7,649,800
Town of Pictou	8,463,495	6,187,101	2,276,394	20,788,808	23,065,202
Town of Port Hawkesbury	11,792,941	8,242,498	3,550,443	31,344,181	34,894,624
Town of Shelburne	6,208,381	4,635,955	1,572,426	9,349,834	10,922,260
Town of Stellarton	9,945,631	9,108,579	837,052	32,675,896	33,512,948
Town of Stewiacke	2,705,754	2,337,103	368,651	9,467,421	9,836,072
Town of Trenton	4,151,225	4,475,295	- 324,070	11,612,771	11,288,701
Town of Truro	31,026,618	31,682,555	- 655,937	87,367,399	86,711,462
Town of Westville	5,060,165	4,867,616	192,549	9,554,877	9,747,426
Town of Windsor	8,999,390	8,485,282	514,108	30,022,711	30,536,819
Town of Wolfville	10,268,964	9,346,389	922,575	25,864,646	26,787,221
Town of Yarmouth	19,747,587	18,855,086	892,501	72,719,291	73,611,792
Towns - Total	277,757,047	253,030,772	24,726,276	738,138,760	762,871,022
Overall - Total	1,807,055,360	1,694,348,108	112,707,252	3,984,735,397	4,055,898,002

Note 1 - This includes remeasurement gains and losses.

Municipal Statistics Annual Report

3.5 Consolidated Financial Position

3.5.1 Consolidated Financial Assets by Regional and Rural Municipalities

Fiscal Year 2018-2019

Financial Assets	Cash and Cash Equivalents	Restricted Cash	Taxes and Sewer Receivable (Net of Asset Valuation Allowances)	Other Receivables (Net of Asset Valuation Allowances)	Inventory Held For Resale	Investments	Loans and Advances	Investment in Government Business Enterprises or Partnerships	Other Financial Assets - Long Term	Total Financial Assets
Cape Breton Regional Municipality	-	2,979,010	15,188,770	19,011,798	-	-	-	-	-	37,179,578
Halifax Regional Municipality	315,624,000	-	24,495,000	46,021,000	57,316,000	83,000	39,436,000	183,798,000	-	666,773,000
Region of Queens Municipality	16,079,807	561,150	977,073	1,369,960	-	-	307,247	-	-	19,295,237
Municipality of the County of Annapolis	9,096,924	-	890,367	1,707,289	-	-	471,267	-	-	12,165,847
Municipality of the County of Antigonish	14,875,851	198,583	641,429	395,270	-	1,481,581	-	-	-	17,592,714
Municipality of the District of Argyle	8,182,417	312,012	327,753	621,625	73,588	154,749	299,119	-	3,279	9,974,542
Municipality of the District of Barrington	4,090,141	121,622	751,965	1,075,227	-	-	-	-	-	6,038,955
Municipality of the District of Chester	12,343,543	10,695,984	1,174,013	1,357,503	-	-	45,996	-	-	25,617,039
Municipality of the District of Clare	5,650,330	307,830	424,220	530,652	30,000	-	-	-	-	6,943,032
Municipality of the County of Colchester	19,896,066	476,257	3,027,139	4,950,438	118,800	1,400,000	492,139	-	-	30,360,839
Municipality of the County of Cumberland	4,076,030	10,959,422	2,168,081	12,160,651	44,867	-	-	-	-	29,409,051
Municipality of the District of Digby	4,973,632	621,937	670,571	70,773	-	-	322,263	-	532,100	7,191,276
Municipality of the District of East Hants	26,460,603	3,278,297	1,887,252	2,391,265	-	-	324,765	-	-	34,342,182
Municipality of the District of Guysborough	22,078,304	-	276,852	2,649,034	-	1,137,716	-	-	-	26,141,906
Municipality of the County of Inverness	17,077,447	2,767,628	1,179,741	2,841,838	-	-	-	-	751,956	24,618,610
Municipality of the County of Kings	36,085,200	1,498,500	1,704,800	5,356,600	-	432,800	103,400	167,500	-	45,348,800
Municipality of the District of Lunenburg	22,946,743	5,231,012	1,788,356	2,112,252	-	-	-	3,528,630	-	35,606,993
Municipality of the County of Pictou	5,200,997	923,807	1,065,716	2,016,159	-	-	-	-	-	9,206,679
Municipality of the County of Richmond	8,164,419	649,863	1,640,599	1,445,068	-	-	-	-	-	11,899,949
Municipality of the District of Shelburne	6,169,668	511,184	233,405	136,696	-	-	62,054	-	-	7,113,007
Municipality of the District of St. Mary's	1,732,452	173,666	229,505	409,499	-	-	-	-	-	2,545,122
Municipality of the County of Victoria	7,717,557	1,981,465	1,250,042	725,943	-	7,941	-	-	-	11,682,948
Municipality of the District of West Hants	10,340,363	595,804	1,846,902	2,372,349	144,713	-	-	152,558	-	15,452,689
Municipality of the District of Yarmouth	11,904,306	120,125	693,150	914,601	-	154,735	-	-	-	13,786,917
Regional & Rural - Total	590,766,800	44,965,158	64,532,701	112,643,490	57,727,968	4,852,522	41,864,250	187,646,688	1,287,335	1,106,286,912

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3.5.2 Consolidated Liabilities and Net Financial Assets by Regional and Rural Municipalities

Fiscal Year 2018-2019

Liabilities and Net Financial Assets (Net Debt)	Bank Indebtedness	Short-Term Borrowings	Payables	Other Liabilities Short Term	Long-term Debt			Other Liabilities Long Term	Total Liabilities	Net Financial Assets (Net Debt)
					Federal government	Provincial government	Other institutions			
Cape Breton Regional Municipality	14,163,030	-	22,615,077	1,220,229	-	84,240,850	-	60,090,508	182,329,694	-145,150,116
Halifax Regional Municipality	-	-	107,522,000	69,655,000	-	210,534,600	4,580,764	64,247,636	456,540,000	210,233,000
Region of Queens Municipality	-	-	1,081,565	391,369	982,613	2,936,624	-	2,819,915	8,212,086	11,083,151
Municipality of the County of Annapolis	1,932,475	-	2,260,979	-	165,305	3,167,617	-	3,288,640	10,815,016	1,350,831
Municipality of the County of Antigonish	-	-	1,424,151	-	-	3,220,867	-	742,809	5,387,827	12,204,887
Municipality of the District of Argyle	-	-	672,045	1,565,007	-	376,728	-	317,675	2,931,455	7,043,087
Municipality of the District of Barrington	-	-	404,707	207,422	-	1,166,124	-	148,711	1,926,964	4,111,991
Municipality of the District of Chester	-	-	2,700,176	830,614	-	9,054,818	-	5,950,740	18,536,348	7,080,691
Municipality of the District of Clare	-	-	551,031	1,059,330	-	2,360,353	-	564,932	4,535,646	2,407,386
Municipality of the County of Colchester	-	-	3,663,045	1,603,273	-	19,763,786	-	13,907,675	38,937,779	-8,576,940
Municipality of the County of Cumberland	8,446,139	-	3,834,648	3,489,182	-	19,720,874	3,016,469	1,420,757	39,928,069	-10,519,018
Municipality of the District of Digby	-	-	458,996	1,230,735	-	1,102,000	-	621,937	3,413,668	3,777,608
Municipality of the District of East Hants	-	-	3,243,155	1,912,930	-	27,468,974	-	6,325,106	38,950,165	-4,607,983
Municipality of the District of Guysborough	-	-	4,241,940	525,506	-	10,580,190	-	4,398,753	19,746,389	6,395,517
Municipality of the County of Inverness	-	-	5,443,276	4,834,084	-	1,440,000	33,629,342	6,933,073	52,279,775	-27,661,165
Municipality of the County of Kings	-	-	9,385,400	4,576,000	-	4,752,485	162,390	4,466,825	23,343,100	22,005,700
Municipality of the District of Lunenburg	-	-	1,789,987	656,431	-	3,864,695	-	4,604,949	10,916,062	24,690,931
Municipality of the County of Pictou	-	-	1,601,946	371,698	-	-	-	-	1,973,644	7,233,035
Municipality of the County of Richmond	-	-	3,009,186	2,508,904	552,860	920,961	8,084,335	1,502,182	16,578,428	-4,678,479
Municipality of the District of Shelburne	-	-	525,351	166,125	-	72,897	-	511,184	1,275,557	5,837,450
Municipality of the District of St. Mary's	-	-	201,421	22,068	-	956,879	-	173,666	1,354,034	1,191,088
Municipality of the County of Victoria	100,000	-	2,476,347	3,370,627	-	-	21,870,091	894,700	28,711,765	-17,028,817
Municipality of the District of West Hants	-	-	2,224,486	4,888,057	-	8,581,083	-	894,096	16,587,722	-1,135,033
Municipality of the District of Yarmouth	-	-	1,351,295	2,527,532	-	2,492,500	-	888,689	7,260,016	6,526,901
Regional & Rural - Total	24,641,644	0	182,682,210	107,612,123	1,700,778	418,775,905	71,343,391	185,715,158	992,471,209	113,815,703

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3.5.3 Consolidated Non Financial Assets and Accumulated Surplus by Regional and Rural Municipalities

Fiscal Year 2018-2019

Non-Financial Assets and Accumulated Surplus	Capital Assets Gross Cost	Less: Accumulated Amortization	Prepaid Expenses	Inventory Not Held For Resale	Other Non-Financial Assets	Total Non-Financial Assets	Accumulated Surplus (Deficit)
Cape Breton Regional Municipality	664,970,702	- 253,057,318	994,672	1,117,316	2,067,200	416,092,572	270,942,456
Halifax Regional Municipality	3,696,108,000	- 1,844,554,000	6,193,096	7,711,904	-	1,865,459,000	2,075,692,000
Region of Queens Municipality	87,700,599	- 29,367,887	214,090	171,646	-	58,718,448	69,801,599
Municipality of the County of Annapolis	56,803,534	- 20,979,834	158,175	-	1	35,981,876	37,332,707
Municipality of the County of Antigonish	35,354,894	- 13,372,199	19,866	89,454	-	22,092,015	34,296,902
Municipality of the District of Argyle	22,409,732	- 8,744,342	23,552	-	-	13,688,942	20,732,029
Municipality of the District of Barrington	20,753,432	- 9,486,888	52,872	10,075	5	11,329,496	15,441,487
Municipality of the District of Chester	62,057,031	- 37,274,042	173,140	34,154	-	24,990,283	32,070,974
Municipality of the District of Clare	22,238,510	- 9,867,555	-	-	-	12,370,955	14,778,341
Municipality of the County of Colchester	205,969,868	- 101,102,858	339,563	87,763	4,360,394	109,654,730	101,077,790
Municipality of the County of Cumberland	139,044,756	- 27,876,546	282,330	389,580	-	111,840,120	101,321,103
Municipality of the District of Digby	18,665,747	- 6,699,352	-	-	2	11,966,393	15,744,001
Municipality of the District of East Hants	123,281,895	- 38,044,930	512,311	4,565	-	85,753,841	81,145,858
Municipality of the District of Guysborough	90,151,896	- 34,702,119	263,208	59,869	-	55,772,854	62,168,371
Municipality of the County of Inverness	86,082,912	- 28,293,665	26,339	202,799	141,491	58,159,876	30,498,711
Municipality of the County of Kings	118,470,500	- 59,272,500	672,400	182,900	-	60,053,300	82,059,000
Municipality of the District of Lunenburg	52,904,314	- 12,282,533	15,813	-	2	40,637,592	65,328,523
Municipality of the County of Pictou	70,918,620	- 19,035,328	3,195	-	193,340	52,079,827	59,312,862
Municipality of the County of Richmond	50,499,062	- 19,515,199	183,293	511,461	4	31,678,613	27,000,134
Municipality of the District of Shelburne	8,670,665	- 4,394,357	146,778	-	4,152	4,427,238	10,264,688
Municipality of the District of St. Mary's	8,681,022	- 2,763,478	16,333	15,570	-	5,949,447	7,140,535
Municipality of the County of Victoria	43,928,495	- 14,879,388	31,701	71,964	-	29,152,772	12,123,955
Municipality of the District of West Hants	54,712,828	- 17,557,826	94,735	74,580	-	37,324,317	36,189,284
Municipality of the District of Yarmouth	41,361,003	- 17,405,901	91,316	6,714	16,363	24,036,769	30,563,670
Regional & Rural - Total	5,781,740,017	-2,630,530,045	10,508,778	10,742,314	6,750,212	3,179,211,276	3,293,026,980

Municipal Statistics Annual Report

3.5.4 Consolidated Financial Assets by Town

Fiscal Year 2018-2019

Financial Assets	Cash and Cash Equivalents	Restricted Cash	Taxes and Sewer Receivable (Net of Asset Valuation Allowances)	Other Receivables (Net of Asset Valuation Allowances)	Inventory Held For Resale	Investments	Loans and Advances	Investment in Government Business Enterprises or Partnerships	Other Financial Assets - Long Term	Total Financial Assets
Town of Amherst	8,673,879	25,860	284,456	1,314,476	-	-	-	-	-	10,298,671
Town of Annapolis Royal	1,907,962	-	40,758	354,924	-	-	-	-	-	2,303,644
Town of Antigonish	7,263,333	-	433,340	3,764,290	-	-	-	-	-	11,460,963
Town of Berwick	1,682,199	-	125,910	2,188,632	-	-	-	-	34,270	4,031,011
Town of Bridgewater	7,054,140	-	1,251,521	988,208	2,271,750	-	-	17,216,045	31,837	28,813,501
Town of Clark's Harbour	507,088	10,222	65,489	23,355	-	-	-	-	-	606,154
Town of Digby	2,993,985	17,260	363,381	166,518	-	-	-	-	-	3,541,144
Town of Kentville	4,261,539	-	241,546	1,799,508	-	13,121,662	-	-	145,082	19,569,337
Town of Lockeport	323,086	92,885	110,194	40,897	-	-	-	-	-	567,062
Town of Lunenburg	4,389,399	-	396,417	2,167,806	-	-	15,000	-	-	6,968,622
Town of Mahone Bay	3,422,405	-	128,407	660,742	-	-	-	237,018	-	4,448,572
Town of Middleton	1,460,733	16,992	69,817	270,347	-	-	-	-	-	1,817,889
Town of Mulgrave	2,299,325	-	115,410	127,329	-	-	-	-	-	2,542,064
Town of New Glasgow	4,885,400	312	1,590,016	1,541,100	-	-	-	-	-	8,016,828
Town of Oxford	715,305	-	70,140	314,744	-	-	-	-	-	1,100,189
Town of Pictou	1,330,006	-	748,919	656,488	-	-	-	-	1,010,708	3,746,121
Town of Port Hawkesbury	5,927,933	-	354,017	1,483,366	-	-	-	-	-	7,765,316
Town of Shelburne	1,283,518	22,994	242,443	732,325	-	10,944	-	-	-	2,292,224
Town of Stellarton	7,413,871	-	230,382	509,171	-	-	-	-	-	8,153,424
Town of Stewiacke	1,783,385	-	112,299	174,819	-	-	-	-	-	2,070,503
Town of Trenton	879,015	-	238,653	232,350	-	-	-	-	-	1,350,018
Town of Truro	5,222,484	3,414,330	1,462,646	2,528,710	716,616	-	82,500	-	-	13,427,286
Town of Westville	1,379,068	45,313	257,249	262,640	-	-	-	-	-	1,944,270
Town of Windsor	6,918,477	2,100	402,312	553,474	-	-	-	-	48,702	7,925,065
Town of Wolfville	6,379,742	-	444,048	415,670	-	-	-	-	-	7,239,460
Town of Yarmouth	7,875,247	36,383	1,072,644	1,326,488	105,477	154,750	-	-	862,219	11,433,208
Towns - Total	98,232,524	3,684,651	10,852,414	24,598,377	3,093,843	13,287,356	97,500	17,453,063	2,132,818	173,432,546
Overall - Total	688,999,324	48,649,809	75,385,115	137,241,867	60,821,811	18,139,878	41,961,750	205,099,751	3,420,153	1,279,719,458

Municipal Statistics Annual Report

3.5.5 Consolidated Liabilities and Net Financial Assets by Regional and Rural Municipalities

Fiscal Year 2018-2019

Liabilities and Net Financial Assets (Net Debt)	Bank Indebtedness	Short-Term Borrowings	Payables	Other Liabilities Short Term	Long-term Debt			Other Liabilities Long Term	Total Liabilities	Net Financial Assets (Net Debt)
					Federal government	Provincial government	Other institutions			
Town of Amherst	-	-	1,136,433	2,264,878	-	8,846,709	-	2,061,146	14,309,166	-4,010,495
Town of Annapolis Royal	-	-	245,637	-	135,625	-	-	4	381,258	1,922,386
Town of Antigonish	-	86,481	3,725,683	678,485	-	35,811,361	-	-	40,302,010	-28,841,047
Town of Berwick	1,138,052	-	1,747,795	8,886	-	17,497,311	-	-	20,392,044	-16,361,033
Town of Bridgewater	-	-	2,798,631	1,416,910	-	4,531,879	1,991,175	2,844,190	13,582,785	15,230,716
Town of Clark's Harbour	-	-	198,521	5,363	-	154,000	10,500	10,222	378,606	227,548
Town of Digby	-	-	538,684	20,384	-	1,298,283	-	77,960	1,935,311	1,605,833
Town of Kentville	-	1,007,367	2,110,596	339,730	-	6,884,020	-	12,043	10,353,756	9,215,581
Town of Lockeport	-	-	179,024	6,904	-	337,054	-	115,846	638,828	-71,766
Town of Lunenburg	-	847,114	1,960,765	277,065	-	3,822,727	-	163,820	7,071,491	-102,869
Town of Mahone Bay	-	66,000	677,092	98,926	-	-	6,584,888	-	7,426,906	-2,978,334
Town of Middleton	-	4,950	318,714	12,168	-	1,840,753	-	225,531	2,402,116	-584,227
Town of Mulgrave	-	-	190,798	34,791	-	1,769,001	16,524	-	2,011,114	530,950
Town of New Glasgow	327,900	-	2,412,300	205,100	-	10,233,524	1,026,024	-	14,204,848	-6,188,020
Town of Oxford	-	419,617	106,429	-	-	1,687,900	92,080	-	2,306,026	-1,205,837
Town of Pictou	-	2,042,112	1,191,465	112,791	-	2,973,884	-	1,405,333	7,725,585	-3,979,464
Town of Port Hawkesbury	-	-	373,422	356,217	-	3,263,365	-	2,825,409	6,818,413	946,903
Town of Shelburne	882,193	230,277	1,008,849	77,787	-	2,475,940	-	2,444,124	7,119,170	-4,826,946
Town of Stellarton	-	-	1,139,050	102,978	-	9,150,404	-	-	10,392,432	-2,239,008
Town of Stewiacke	-	-	264,049	53,740	-	1,428,170	-	11,000	1,756,959	313,544
Town of Trenton	-	-	485,613	132,114	-	3,402,716	-	8,793	4,029,236	-2,679,218
Town of Truro	-	-	2,777,745	1,136,478	-	19,883,298	10,138	3,227,127	27,034,786	-13,607,500
Town of Westville	-	-	502,807	107,973	-	1,516,045	183,398	45,313	2,355,536	-411,266
Town of Windsor	-	216,239	790,390	82,038	-	7,832,031	-	234,336	9,155,034	-1,229,969
Town of Wolfville	42,011	-	602,128	336,554	-	6,037,995	-	-	7,018,688	220,772
Town of Yarmouth	-	-	1,528,395	1,798,520	-	1,366,667	-	742,103	5,435,685	5,997,523
Towns - Total	2,390,156	4,920,157	29,011,015	9,666,780	135,625	154,045,037	9,914,727	16,454,292	226,537,789	-53,105,243
Overall - Total	27,031,800	4,920,157	211,693,225	117,278,903	1,836,403	572,820,942	81,258,118	202,169,450	1,219,008,998	60,710,460

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3.5.6 Consolidated Non Financial Assets and Accumulated Surplus by Town

Fiscal Year 2018-2019

Non-Financial Assets and Accumulated Surplus	Capital Assets - Gross Cost	Less: Accumulated Amortization	Prepaid Expenses	Inventory Not Held For Resale	Other Non-Financial Assets	Total Non-Financial Assets	Accumulated Surplus (Deficit)
Town of Amherst	104,072,452	- 38,259,169	62,349	104,434	-	65,980,066	61,969,571
Town of Annapolis Royal	14,400,822	- 6,375,024	8,956	26,834	-	8,061,588	9,983,974
Town of Antigonish	82,442,988	- 26,422,514	2	665,476	-	56,685,952	27,844,905
Town of Berwick	43,541,041	- 15,182,075	31,628	88,649	253,863	28,733,106	12,372,073
Town of Bridgewater	142,077,443	- 65,076,549	98,158	373,740	-	77,472,792	92,703,508
Town of Clark's Harbour	5,682,847	- 3,419,077	3,435	9,839	11,487	2,288,531	2,516,079
Town of Digby	27,572,724	- 13,863,097	24,119	8,182	-	13,741,928	15,347,761
Town of Kentville	70,846,098	- 28,391,922	95,335	-	-	42,549,511	51,765,092
Town of Lockeport	6,854,473	- 4,592,540	12,616	-	-	2,274,549	2,202,783
Town of Lunenburg	61,117,514	- 23,623,091	279,263	172,367	- 1,701	37,944,352	37,841,483
Town of Mahone Bay	27,396,343	- 9,293,812	99,694	73,992	-	18,276,217	15,297,883
Town of Middleton	21,951,976	- 10,052,698	21,900	-	-	11,921,178	11,336,951
Town of Mulgrave	13,823,759	- 6,080,372	16,579	-	11,226	7,771,192	8,302,142
Town of New Glasgow	101,742,500	- 41,431,165	153,700	334,800	210,675	61,010,510	54,822,490
Town of Oxford	15,528,140	- 6,876,810	29,776	29,037	145,494	8,855,637	7,649,800
Town of Pictou	42,619,125	- 15,693,056	-	118,597	-	27,044,666	23,065,202
Town of Port Hawkesbury	61,395,335	- 27,554,132	10,383	96,135	-	33,947,721	34,894,624
Town of Shelburne	26,825,367	- 11,207,818	29,584	102,073	-	15,749,206	10,922,260
Town of Stellarton	59,178,927	- 25,496,202	27,148	2,366,317	- 324,234	35,751,956	33,512,948
Town of Stewiacke	15,088,762	- 5,566,234	-	-	-	9,522,528	9,836,072
Town of Trenton	26,297,413	- 12,423,379	18,128	11,840	63,917	13,967,919	11,288,701
Town of Truro	163,963,416	- 64,134,095	319,487	170,154	-	100,318,962	86,711,462
Town of Westville	19,561,942	- 9,412,442	-	9,192	-	10,158,692	9,747,426
Town of Windsor	45,632,689	- 14,392,673	8,758	84,219	433,795	31,766,788	30,536,819
Town of Wolfville	45,579,951	- 19,096,722	60,087	23,133	-	26,566,449	26,787,221
Town of Yarmouth	110,523,245	- 43,349,237	419,486	20,773	2	67,614,269	73,611,792
Towns - Total	1,355,717,292	-547,265,905	1,830,571	4,889,783	804,524	815,976,265	762,871,022
Overall - Total	7,137,457,309	-3,177,795,950	12,339,349	15,632,097	7,554,736	3,995,187,541	4,055,898,002

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3.6 Consolidated Tangible Capital Assets

3.6.1 Consolidated Tangible Capital Assets by Regional and Rural Municipality

Municipality Name	Gross Cost as at March 31, 2018	Additions	Disposals / Write-Downs (Negative)	Gross Cost as at March 31, 2019	Accumulated Amortization as at March 31, 2018	Annual Amortization	Adjustments / Disposals	Accumulated Amortization as at March 31, 2019	Net Book Value as at March 31, 2019
Cape Breton Regional Municipality	641,350,491	23,638,153	- 17,942	664,970,702	233,860,785	19,213,860	- 17,327	253,057,318	411,913,384
Halifax Regional Municipality	3,589,977,000	129,553,000	- 23,422,000	3,696,108,000	1,725,436,000	141,855,000	- 22,737,000	1,844,554,000	1,851,554,000
Region of Queens Municipality	86,031,824	1,734,985	- 66,210	87,700,599	27,386,625	2,032,172	- 50,910	29,367,887	58,332,712
Municipality of the County of Annapolis	53,578,410	3,225,124	-	56,803,534	19,669,095	1,315,901	- 5,162	20,979,834	35,823,700
Municipality of the County of Antigonish	34,684,927	685,771	- 15,804	35,354,894	12,596,090	791,913	- 15,804	13,372,199	21,982,695
Municipality of the District of Argyle	21,663,172	791,563	- 45,003	22,409,732	8,240,426	522,586	- 18,670	8,744,342	13,665,390
Municipality of the District of Barrington	20,232,292	569,469	- 48,329	20,753,432	8,947,174	588,043	- 48,329	9,486,888	11,266,544
Municipality of the District of Chester	60,640,632	1,527,017	- 110,618	62,057,031	34,934,860	2,425,600	- 86,418	37,274,042	24,782,989
Municipality of the District of Clare	20,847,388	1,625,774	- 234,652	22,238,510	9,522,453	454,607	- 109,505	9,867,555	12,370,955
Municipality of the County of Colchester	201,239,194	4,835,448	- 104,774	205,969,868	94,304,897	6,902,735	- 104,774	101,102,858	104,867,010
Municipality of the County of Cumberland	127,748,005	27,935,833	- 16,639,082	139,044,756	24,658,532	3,264,687	- 46,673	27,876,546	111,168,210
Municipality of the District of Digby	18,490,895	207,691	- 32,839	18,665,747	6,174,019	558,172	- 32,839	6,699,352	11,966,395
Municipality of the District of East Hants	114,004,332	14,785,152	- 5,507,589	123,281,895	35,320,472	2,841,802	- 117,344	38,044,930	85,236,965
Municipality of the District of Guysborough	83,649,811	17,967,794	- 11,465,709	90,151,896	31,172,709	3,545,966	- 16,556	34,702,119	55,449,777
Municipality of the County of Inverness	83,128,880	2,954,032	-	86,082,912	25,648,003	2,645,662	-	28,293,665	57,789,247
Municipality of the County of Kings	121,202,500	8,742,200	- 11,474,200	118,470,500	60,308,700	3,712,900	- 4,749,100	59,272,500	59,198,000
Municipality of the District of Lunenburg	50,290,513	3,148,113	- 534,312	52,904,314	10,941,758	1,461,063	- 120,288	12,282,533	40,621,781
Municipality of the County of Pictou	66,482,486	4,595,175	- 159,041	70,918,620	17,219,579	1,815,749	-	19,035,328	51,883,292
Municipality of the County of Richmond	47,624,419	3,476,083	- 601,440	50,499,062	18,410,532	1,104,667	-	19,515,199	30,983,863
Municipality of the District of Shelburne	8,735,932	99,893	- 165,160	8,670,665	4,086,481	307,876	-	4,394,357	4,276,308
Municipality of the District of St. Mary's	8,344,442	760,988	- 424,408	8,681,022	2,668,611	200,126	- 105,259	2,763,478	5,917,544
Municipality of the County of Victoria	43,106,968	821,527	-	43,928,495	13,618,978	1,260,410	-	14,879,388	29,049,107
Municipality of the District of West Hants	52,695,145	2,194,879	- 177,196	54,712,828	15,586,879	2,034,654	- 63,707	17,557,826	37,155,002
Municipality of the District of Yarmouth	41,141,481	1,142,943	- 923,421	41,361,003	16,974,970	1,266,357	- 835,426	17,405,901	23,955,102
Regional and Rural Municipality Total	5,596,891,139	257,018,607	- 72,169,729	5,781,740,017	2,457,688,628	202,122,508	- 29,281,091	2,630,530,045	3,151,209,972

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3.6.2 Consolidated Tangible Capital Assets by Town

Municipality Name	Gross Cost as at March 31, 2018	Additions	Disposals / Write-Downs (Negative)	Gross Cost as at March 31, 2019	Accumulated Amortization as at March 31, 2018	Annual Amortization	Adjustments / Disposals	Accumulated Amortization as at March 31, 2019	Net Book Value as at March 31, 2019
Town of Amherst	100,870,633	4,331,801	- 1,129,982	104,072,452	36,361,502	2,545,995	- 648,328	38,259,169	65,813,283
Town of Annapolis Royal	13,408,226	1,046,359	- 53,763	14,400,822	6,051,524	371,887	- 48,387	6,375,024	8,025,798
Town of Antigonish	80,689,508	2,046,544	- 293,064	82,442,988	24,020,938	2,694,640	- 293,064	26,422,514	56,020,474
Town of Berwick	41,886,559	1,735,135	- 80,653	43,541,041	13,801,258	1,461,470	- 80,653	15,182,075	28,358,966
Town of Bridgewater	138,420,643	4,354,224	- 697,424	142,077,443	61,787,208	3,768,580	- 479,239	65,076,549	77,000,894
Town of Clark's Harbour	5,675,540	123,829	- 116,522	5,682,847	3,353,024	182,575	- 116,522	3,419,077	2,263,770
Town of Digby	27,099,474	590,480	- 117,230	27,572,724	13,201,433	778,895	- 117,231	13,863,097	13,709,627
Town of Kentville	68,797,706	2,602,633	- 554,241	70,846,098	26,686,746	1,956,747	- 251,571	28,391,922	42,454,176
Town of Lockeport	6,724,811	151,649	- 21,987	6,854,473	4,389,188	225,339	- 21,987	4,592,540	2,261,933
Town of Lunenburg	59,294,326	2,537,905	- 714,717	61,117,514	22,260,497	1,713,744	- 351,150	23,623,091	37,494,423
Town of Mahone Bay	27,146,304	250,039	-	27,396,343	8,465,530	828,282	-	9,293,812	18,102,531
Town of Middleton	21,425,097	613,076	- 86,197	21,951,976	9,490,243	613,173	- 50,718	10,052,698	11,899,278
Town of Mulgrave	13,774,737	160,840	- 111,818	13,823,759	5,882,114	287,164	- 88,906	6,080,372	7,743,387
Town of New Glasgow	98,012,300	4,269,700	- 539,500	101,742,500	39,064,565	2,604,500	- 237,900	41,431,165	60,311,335
Town of Oxford	15,281,072	247,068	-	15,528,140	6,486,362	390,448	-	6,876,810	8,651,330
Town of Pictou	38,028,426	4,609,212	- 18,513	42,619,125	14,606,179	1,086,877	-	15,693,056	26,926,069
Town of Port Hawkesbury	56,541,039	4,854,296	-	61,395,335	25,994,342	1,559,790	-	27,554,132	33,841,203
Town of Shelburne	23,894,503	3,596,565	- 665,701	26,825,367	10,540,379	841,631	- 174,192	11,207,818	15,617,549
Town of Stellarton	58,042,674	2,600,749	- 1,464,496	59,178,927	25,108,933	1,779,051	- 1,391,782	25,496,202	33,682,725
Town of Stewiacke	14,639,462	734,829	- 285,529	15,088,762	5,216,557	413,997	- 64,320	5,566,234	9,522,528
Town of Trenton	25,950,651	455,448	- 108,686	26,297,413	11,822,732	709,333	- 108,686	12,423,379	13,874,034
Town of Truro	163,549,593	1,758,524	- 1,344,701	163,963,416	60,324,316	4,643,841	- 834,062	64,134,095	99,829,321
Town of Westville	19,596,342	32,436	- 66,836	19,561,942	8,985,851	493,427	- 66,836	9,412,442	10,149,500
Town of Windsor	44,504,558	1,495,059	- 366,928	45,632,689	13,289,376	1,460,637	- 357,340	14,392,673	31,240,016
Town of Wolfville	44,021,821	1,682,511	- 124,381	45,579,951	17,882,224	1,336,372	- 121,874	19,096,722	26,483,229
Town of Yarmouth	108,294,329	2,427,086	- 198,170	110,523,245	40,399,572	3,131,502	- 181,837	43,349,237	67,174,008
Town Total	1,315,570,334	49,307,997	-9,161,039	1,355,717,292	515,472,593	37,879,897	-6,086,585	547,265,905	808,451,387
Overall - Total	6,912,461,473	306,326,604	-81,330,768	7,137,457,309	2,973,161,221	240,002,405	-35,367,676	3,177,795,950	3,959,661,359

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3.6.3 Consolidated Tangible Capital Assets by Fund by Regional and Rural Municipalities

Municipality	General				Water				Electric				Other Municipal Reporting Entities				Total Net Book Value	
	Cost	Accumulated Amortization	Net Book Value	Additions	Cost	Accumulated Amortization	Net Book Value	Additions	Cost	Accumulated	Net Book Value	Additions	Cost	Accumulated Amortization	Net Book Value	Additions		
Cape Breton Regional Municipality	481,852,801	193,395,831	288,456,970	19,830,255	172,600,252	54,183,958	118,416,294	3,359,368	-	-	-	-	10,517,649	5,477,529	5,040,120	448,530	411,913,384	
Halifax Regional Municipality	3,696,108,000	1,844,554,000	1,851,554,000	129,553,000	-	-	-	-	-	-	-	-	-	-	-	-	-	1,851,554,000
Region of Queens Municipality	79,685,875	26,974,047	52,711,828	1,371,234	8,014,724	2,393,840	5,620,884	363,751	-	-	-	-	-	-	-	-	-	58,332,712
Municipality of the County of Annapolis	39,807,209	17,697,143	22,110,066	2,569,121	16,996,325	3,282,691	13,713,634	656,003	-	-	-	-	-	-	-	-	-	35,823,700
Municipality of the County of Antigonish	27,130,180	11,561,328	15,568,852	601,110	8,224,714	1,810,871	6,413,843	84,661	-	-	-	-	-	-	-	-	-	21,982,695
Municipality of the District of Argyle	16,365,688	5,673,694	10,691,994	741,436	-	-	-	-	-	-	-	-	6,044,044	3,070,648	2,973,396	50,127	-	13,665,390
Municipality of the District of Barrington	20,753,432	9,486,888	11,266,544	569,469	-	-	-	-	-	-	-	-	-	-	-	-	-	11,266,544
Municipality of the District of Chester	62,057,031	37,274,042	24,782,989	1,527,017	-	-	-	-	-	-	-	-	-	-	-	-	-	24,782,989
Municipality of the District of Clare	22,238,510	9,867,555	12,370,955	1,625,774	-	-	-	-	-	-	-	-	-	-	-	-	-	12,370,955
Municipality of the County of Colchester	195,930,957	95,035,100	100,895,857	3,959,860	10,038,911	6,067,758	3,971,153	875,588	-	-	-	-	-	-	-	-	-	104,867,010
Municipality of the County of Cumberland	77,258,920	19,499,355	57,759,565	7,700,697	33,484,157	896,508	32,587,649	19,155,732	-	-	-	-	28,301,680	7,480,683	20,820,997	1,079,405	-	111,168,211
Municipality of the District of Digby	18,665,747	6,699,352	11,966,395	207,691	-	-	-	-	-	-	-	-	-	-	-	-	-	11,966,395
Municipality of the District of East Hants	89,460,086	32,125,450	57,334,636	9,108,955	33,821,807	5,919,480	27,902,327	5,676,197	-	-	-	-	-	-	-	-	-	85,236,965
Municipality of the District of Guysborough	80,497,914	31,252,246	49,245,668	17,948,106	6,249,487	1,333,999	4,915,488	-	876,203	688,494	187,709	-	2,528,292	1,427,380	1,100,912	19,688	-	55,449,777
Municipality of the County of Inverness	37,135,056	16,414,842	20,720,214	2,954,032	6,700,854	1,557,468	5,143,386	-	-	-	-	-	42,247,002	10,321,355	31,925,647	-	-	57,789,247
Municipality of the County of Kings	87,655,500	42,061,800	45,593,700	7,900,400	8,776,000	1,657,600	7,118,400	137,100	-	-	-	-	22,039,000	15,553,100	6,485,900	704,700	-	59,198,000
Municipality of the District of Lunenburg	34,575,964	9,458,739	25,117,225	3,116,525	-	-	-	-	-	-	-	-	18,328,350	2,823,794	15,504,556	31,588	-	40,621,781
Municipality of the County of Pictou	65,499,045	18,445,218	47,053,827	3,177,415	5,419,575	590,110	4,829,465	1,417,760	-	-	-	-	-	-	-	-	-	51,883,292
Municipality of the County of Richmond	23,635,378	9,539,096	14,096,282	1,402,915	11,488,331	2,027,975	9,460,356	2,058,690	-	-	-	-	15,375,353	7,948,128	7,427,225	14,478	-	30,983,863
Municipality of the District of Shelburne	8,670,665	4,394,357	4,276,308	99,893	-	-	-	-	-	-	-	-	-	-	-	-	-	4,276,308
Municipality of the District of St. Mary's	5,896,599	2,495,257	3,401,342	-	2,784,423	268,221	2,516,202	760,988	-	-	-	-	-	-	-	-	-	5,917,544
Municipality of the County of Victoria	7,670,983	2,617,742	5,053,241	565,101	5,762,491	1,707,866	4,054,625	178,010	-	-	-	-	30,495,021	10,553,780	19,941,241	78,416	-	29,049,107
Municipality of the District of West Hants	41,272,243	13,944,282	27,327,961	1,408,937	13,440,585	3,613,544	9,827,041	785,942	-	-	-	-	-	-	-	-	-	37,155,002
Municipality of the District of Yarmouth	28,062,819	10,775,487	17,287,332	937,666	-	-	-	-	-	-	-	-	13,298,184	6,630,414	6,667,770	205,277	-	23,955,102
Regional & Rural - Total	5,247,886,604	2,471,242,851	2,776,643,753	218,876,609	343,802,636	87,311,889	256,490,747	35,509,790	876,203	688,494	187,709	-	189,174,575	71,286,811	117,887,764	2,632,209	-	3,151,209,973

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3.6.4 Consolidated Tangible Capital Assets by Fund by Town

Municipality	General				Water				Electric				Other Municipal Reporting Entities				Total Net Book Value	
	Cost	Accumulated Amortization	Net Book Value	Additions	Cost	Accumulated Amortization	Net Book Value	Additions	Cost	Accumulated Amortization	Net Book Value	Additions	Cost	Accumulated Amortization	Net Book Value	Additions		
Town of Amherst	78,285,016	31,690,771	46,594,245	1,788,465	22,853,339	5,750,433	17,102,906	1,953,073	-	-	-	-	2,934,097	817,965	2,116,132	590,263	65,813,283	
Town of Annapolis Royal	11,047,149	5,362,163	5,684,986	1,046,359	3,353,673	1,012,861	2,340,812	-	-	-	-	-	-	-	-	-	-	8,025,798
Town of Antigonish	30,098,341	13,414,396	16,683,945	1,395,292	12,558,863	5,133,414	7,425,449	355,576	7,403,508	4,541,207	2,862,301	142,728	32,382,276	3,333,497	29,048,779	152,948	56,020,474	
Town of Berwick	20,942,002	9,452,702	11,489,300	1,004,267	-	-	-	-	8,720,921	4,300,731	4,420,190	665,318	13,878,118	1,428,642	12,449,476	65,550	28,358,966	
Town of Bridgewater	123,749,094	62,252,756	61,496,338	4,322,636	-	-	-	-	-	-	-	-	18,328,349	2,823,793	15,504,556	31,588	77,000,894	
Town of Clark's Harbour	5,682,847	3,419,077	2,263,770	123,829	-	-	-	-	-	-	-	-	-	-	-	-	-	2,263,770
Town of Digby	19,384,851	10,298,580	9,086,271	549,567	8,187,873	3,564,517	4,623,356	40,913	-	-	-	-	-	-	-	-	-	13,709,627
Town of Kentville	52,294,903	21,779,938	30,514,965	2,169,953	18,551,195	6,611,984	11,939,211	432,680	-	-	-	-	-	-	-	-	-	42,454,176
Town of Lockport	6,854,473	4,592,540	2,261,933	151,649	-	-	-	-	-	-	-	-	-	-	-	-	-	2,261,933
Town of Lunenburg	40,102,934	16,582,926	23,520,008	2,339,980	14,280,771	3,142,118	11,138,653	27,824	6,733,809	3,898,047	2,835,762	170,101	-	-	-	-	-	37,494,423
Town of Mahone Bay	15,182,277	7,258,119	7,924,158	118,342	5,592,570	969,222	4,623,348	13,107	1,481,451	537,343	944,108	94,312	5,140,045	529,128	4,610,917	24,278	18,102,531	
Town of Middleton	17,999,297	8,548,703	9,450,594	566,447	3,952,679	1,503,995	2,448,684	46,629	-	-	-	-	-	-	-	-	-	11,899,278
Town of Mulgrave	8,305,589	5,547,133	2,758,456	111,132	5,518,170	533,239	4,984,931	49,708	-	-	-	-	-	-	-	-	-	7,743,387
Town of New Glasgow	65,928,000	31,650,503	34,277,497	2,126,900	35,814,500	9,780,662	26,033,838	2,142,800	-	-	-	-	-	-	-	-	-	60,311,335
Town of Oxford	11,352,197	5,891,107	5,461,090	121,109	4,175,943	985,703	3,190,240	125,959	-	-	-	-	-	-	-	-	-	8,651,330
Town of Pictou	30,020,480	13,976,378	16,044,101	1,262,025	12,598,645	1,716,678	10,881,967	3,347,187	-	-	-	-	-	-	-	-	-	26,926,068
Town of Port Hawkesbury	49,187,951	22,905,090	26,282,861	2,644,399	11,167,361	4,649,042	6,518,319	1,169,874	-	-	-	-	1,040,023	-	1,040,023	1,040,023	33,841,203	
Town of Shelburne	18,764,802	9,221,597	9,543,205	3,520,614	6,394,851	1,594,414	4,800,437	13,425	-	-	-	-	1,665,714	391,807	1,273,907	62,526	15,617,549	
Town of Stellarton	39,231,181	18,900,590	20,330,591	1,169,293	18,624,785	5,556,593	13,068,192	1,424,683	-	-	-	-	1,322,961	1,039,019	283,942	6,773	33,682,725	
Town of Stewiacke	10,792,521	4,702,892	6,089,629	729,972	4,296,241	863,342	3,432,899	4,857	729,972	-	-	-	-	-	-	-	-	9,522,528
Town of Trenton	23,799,742	11,176,665	12,623,077	455,448	2,497,671	1,246,714	1,250,957	-	-	-	-	-	-	-	-	-	-	13,874,034
Town of Truro	135,462,708	54,544,930	80,917,778	1,555,778	28,500,708	9,589,165	18,911,543	202,746	-	-	-	-	-	-	-	-	-	99,829,321
Town of Westville	15,464,316	7,693,771	7,770,545	32,436	4,097,626	1,718,671	2,378,955	-	-	-	-	-	-	-	-	-	-	10,149,500
Town of Windsor	34,343,517	11,078,069	23,265,448	1,024,111	11,289,172	3,314,604	7,974,568	470,948	-	-	-	-	-	-	-	-	-	31,240,016
Town of Wolfville	34,830,637	15,374,257	19,456,380	1,362,729	10,749,314	3,722,465	7,026,849	319,782	-	-	-	-	-	-	-	-	-	26,483,229
Town of Yarmouth	76,555,675	31,161,596	45,394,079	2,306,848	21,171,403	5,913,328	15,258,075	15,876	-	-	-	-	12,796,167	6,274,313	6,521,854	104,362	67,174,008	
Towns - Total	975,662,500	438,477,249	537,185,250	33,999,580	266,227,353	78,873,164	187,354,189	12,157,647	24,339,689	13,277,328	11,062,361	1,072,459	89,487,750	16,638,164	72,849,586	2,078,311	808,451,386	
Overall - Total	6,223,549,104	2,909,720,100	3,313,829,003	252,876,189	610,029,989	166,185,053	443,844,936	47,667,437	25,215,892	13,965,822	11,250,070	1,072,459	278,662,325	87,924,975	190,737,350	4,710,520	3,959,661,359	

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3.7 Consolidated Long-Term Debt

3.7.1 Consolidated Long-Term Debt by Regional and Rural Municipality

Municipality Name	Balance as at March 31, 2018	Principal Payment	Balloon Payment	New Debt Issued	Balance as at March 31, 2019	Interest Paid in 2018-19
Cape Breton Regional Municipality	84,811,695	13,545,845	-	12,975,000	84,240,850	2,881,366
Halifax Regional Municipality	225,562,073	41,467,710	-	31,021,001	215,115,364	7,710,220
Region of Queens Municipality	3,671,317	282,080	-	530,000	3,919,237	127,467
Municipality of the County of Annapolis	3,230,333	497,411	-	600,000	3,332,922	113,924
Municipality of the County of Antigonish	3,439,476	218,609	-	-	3,220,867	168,201
Municipality of the District of Argyle	517,885	141,157	-	-	376,728	8,829
Municipality of the District of Barrington	1,345,856	179,732	-	-	1,166,124	32,246
Municipality of the District of Chester	7,554,547	1,437,833	-	2,938,104	9,054,818	259,880
Municipality of the District of Clare	1,961,668	178,333	1,250,000	1,827,018	2,360,353	90,833
Municipality of the County of Colchester	21,942,258	2,178,472	-	-	19,763,786	635,901
Municipality of the County of Cumberland	16,585,653	1,281,310	-	7,433,000	22,737,343	637,146
Municipality of the District of Digby	1,281,000	179,000	-	-	1,102,000	32,243
Municipality of the District of East Hants	24,730,475	2,261,501	-	5,000,000	27,468,974	1,100,127
Municipality of the District of Guysborough	11,533,479	977,670	-	24,381	10,580,190	326,117
Municipality of the County of Inverness	34,914,662	1,552,034	-	1,706,714	35,069,342	1,278,362
Municipality of the County of Kings	8,760,300	4,062,470	110,525	327,570	4,914,875	172,390
Municipality of the District of Lunenburg	4,864,543	999,848	-	-	3,864,695	200,671
Municipality of the County of Pictou	-	-	-	-	-	-
Municipality of the County of Richmond	10,691,845	1,133,689	-	-	9,558,156	444,628
Municipality of the District of Shelburne	35,697	3,595	-	40,795	72,897	895
Municipality of the District of St. Mary's	750,000	125,000	-	331,879	956,879	21,320
Municipality of the County of Victoria	22,814,932	944,841	-	-	21,870,091	1,136,164
Municipality of the District of West Hants	9,237,731	757,753	1,230,000	1,331,105	8,581,083	238,444
Municipality of the District of Yarmouth	2,798,883	306,383	-	-	2,492,500	122,332
Regional and Rural Municipality Total	503,036,308	74,712,276	2,590,525	66,086,567	491,820,074	17,739,706

Municipal Statistics Annual Report

3.7.2 Consolidated Long-Term Debt byTown

Municipality Name	Balance as at March 31, 2018	Principal Payment	Balloon Payment	New Debt Issued	Balance as at March 31, 2019	Interest Paid in 2018-19
Town of Amherst	8,785,891	855,859	-	916,677	8,846,709	337,796
Town of Annapolis Royal	152,037	16,412	-	-	135,625	5,684
Town of Antigonish	29,853,407	1,539,046	-	7,497,000	35,811,361	1,102,068
Town of Berwick	14,722,885	753,574	-	3,528,000	17,497,311	424,633
Town of Bridgewater	6,422,194	1,126,140	-	1,227,000	6,523,054	175,558
Town of Clark's Harbour	204,000	39,500	-	-	164,500	8,064
Town of Digby	1,490,334	192,051	-	-	1,298,283	42,564
Town of Kentville	7,356,640	1,236,120	152,500	916,000	6,884,020	213,722
Town of Lockeport	323,284	61,221	-	74,991	337,054	8,966
Town of Lunenburg	3,341,156	428,609	-	910,180	3,822,727	113,806
Town of Mahone Bay	4,843,508	248,620	-	1,990,000	6,584,888	203,449
Town of Middleton	2,068,197	227,444	-	-	1,840,753	59,018
Town of Mulgrave	1,916,905	131,380	-	-	1,785,525	48,682
Town of New Glasgow	11,820,344	2,062,507	-	1,501,711	11,259,548	379,691
Town of Oxford	2,038,959	357,979	-	99,000	1,779,980	42,090
Town of Pictou	2,862,640	303,173	-	414,417	2,973,884	146,303
Town of Port Hawkesbury	3,794,230	530,865	262,500	262,500	3,263,365	177,189
Town of Shelburne	2,459,125	208,308	-	225,123	2,475,940	77,507
Town of Stellarton	8,694,965	634,561	-	1,090,000	9,150,404	406,418
Town of Stewiacke	1,018,296	203,212	-	613,086	1,428,170	57,974
Town of Trenton	1,968,333	160,617	-	1,595,000	3,402,716	91,018
Town of Truro	21,573,294	1,679,858	1,165,000	1,165,000	19,893,436	711,164
Town of Westville	1,984,761	278,798	60,520	54,000	1,699,443	63,875
Town of Windsor	8,516,429	684,398	-	-	7,832,031	305,691
Town of Wolfville	5,644,236	635,991	-	1,029,750	6,037,995	168,758
Town of Yarmouth	1,766,667	400,000	-	-	1,366,667	72,796
Town Total	155,622,717	14,996,243	1,640,520	25,109,435	164,095,389	5,444,484
Overall - Total	658,659,025	89,708,519	4,231,045	91,196,002	655,915,463	23,184,190

Municipal Statistics Annual Report

3.7.3 Consolidated Long-Term Debt by Function by Regional and Rural Municipality

Municipality	General Government Services	Protective Services	Transportation Services	Environmental Health Services	Public Health Services	Environmental Development Services	Recreation & Cultural Services	Water Utility	Electric Utility	Other Reporting Entities	Consolidated LTD
Cape Breton Regional Municipality	16,515,294	6,355,281	21,009,705	3,485,697	-	-	4,244,374	32,630,499	-	-	84,240,850
Halifax Regional Municipality	25,102,294	8,093,608	95,502,151	40,443,397	-	316,536	45,657,378	-	-	-	215,115,364
Region of Queens Municipality	-	-	-	982,613	-	13,795	2,554,423	368,406	-	-	3,919,237
Municipality of the County of Annapolis	50,715	453,495	783,571	608,000	-	-	25,600	955,041	-	456,500	3,332,922
Municipality of the County of Antigonish	377,845	-	133,200	1,395,906	-	-	508,716	805,200	-	-	3,220,867
Municipality of the District of Argyle	-	-	-	376,728	-	-	-	-	-	-	376,728
Municipality of the District of Barrington	-	836,124	-	-	-	450,000	120,000	-	-	-	1,166,124
Municipality of the District of Chester	64,000	-	191,990	6,177,494	-	2,588,668	32,666	-	-	-	9,054,818
Municipality of the District of Clare	-	1,110,353	-	-	1,250,000	-	-	-	-	-	2,360,353
Municipality of the County of Colchester	-	492,139	-	2,586,072	2,377,495	2,210,000	12,098,080	-	-	-	19,763,786
Municipality of the County of Cumberland	154,040	318,495	182,001	7,733,489	10,060,000	-	-	1,272,849	-	3,016,469	22,737,343
Municipality of the District of Digby	-	-	-	550,000	-	552,000	-	-	-	-	1,102,000
Municipality of the District of Guysborough	6,373,418	908,932	4,103,063	2,401,676	-	2,152,072	7,449,853	4,079,960	-	-	27,468,974
Municipality of the District of East Hants	69,997	-	-	-	-	9,112,245	-	-	-	1,397,948	10,580,190
Municipality of the County of Inverness	-	-	-	1,440,000	-	-	-	650,000	-	32,979,342	35,069,342
Municipality of the County of Kings	346,200	-	70,100	2,187,000	-	-	-	183,700	-	2,127,875	4,914,875
Municipality of the District of Lunenburg	-	-	-	360,000	-	3,504,695	-	-	-	-	3,864,695
Municipality of the County of Pictou	-	-	-	-	-	-	-	-	-	-	-
Municipality of the County of Richmond	126,662	235,714	191,567	1,155,592	-	-	-	-	-	7,848,621	9,558,156
Municipality of the District of Shelburne	-	-	-	-	-	72,897	-	-	-	-	72,897
Municipality of the District of St. Mary's	675,419	-	-	-	-	-	-	281,460	-	-	956,879
Municipality of the County of Victoria	-	-	-	-	-	-	-	-	-	21,870,091	21,870,091
Municipality of the District of West Hants	23,050	6,789,231	100,367	714,164	-	-	-	954,271	-	-	8,581,083
Municipality of the District of Yarmouth	2,000,000	-	450,000	42,500	-	-	-	-	-	-	2,492,500
Regional & Rural - Total	51,878,934	25,593,372	122,717,715	72,640,328	13,687,495	20,972,908	72,451,090	42,181,386	-	69,696,846	491,820,074

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Consolidated Long-Term Debt by Function

3.7.4 Consolidated Long-Term by Function by Town

Municipality	General Government Services	Protective Services	Transportation Services	Environmental Health Services	Public Health Services	Environmental Development Services	Recreation & Cultural Services	Water Utility	Electric Utility	Other Reporting Entities	Consolidated LTD
Town of Amherst	-	1,895,400	1,613,043	3,711,383	-	-	1,087,918	538,965	-	-	8,846,709
Town of Annapolis Royal	-	-	-	86,800	-	-	-	48,825	-	-	135,625
Town of Antigonish	2,891,250	103,500	108,150	-	-	-	585,000	1,280,000	-	30,843,461	35,811,361
Town of Berwick	2,352,270	640,750	167,735	341,400	-	-	-	-	776,530	13,218,626	17,497,311
Town of Bridgewater	188,525	784,000	1,312,807	211,190	8,700	-	2,026,657	-	-	1,991,175	6,523,054
Town of Clark's Harbour	154,000	-	-	-	-	-	10,500	-	-	-	164,500
Town of Digby	2,888	7,381	336,328	817,014	-	-	109,672	25,000	-	-	1,298,283
Town of Kentville	239,860	605,810	2,748,320	320,780	-	1,069,810	1,020,840	878,600	-	-	6,884,020
Town of Lockeport	89,521	3,680	148,281	10,336	-	67,909	17,327	-	-	-	337,054
Town of Lunenburg	61,607	436,251	530,292	706,110	-	439,334	319,383	529,750	800,000	-	3,822,727
Town of Mahone Bay	-	-	1,091,880	-	-	-	-	597,220	-	4,895,788	6,584,888
Town of Middleton	-	165,200	520,953	1,141,700	-	-	-	12,900	-	-	1,840,753
Town of Mulgrave	-	16,524	111,201	217,800	-	-	-	1,440,000	-	-	1,785,525
Town of New Glasgow	1,839,971	821,727	3,319,836	930,631	-	-	1,381,373	2,966,010	-	-	11,259,548
Town of Oxford	157,580	327,900	604,200	-	25,000	-	171,300	494,000	-	-	1,779,980
Town of Pictou	-	192,000	36,000	1,775,584	-	-	-	970,300	-	-	2,973,884
Town of Port Hawkesbury	22,500	-	55,865	692,500	-	-	1,852,500	640,000	-	-	3,263,365
Town of Shelburne	192,015	78,050	301,686	-	-	14,581	523,509	835,379	-	530,720	2,475,940
Town of Stellarton	23,431	-	829,300	457,631	-	2,860,000	-	4,980,042	-	-	9,150,404
Town of Stewiacke	-	-	789,580	-	-	-	-	638,590	-	-	1,428,170
Town of Trenton	-	300,000	1,168,647	1,579,569	-	-	354,500	-	-	-	3,402,716
Town of Truro	886,500	558,944	913,686	-	2,100,000	-	14,294,744	1,139,562	-	-	19,893,436
Town of Westville	346,666	120,383	492,030	601,393	-	-	-	138,971	-	-	1,699,443
Town of Windsor	323,160	-	2,224,129	3,846,326	-	-	-	1,438,416	-	-	7,832,031
Town of Wolfville	-	149,466	4,275,120	605,884	-	9,000	300,400	698,125	-	-	6,037,995
Town of Yarmouth	-	-	1,366,667	-	-	-	-	-	-	-	1,366,667
Towns - Total	9,771,744	7,206,966	25,065,736	18,054,031	2,133,700	4,460,634	24,055,623	20,290,655	1,576,530	51,479,770	164,095,389
Overall - Total	61,650,678	32,800,338	147,783,451	90,694,359	15,821,195	25,433,542	96,506,713	62,472,041	1,576,530	121,176,616	655,915,463

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3.8– Village Financial Information



The financial information for this Section of the Annual Report is extracted directly from the Villages' Financial Statements. The presentation of the financial information is prepared and compiled in a uniform manner to allow for comparisons between Nova Scotia's Villages.

The Financial Statement's Statement of Operations provides information about the revenues and expenses for the 2018-2019 reporting period. The main sections of this Statement are:

- Revenue,
- Expenses, and
- Annual Surplus (Deficit)

The Financial Statement's Statement of Financial Position provides information about the assets and liabilities as at March 31, 2019. The main sections of this Statement are:

- Financial Assets
- Liabilities
- Non-Financial Assets
- Accumulated Surplus

Municipal Statistics Annual Report

3.8.1 Consolidated Revenue by Source by Village

Fiscal Period 2018-2019

Consolidated Revenue	Taxes	Grants in lieu of taxes	Services provided to other governments	Sales of services	Other revenue from own sources	Unconditional transfers from other governments	Conditional transfers from other governments	Water Fund Revenues	Total Revenue
Village of Aylesford	106,647	151	-	-	8,738	-	128,913	-	244,449
Village of Baddeck	411,050	10,906	-	-	190,753	-	-	357,316	970,025
Village of Bible Hill	1,938,113	398,988	-	-	96,925	-	341,409	-	2,775,435
Village of Canning	183,054	-	-	-	67,369	246,298	46,156	256,541	799,418
Village of Chester	857,263	-	-	-	77,650	1,540	-	-	936,453
Village of Cornwallis Square	374,126	-	-	-	55,268	8,500	265,630	-	703,524
Village of Freeport	61,135	-	-	-	7,197	7,250	-	-	75,582
Village of Greenwood	422,921	1,817	-	-	69,644	-	360,492	-	854,874
Village of Hebbville	-	3,920	-	-	88	-	-	-	4,008
Village of Kingston	1,203,283	3,938	-	159,551	56,728	46,117	165,352	-	1,634,969
Village of Lawrencetown	259,723	2,392	-	-	13,048	15,000	49,069	145,814	485,046
Village of New Minas	2,215,030	35,142	-	-	375,565	353,469	269,802	667,189	3,916,197
Village of Port Williams	661,362	512	-	-	100,066	162,429	56,923	222,947	1,204,239
Village of Pugwash	183,493	719	-	-	54,346	16,441	142,191	-	397,190
Village of St. Peter's	316,088	-	-	-	14,165	1,142	-	-	331,395
Village of Tatamagouche	159,664	-	-	-	3,267	-	12,000	-	174,931
Village of Westport	63,304	-	-	-	2,951	7,250	3,630	-	77,135
Village of Weymouth	46,850	-	-	-	40,908	7,631	459	-	95,848
Village Total	9,463,106	458,485	-	159,551	1,234,676	873,067	1,842,026	1,649,807	15,680,718

Please note the Villages of Dover and Tiverton have not submitted financial statements. The Village of River Hebert does not provide consolidated financial statements.

Municipal Statistics Annual Report

3.8.2 Consolidated Expense by Function by Village

Fiscal Period 2018-2019

Consolidated Expenditures	General government services	Protective services	Transportation services	Environmental health services	Public health services	Environmental development services	Recreation and cultural services	Amortization	Extraordinary or special items	Water Fund Expenses	Total Expenses
Village of Aylesford	17,349	-	29,715	-	-	-	29,505	20,054	-	-	96,623
Village of Baddeck	134,315	-	20,611	289,857	-	-	47,622	-	-	384,109	876,514
Village of Bible Hill	518,249	278,504	201,163	241,723	-	-	373,732	587,860	9,681	-	2,210,912
Village of Canning	136,499	203,715	-	-	-	-	-	264,009	-	120,767	724,990
Village of Chester	129,923	252,005	8,196	-	67,237	71,722	-	169,847	11,618	-	710,548
Village of Cornwallis Square	52,361	324,234	12,598	-	-	-	19,000	244,157	-	-	652,350
Village of Freeport	25,093	10,000	9,829	-	-	-	7,803	2,600	7,547	-	62,872
Village of Greenwood	151,915	-	36,712	-	161,134	-	37,351	96,151	-	-	483,263
Village of Hebbville	1,313	-	-	-	-	-	-	-	-	-	1,313
Village of Kingston	235,878	-	90,922	303,675	135,659	-	187,271	329,285	-	-	1,282,690
Village of Lawrencetown	210,876	-	7,514	-	-	77,863	28,611	132,954	-	-	457,818
Village of New Minas	650,980	243,085	78,508	526,167	-	-	532,665	688,426	308,626	319,425	3,347,882
Village of Port Williams	127,933	127,142	-	90,071	86,791	-	197,403	279,221	-	208,723	1,117,284
Village of Pugwash	75,081	-	18,189	26,495	-	83,135	14,462	25,906	-	-	243,268
Village of St. Peter's	148,780	-	68,723	196,261	-	-	-	-	-	-	413,764
Village of Tatamagouche	33,923	30,421	93,787	-	-	-	-	6,205	3,045	-	167,381
Village of Westport	28,324	2,086	5,613	-	-	-	20,613	9,872	11,269	-	77,777
Village of Weymouth	39,930	500	-	-	47,368	-	-	33,457	-	-	121,255
Village Total	2,718,722	1,471,692	682,080	1,674,249	498,189	232,720	1,496,038	2,890,004	351,786	1,033,024	13,048,504

Please note the Villages of Dover and Tiverton have not submitted financial statements. The Village of River Hebert does not provide consolidated financial statements.

Municipal Statistics Annual Report

3.8.3 Consolidated Accumulated Surplus (Deficit) by Village

As at March 31, 2019

Consolidated Accumulated Surplus (Deficit)	Total Revenue	Total Expenses	Annual Surplus	Accumulated Surplus (Deficit), beginning	Accumulated Surplus (Deficit), end
Village of Aylesford	244,449	96,623	147,826	401,960	549,786
Village of Baddeck	970,025	876,514	93,511	8,995,691	9,089,202
Village of Bible Hill	2,775,435	2,210,912	564,523	10,964,783	11,529,306
Village of Canning	799,418	724,990	74,428	8,648,206	8,722,634
Village of Chester	936,453	710,548	225,905	2,855,267	3,081,172
Village of Cornwallis Square	703,524	652,350	51,174	2,923,745	2,974,919
Village of Freeport	75,582	62,872	12,710	212,023	224,733
Village of Greenwood	854,874	483,263	371,611	1,155,325	1,526,936
Village of Hebbville	4,008	1,313	2,695	16,434	19,129
Village of Kingston	1,634,969	1,282,690	352,279	6,587,644	6,939,923
Village of Lawrencetown	485,046	457,818	27,228	2,736,100	2,763,328
Village of New Minas	3,916,197	3,347,882	568,315	18,250,228	18,818,543
Village of Port Williams	1,204,239	1,117,284	86,955	7,017,737	7,104,692
Village of Pugwash	397,190	243,268	153,922	624,292	778,214
Village of St. Peter's	331,395	413,764	-82,369	1,568,699	1,486,330
Village of Tatamagouche	174,931	167,381	7,550	356,903	364,453
Village of Westport	77,135	77,777	-642	227,658	227,016
Village of Weymouth	95,848	121,255	-25,407	868,816	843,409
Village Total	15,680,718	13,048,504	2,632,214	74,411,511	77,043,725

Please note the Villages of Dover and Tiverton have not submitted financial statements. The Village of River Hebert does not provide consolidated financial statements.

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3.8.4 Consolidated Financial Assets by Village

Fiscal Year 2018-2019

Financial Assets	Cash and cash equivalents	Receivables	Other current financial assets	Long-term Financial Assets	Other long-term financial Assets	TOTAL FINANCIAL ASSETS
Village of Aylesford	39,708	25,433	-	148,248.00	-	213,389
Village of Baddeck	1,507,620	643,581	-	-	-	2,151,201
Village of Bible Hill	1,100,486	66,044	1,403,586.00	-	-	2,570,116
Village of Canning	1,942,106	98,624	-	-	-	2,040,730
Village of Chester	235,830	108,961	1,270,377.00	-	-	1,615,168
Village of Cornwallis Square	217,241	56,997	7,553.00	-	-	281,791
Village of Freeport	172,846	2,410	-	-	-	175,256
Village of Greenwood	311,269	33,091	128,300.00	-	-	472,660
Village of Hebbville	3,447	1	16,084.00	-	-	19,532
Village of Kingston	1,839,707	224,679	-	-	-	2,064,386
Village of Lawrencetown	762,086	62,378	-	-	-	824,464
Village of New Minas	5,029,666	659,068	-	-	-	5,688,734
Village of Port Williams	1,413,250	62,782	-	-	-	1,476,032
Village of Pugwash	78,762	180,855	96,180.00	-	-	355,797
Village of St. Peter's	121,779	212,356	-	-	-	334,135
Village of Tatamagouche	136,927	15,153	97,629.00	-	-	249,709
Village of Westport	72,690	0	-	-	-	72,690
Village of Weymouth	187,910	2,419	1,208.00	-	-	191,537
Village Total	15,173,330	2,454,832	3,020,917	148,248	-	20,797,327

Please note the Villages of Dover and Tiverton have not submitted financial statements. The Village of River Hebert does not provide consolidated financial statements.

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3.8.5 Consolidated Liabilities and Net Financial Assets by Village

Fiscal Year 2018-2019 Liabilities and Net Financial Assets (Net Debt)	Bank Indebtedness	Payables	Other current liabilities	Long-term Liabilities	Long Term Debt	Other long-term liabilities	TOTAL LIABILITIES	NET FINANCIAL ASSETS (LIABILITIES)
Village of Aylesford	-	856	-	-	-	-	856	212,533
Village of Baddeck	-	29,459	237,003	-	297,176	-	563,638	1,587,563
Village of Bible Hill	-	908,840	-	12,517	-	-	921,357	1,648,759
Village of Canning	-	17,742	-	-	659,000	-	676,742	1,363,988
Village of Chester	-	64,854	-	-	-	-	64,854	1,550,314
Village of Cornwallis Square	-	49,961	38,037	-	-	-	87,998	193,793
Village of Freeport	-	4,000	-	-	-	-	4,000	171,256
Village of Greenwood	-	47,791	-	-	-	-	47,791	424,869
Village of Hebbville	-	403	-	-	-	-	403	19,129
Village of Kingston	-	47,725	55,333	-	-	-	103,058	1,961,328
Village of Lawrencetown	-	14,619	-	-	-	-	14,619	809,845
Village of New Minas	-	371,870	8,363	-	-	-	380,233	5,308,501
Village of Port Williams	-	73,332	33,201	-	-	-	106,533	1,369,499
Village of Pugwash	-	115,716	-	-	33,611	-	149,327	206,470
Village of St. Peter's	-	27,518	213,277	-	119,144	-	359,939	-25,804
Village of Tatamagouche	-	4,274	-	1,406	-	-	5,680	244,029
Village of Westport	-	6,702	6,400	-	-	-	13,102	59,588
Village of Weymouth	-	9,803	4,782	-	-	-	14,585	176,952
Village Total	-	1,795,465	596,396	13,923	1,108,931	-	3,514,715	17,282,612

Please note the Villages of Dover and Tiverton have not submitted financial statements. The Village of River Hebert does not provide consolidated financial statements.

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3.8.6 Consolidated Non Financial Assets and Accumulated Surplus by Village

Fiscal Year 2018-2019 Non-Financial Assets and Accumulated Surplus	Tangible Capital Assets	Less: Accumulated amortization	Prepaid/Inventories	Other non financial assets	TOTAL NON- FINANCIAL ASSETS	ACCUMULATED SURPLUS (DEFICIT)
Village of Aylesford	566,846	230,801	1,208	-	337,253	549,786
Village of Baddeck	10,096,955	2,644,700	49,384	-	7,501,639	9,089,202
Village of Bible Hill	17,570,061	7,697,083	7,569	-	9,880,547	11,529,306
Village of Canning	10,187,257	2,850,561	21,950	-	7,358,646	8,722,634
Village of Chester	3,100,643	1,586,024	16,239	-	1,530,858	3,081,172
Village of Cornwallis Square	6,561,318	3,792,100	11,908	-	2,781,126	2,974,919
Village of Freeport	183,622	133,598	3,453	-	53,477	224,733
Village of Greenwood	2,055,182	953,115	-	-	1,102,067	1,526,936
Village of Hebbville	-	-	-	-	-	19,129
Village of Kingston	9,249,782	4,295,071	23,884	-	4,978,595	6,939,923
Village of Lawrencetown	4,168,779	2,255,903	4,190	36,418	1,953,484	2,763,329
Village of New Minas	23,894,341	10,446,948	62,649	-	13,510,042	18,818,543
Village of Port Williams	9,597,598	3,866,591	4,186	-	5,735,193	7,104,692
Village of Pugwash	929,976	365,476	7,244	-	571,744	778,214
Village of St. Peter's	4,012,533	2,500,956	557	-	1,512,134	1,486,330
Village of Tatamagouche	142,565	23,224	1,083	-	120,424	364,453
Village of Westport	415,345	263,872	15,955	-	167,428	227,016
Village of Weymouth	2,654,034	1,992,590	5,013	-	666,457	843,409
Village Total	105,386,837	45,898,613	236,472	36,418	151,558,340	77,043,726

Please note the Villages of Dover and Tiverton have not submitted financial statements. The Village of River Hebert does not provide consolidated financial statements.

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4 – Municipal Financial Analysis

4.1 The Model (Methodology)

A Financial Condition Indicator (FCI) Model was developed in collaboration with both the Nova Scotia Federation of Municipalities (NSFM) and the Association of Municipal Administrators (AMANS). The Model condenses multiple sources of information into a single visual “House Model” graph. The House Model gives a quick visual of a municipality’s strengths and possible areas where a municipality may want to focus its attention.

The Model:

The Model consists of 13 financial indicators organized into base, structure and roof, focusing on:

- roof: 4 key performance indicators;
- structure: 6 financial indicators that concern management and debt; and
- base: 3 indicators relating to internal and external factors that could impact the municipality’s revenue stream.

Each indicator is assessed against a risk threshold:

- low risk (**green**);
- moderate risk (**yellow**); and
- high risk (**red**).

The Goal:

Municipal Stability - No Nova Scotia Municipal Structure receives an overall Financial Conditions Index (FCI) assessment of high risk.

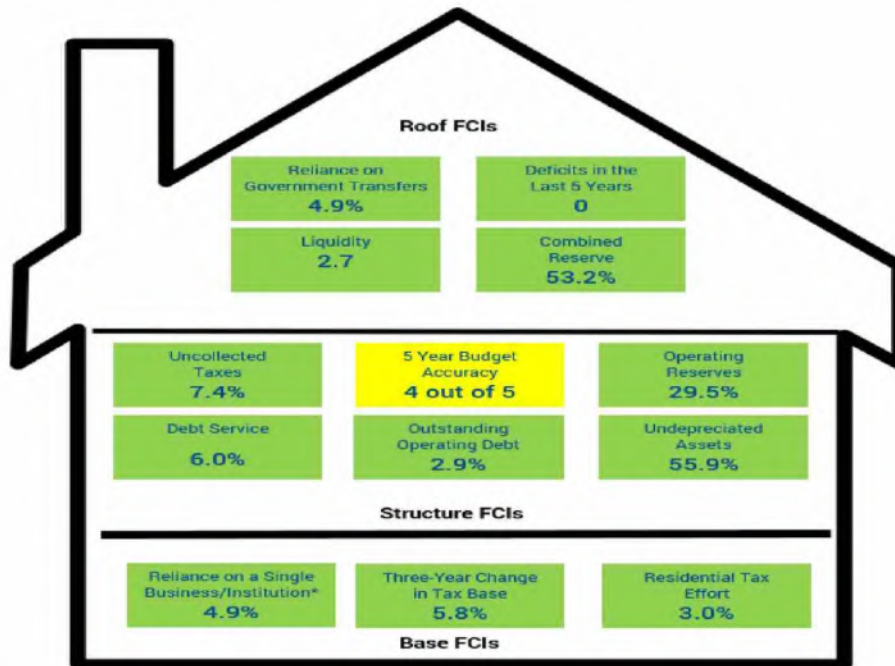
For each municipality the Department calculates an overall Index:

- low risk (**green**): 10–13 FCIs meets low risk threshold;
- Moderate risk (**yellow**): 8–9 FCIs meets low risk threshold; and
- High risk (**red**): 7 or less FCIs meets low risk threshold.

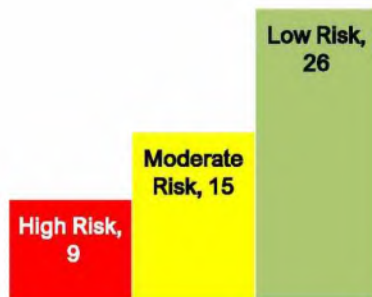
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4.2 Current Situation

The “House” below shows financial condition indicators of all Nova Scotia municipalities combined.



Municipalities' 2019 Index



WHAT DOES THIS MEAN

The overall index indicates that 41 municipalities have met the municipal stability goal. This means that a small number of Nova Scotia municipalities are experiencing significant financial challenges. It is important to note that through careful strategic planning and appropriate actions and/or mitigation a municipality’s financial challenges can be reduced or mitigated.

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To review the overall results for each municipality and for each dimension of the index, please visit DMAH's website.

In addition, One Nova Scotia's website contains expanded analysis on the index and each dimension.

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Appendices

Appendix A- Municipal Contact Information (Websites)

REGIONAL MUNICIPALITIES

1	Cape Breton Regional Municipality	http://www.cbrm.ns.ca/
2	Halifax Regional Municipality	https://www.halifax.ca/
3	Region of Queens Municipality	http://www.regionofqueens.com/

TOWNS

1	Amherst	https://www.amherst.ca/
2	Annapolis Royal	https://annapolisroyal.com/
3	Antigonish	https://www.townofantigonish.ca/
4	Berwick	http://www.berwick.ca/
5	Bridgewater	http://www.bridgewater.ca/
6	Clark's Harbour	http://www.clarksharbour.com/
7	Digby	https://www.digby.ca/
8	Kentville	http://kentville.ca/
9	Lockeport	http://www.lockeport.ns.ca/
10	Lunenburg	https://www.explorelunenburg.ca/
11	Mahone Bay	https://www.townofmahonebay.ca/
12	Middleton	http://www.discovermiddleton.ca/
13	Mulgrave	https://www.townofmulgrave.ca/
14	New Glasgow	http://www.newglasgow.ca/
15	Oxford	https://www.town.oxford.ns.ca/
16	Pictou	http://www.townofpictou.ca/
17	Port Hawkesbury	http://www.townofporthawkesbury.ca/
18	Shelburne	https://www.town.shelburne.ns.ca/
19	Stellarton	http://www.stellarton.ca/
20	Stewiacke	https://www.stewiacke.net/
21	Trenton	http://www.town.trenton.ns.ca/
22	Truro	https://www.truro.ca/
23	Westville	http://www.westville.ca/
24	Windsor ²	n/a
25	Wolfville	https://www.wolfville.ca/
26	Yarmouth	https://www.townofyarmouth.ca/

² As of April 1, 2020, the Town of Windsor and the District of West Hants merged and became the Region of Windsor and West Hants.

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RURAL MUNICIPALITIES

1	County of Annapolis	https://www.annapoliscounty.ca/
2	County of Antigonish	http://www.antigonishcounty.ns.ca/
3	District of Argyle	https://www.munargyle.com/
4	District of Barrington	https://www.barringtonmunicipality.com/
5	District of Chester	https://www.chester.ca/
6	District of Clare	https://www.clarenovascotia.com/
7	County of Colchester	https://www.colchester.ca/
8	County of Cumberland	https://www.cumberlandcounty.ns.ca/
9	District of Digby	https://www.digbydistrict.ca/
10	District of East Hants	https://www.easthants.ca/
11	District of Guysborough	http://www.municipality.guysborough.ns.ca/
12	County of Inverness	http://www.invernesscounty.ca/
13	County of Kings	http://www.countyofkings.ca/
14	District of Lunenburg	http://www.modl.ca/
15	County of Pictou	http://www.county.pictou.ns.ca/
16	County of Richmond	https://www.richmondcounty.ca/
17	District of Shelburne	https://www.municipalityofshelburne.ca/
18	District of St. Mary's	https://www.saint-marys.ca/
19	County of Victoria	https://www.victoriacounty.com/
20	District of West Hants	https://www.westhants.ca/
21	District of Yarmouth	http://www.district.yarmouth.ns.ca/

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Appendix B- Additional Resources:

B-1 Nova Scotia Government's Open Data Portal

Nova Scotia Government's Open Data Portal officially launched February 5, 2016. This portal provides access to various government data in free, accessible, machine-readable formats. Currently, DMAH has 21 datasets published through the Nova Scotia Government's Open Data Portal. Specifically:

- 911 Municipal Grant
- Agricultural Land Protection
- Department of Municipal Affairs Funding Programs
- Emergency Services Provider Fund
- Farm Land Grant
- Municipal Contribution to Roads
- Municipal Fiscal Statistics – Detail Consolidated Statement of Operations by Municipality
- Municipal Fiscal Statistics -Financial Condition Indicators
- Municipal Fiscal Statistics- Operating Fund Statement of Operations by Municipality
- Municipal Fiscal Statistics- Operating Fund Expenses -10 Year Summary
- Municipal Fiscal Statistics- Operating Fund Revenue -10 Year Summary
- Municipal Land Use Planning Comprehensiveness
- Municipal Polling Districts
- Municipal Property Tax Rates
- Municipality and Village Boundaries
- Nova Scotia Equalization Program
- Nova Scotia Power Grant-In-Lieu
- Portable Fire Extinguisher License
- Public Housing Units – NS Families
- Public Housing Units – NS Seniors
- Uniform Assessment



Open Data Portal Link: data.novascotia.ca

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B-2 Property Valuation Services Corporation (PVSC)

Property Valuation Services Corporation (PVSC) is an independent, not-for-profit assessment authority responsible for assessing all real property in Nova Scotia and providing related property and information services to Nova Scotia municipalities, property owners and the Province of Nova Scotia.

PVSC is the first assessment jurisdiction in North America to achieve industry best-practice certification by the International Property Tax Institute and was awarded gold by Excellence Canada for Excellence, Innovation and Wellness.

For additional information on PVSC and Nova Scotia property assessment data please refer to www.pvsc.ca.



CANADA

CONSOLIDATION

CODIFICATION

Royal Canadian Mounted Police Act

Loi sur la Gendarmerie royale du Canada

R.S.C., 1985, c. R-10

L.R.C. (1985), ch. R-10

Current to September 11, 2021

À jour au 11 septembre 2021

Last amended on July 12, 2019

Dernière modification le 12 juillet 2019

OFFICIAL STATUS OF CONSOLIDATIONS

Subsections 31(1) and (2) of the *Legislation Revision and Consolidation Act*, in force on June 1, 2009, provide as follows:

Published consolidation is evidence

31 (1) Every copy of a consolidated statute or consolidated regulation published by the Minister under this Act in either print or electronic form is evidence of that statute or regulation and of its contents and every copy purporting to be published by the Minister is deemed to be so published, unless the contrary is shown.

Inconsistencies in Acts

(2) In the event of an inconsistency between a consolidated statute published by the Minister under this Act and the original statute or a subsequent amendment as certified by the Clerk of the Parliaments under the *Publication of Statutes Act*, the original statute or amendment prevails to the extent of the inconsistency.

LAYOUT

The notes that appeared in the left or right margins are now in boldface text directly above the provisions to which they relate. They form no part of the enactment, but are inserted for convenience of reference only.

NOTE

This consolidation is current to September 11, 2021. The last amendments came into force on July 12, 2019. Any amendments that were not in force as of September 11, 2021 are set out at the end of this document under the heading "Amendments Not in Force".

CARACTÈRE OFFICIEL DES CODIFICATIONS

Les paragraphes 31(1) et (2) de la *Loi sur la révision et la codification des textes législatifs*, en vigueur le 1^{er} juin 2009, prévoient ce qui suit :

Codifications comme élément de preuve

31 (1) Tout exemplaire d'une loi codifiée ou d'un règlement codifié, publié par le ministre en vertu de la présente loi sur support papier ou sur support électronique, fait foi de cette loi ou de ce règlement et de son contenu. Tout exemplaire donné comme publié par le ministre est réputé avoir été ainsi publié, sauf preuve contraire.

Incompatibilité – lois

(2) Les dispositions de la loi d'origine avec ses modifications subséquentes par le greffier des Parlements en vertu de la *Loi sur la publication des lois* l'emportent sur les dispositions incompatibles de la loi codifiée publiée par le ministre en vertu de la présente loi.

MISE EN PAGE

Les notes apparaissant auparavant dans les marges de droite ou de gauche se retrouvent maintenant en caractères gras juste au-dessus de la disposition à laquelle elles se rattachent. Elles ne font pas partie du texte, n'y figurant qu'à titre de repère ou d'information.

NOTE

Cette codification est à jour au 11 septembre 2021. Les dernières modifications sont entrées en vigueur le 12 juillet 2019. Toutes modifications qui n'étaient pas en vigueur au 11 septembre 2021 sont énoncées à la fin de ce document sous le titre « Modifications non en vigueur ».

TABLE OF PROVISIONS

An Act respecting the Royal Canadian Mounted Police

	Short Title
1	Short title
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2	Definitions
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	Composition of Force
3	Police Force for Canada
4	Employment of Force
	Commissioner
5	Appointment
	Officers and Members
6	Other officers
6.1	Commanding Officers
7	Appointment and designation
8	Duration of appointment
	Qualifications
9.1	Qualifications
	Revocation
9.2	Revocation of appointment
	Probation
9.3	Probationary period
9.4	Discharge
	Resignation
9.5	Resignation
	Supernumerary Special Constables
9.6	Appointment
	Civilian Staff
10	Appointment or employment

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1	Titre abrégé
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2	Définitions
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3	Force de police pour le Canada
4	Rôle de la Gendarmerie
	Commissaire
5	Nomination
	Officiers et membres
6	Autres officiers
6.1	Officiers commandants
7	Nomination et désignation
8	Durée des fonctions
	Qualités requises
9.1	Qualités requises
	Révocation
9.2	Révocation de nomination
	Stagiaires
9.3	Durée de la période de stage
9.4	Licenciement
	Démission
9.5	Démission
	Gendarmes spéciaux
9.6	Nomination
	Personnel civil
10	Nomination ou emploi

	Reserve		Réserve
11	Establishment	11	Constitution
	Peace Officers		Agents de la paix
11.1	Officers	11.1	Officiers
	Certificates		Certificats
11.2	Certificates	11.2	Certificats
	Suspension		Suspension
12	Suspension	12	Suspension
	Headquarters		Quartier général
13	Headquarters	13	Lieu
	Oaths		Serments
14	Oaths	14	Serments
	Absence of Commissioner		Intérim du commissaire
15	Authority where Commissioner absent	15	En l'absence du commissaire
	Duties		Fonctions
18	Duties	18	Obligations
20	Arrangements with provinces	20	Arrangements avec les provinces
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20.1	Treasury Board's powers	20.1	Pouvoirs du Conseil du Trésor
20.2	Commissioner's powers	20.2	Pouvoirs du commissaire
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21	Regulations	21	Règlements
	Pay and Allowances		Solde et indemnités
22	Pay and allowances	22	Fixation par le Conseil du Trésor
	Benefit Trust Fund		Caisse fiduciaire de bienfaisance
23	Fees, gifts, etc., payable to Fund	23	Versement de gratifications à la Caisse
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24	Abandoned or lost property	24	Biens abandonnés ou perdus
	Boards of Inquiry		Commissions d'enquête
24.1	Board of Inquiry	24.1	Commissions d'enquête
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ANNEXE



R.S.C., 1985, c. R-10

L.R.C., 1985, ch. R-10

An Act respecting the Royal Canadian Mounted Police

Loi concernant la Gendarmerie royale du Canada

Short Title

Titre abrégé

Short title

1 This Act may be cited as the *Royal Canadian Mounted Police Act*.

R.S., c. R-9, s. 1.

Titre abrégé

1 *Loi sur la Gendarmerie royale du Canada*.

S.R., ch. R-9, art. 1.

Interpretation

Définitions

Definitions

2 (1) In this Act,

appropriate officer [Repealed, 2013, c. 18, s. 2]

child means a person who is or, in the absence of any evidence to the contrary, appears to be under the age of eighteen years; (*enfant*)

Code of Conduct means the regulations made pursuant to section 38; (*code de déontologie*)

Commission means the Civilian Review and Complaints Commission for the Royal Canadian Mounted Police established by subsection 45.29(1); (*Commission*)

Commission Chairman [Repealed, 2013, c. 18, s. 2]

Commissioner means the Commissioner of the Royal Canadian Mounted Police; (*commissaire*)

Committee means the Royal Canadian Mounted Police External Review Committee established by section 25; (*Comité*)

Committee Chairman [Repealed, 2013, c. 18, s. 2]

conduct authority, in respect of a member, means a person designated under subsection (3) in respect of the member; (*autorité disciplinaire*)

Définitions

2 (1) Les définitions qui suivent s'appliquent à la présente loi.

autorité disciplinaire S'entend, relativement à un membre, de toute personne désignée en vertu du paragraphe (3) à l'égard de ce membre. (*conduct authority*)

code de déontologie Les règlements pris en application de l'article 38. (*Code of Conduct*)

Comité Le Comité externe d'examen de la Gendarmerie royale du Canada constitué par l'article 25. (*Committee*)

commissaire Le commissaire de la Gendarmerie royale du Canada. (*Commissioner*)

Commission La Commission civile d'examen et de traitement des plaintes relatives à la Gendarmerie royale du Canada, constituée par le paragraphe 45.29(1). (*Commission*)

enfant Toute personne âgée de moins de dix-huit ans ou qui, en l'absence de preuve contraire, paraît ne pas avoir atteint cet âge. (*child*)

Gendarmerie La Gendarmerie royale du Canada. (*Force*)

Force means the Royal Canadian Mounted Police; (*Gendarmerie*)

guardian means, in respect of a child, any person, other than a parent of the child, who is under a legal duty to provide for the child or who has, in law or in fact, the custody or control of the child; (*tuteur*)

member means any person who has been appointed under section 5 or subsection 6(3) or (4) or 7(1) and who is employed with the Force; (*membre*)

Minister means the Minister of Public Safety and Emergency Preparedness; (*ministre*)

officer means a member appointed under section 5 or subsection 6(3) or (4); (*officier*)

proceedings, in relation to the Commission, means any investigation or hearing conducted by the Commission with respect to a complaint made under Part VII or VII.2. (*procédure*)

representative means a person who is representing or assisting a member or a conduct authority under section 47.1. (*représentant*)

Commissioner's standing orders

(2) The rules made by the Commissioner under any provision of this Act empowering the Commissioner to make rules shall be known as Commissioner's standing orders.

Designation

(3) The Commissioner may designate any person to be a conduct authority in respect of a member either for the purposes of this Act generally or for the purposes of any particular provision of this Act.

R.S., 1985, c. R-10, s. 2; R.S., 1985, c. 8 (2nd Suppl.), s. 1; 2005, c. 10, s. 34; 2013, c. 18, ss. 2, 79.

PART I

Constitution and Organization

Composition of Force

Police Force for Canada

3 There shall continue to be a police force for Canada, which shall consist of officers and other members and be known as the Royal Canadian Mounted Police.

R.S., c. R-9, s. 3.

membre Personne nommée en vertu de l'article 5 ou des paragraphes 6(3) ou (4) ou 7(1) et employée au sein de la Gendarmerie. (*member*)

ministre Le ministre de la Sécurité publique et de la Protection civile. (*Minister*)

officier Membre nommé en vertu de l'article 5 ou des paragraphes 6(3) ou (4). (*officer*)

officier compétent [Abrogée, 2013, ch. 18, art. 2]

procédure S'entend, relativement à la Commission, de toute enquête ou audience de celle-ci à l'égard d'une plainte déposée au titre des parties VII ou VII.2. (*proceedings*)

représentant Personne qui représente ou assiste un membre ou toute autorité disciplinaire conformément à l'article 47.1. (*representative*)

tuteur À l'égard d'un enfant, toute personne — autre que son père ou sa mère — légalement tenue de subvenir à ses besoins ou qui en assume, en droit ou en fait, la garde ou la surveillance. (*guardian*)

Consignes du commissaire

(2) Les règles à caractère permanent que le commissaire établit en vertu de la présente loi sont appelées consignes du commissaire.

Désignation

(3) Le commissaire peut désigner toute personne à titre d'autorité disciplinaire à l'égard d'un membre pour l'application de la présente loi ou de telle de ses dispositions.

L.R. (1985), ch. R-10, art. 2; L.R. (1985), ch. 8 (2^e suppl.), art. 1; 2005, ch. 10, art. 34; 2013, ch. 18, art. 2 et 79.

PARTIE I

Constitution et organisation

Composition de la Gendarmerie

Force de police pour le Canada

3 Est maintenue pour le Canada une force de police composée d'officiers et autres membres et appelée Gendarmerie royale du Canada.

S.R., ch. R-9, art. 3.

Employment of Force

4 The Force may be employed in such places within or outside Canada as the Governor in Council prescribes.

R.S., c. R-9, s. 4.

Rôle de la Gendarmerie

4 La Gendarmerie peut être employée partout, aussi bien à l'intérieur qu'à l'extérieur du Canada, où le décide le gouverneur en conseil.

S.R., ch. R-9, art. 4.

Commissioner

Appointment

5 (1) The Governor in Council may appoint an officer, to be known as the Commissioner of the Royal Canadian Mounted Police, to hold office during pleasure, who, under the direction of the Minister, has the control and management of the Force and all matters connected with the Force.

Delegation

(2) The Commissioner may delegate to any member, subject to any terms and conditions that the Commissioner directs, any of the Commissioner's powers, duties or functions under this Act, except the power to delegate under this subsection, the power to make rules under this Act and the powers, duties or functions under subsections 45.4(5) and 45.41(10).

R.S., 1985, c. R-10, s. 5; R.S., 1985, c. 8 (2nd Supp.), s. 2; 2013, c. 18, ss. 3, 77.

Commissaire

Nomination

5 (1) Le gouverneur en conseil peut nommer, à titre amovible, un officier appelé commissaire de la Gendarmerie royale du Canada, qui, sous la direction du ministre, a pleine autorité sur la Gendarmerie et tout ce qui s'y rapporte.

Délégation

(2) Le commissaire peut déléguer à tout membre, aux conditions qu'il fixe, les pouvoirs ou fonctions que lui attribue la présente loi, à l'exception du pouvoir de délégation que lui accorde le présent paragraphe, du pouvoir que lui accorde la présente loi d'établir des règles et des pouvoirs et fonctions visés aux paragraphes 45.4(5) et 45.41(10).

L.R. (1985), ch. R-10, art. 5; L.R. (1985), ch. 8 (2^e suppl.), art. 2; 2013, ch. 18, art. 3 et 77.

Officers and Members

Other officers

6 (1) The officers of the Force, in addition to the Commissioner, shall consist of

- (a)** Deputy Commissioners,
- (b)** Assistant Commissioners,
- (c)** Chief Superintendents,
- (d)** Superintendents,
- (e)** Inspectors,
- (f)** [Repealed, R.S., 1985, c. 8 (2nd Supp.), s. 3]

and such other ranks as are prescribed by the Governor in Council.

Maximum number

(2) The maximum number of officers in each rank shall be as prescribed by the Treasury Board.

Officiers et membres

Autres officiers

6 (1) Les officiers comprennent, outre le commissaire et les titulaires des grades désignés par le gouverneur en conseil :

- a)** des sous-commissaires;
- b)** des commissaires adjoints;
- c)** des surintendants principaux;
- d)** des surintendants;
- e)** des inspecteurs.
- f)** [Abrogé, L.R. (1985), ch. 8 (2^e suppl.), art. 3]

Effectifs maximaux

(2) Le nombre maximal d'officiers de chaque grade est fixé par le Conseil du Trésor.

Appointment of Deputy Commissioners

(3) The Governor in Council may appoint any person to the rank of Deputy Commissioner to hold office during pleasure.

Appointment of other officers

(4) The Commissioner may appoint any person to any other rank of officer and, by way of promotion, appoint an officer to a higher rank, other than to the rank of Deputy Commissioner.

Commissions

(5) The Governor in Council may authorize the issue of a commission under the Great Seal to an officer on the officer's first appointment to the rank of an officer or on the recommendation of the Commissioner.

R.S., 1985, c. R-10, s. 6; R.S., 1985, c. 8 (2nd Supp.), ss. 3, 24(E); 2013, c. 18, s. 5.

Commanding Officers

6.1 (1) The Governor in Council may, in respect of each Division of the Force, on the recommendation of the Minister, designate an officer to be the Division's Commanding Officer to hold office during pleasure.

Recommendation

(2) The Minister's recommendation is to be made on the recommendation of the Commissioner.

Absence or incapacity

(3) In the event of the absence or incapacity of a Commanding Officer or if a position of Commanding Officer is vacant, the Commissioner may authorize another officer to act as the Commanding Officer, but no officer may act as the Commanding Officer for more than 180 days without the Governor in Council's approval.

Termination of designation

(4) An officer who holds office as a Commanding Officer ceases to hold that office if the officer ceases to be an officer but nothing in this subsection precludes the termination of the officer's designation for any other reason.

2013, c. 18, s. 7.

Appointment and designation

7 (1) The Commissioner may appoint members of the Force other than officers and, by way of promotion, appoint a member other than an officer to a higher rank, other than to the rank of Deputy Commissioner, or to a higher level, for which there is a vacancy.

Nomination des sous-commissaires

(3) Le gouverneur en conseil peut nommer, à titre amovible, toute personne au grade de sous-commissaire.

Nomination des autres officiers

(4) Le commissaire peut nommer toute personne aux autres grades d'officier et, par voie de promotion, un officier à un grade supérieur autre que le grade de sous-commissaire.

Commissions

(5) Le gouverneur en conseil peut autoriser l'émission d'une commission sous le grand sceau à un officier lors de sa première nomination ou sur recommandation du commissaire.

L.R. (1985), ch. R-10, art. 6; L.R. (1985), ch. 8 (2^o suppl.), art. 3 et 24(A); 2013, ch. 18, art. 5.

Officiers commandants

6.1 (1) Le gouverneur en conseil peut, sur la recommandation du ministre, désigner à titre amovible un officier commandant pour chacune des divisions de la Gendarmerie.

Recommandation

(2) La recommandation du ministre doit être faite sur la recommandation du commissaire.

Absence ou empêchement

(3) En cas d'absence ou d'empêchement de l'officier commandant ou de vacance de son poste, le commissaire peut autoriser un autre officier à le remplacer; l'autorisation ne peut cependant dépasser cent quatre-vingts jours sans l'approbation du gouverneur en conseil.

Fin de la désignation

(4) L'officier qui exerce les fonctions d'officier commandant cesse d'agir à ce titre s'il n'est plus officier de la Gendarmerie; toutefois, le présent paragraphe n'a pas pour effet d'empêcher qu'il soit mis fin à la désignation de l'officier pour une autre raison.

2013, ch. 18, art. 7.

Nomination et désignation

7 (1) Le commissaire peut nommer les membres qui ne sont pas officiers et, par voie de promotion, nommer un membre qui n'est pas officier à un grade ou échelon supérieur, autre qu'au grade de sous-commissaire, pour lequel il existe une vacance.

Ranks and levels

(2) The ranks and levels of members other than officers and the maximum numbers of persons that may be appointed to each rank and level shall be as prescribed by the Treasury Board.

(3) to (5) [Repealed, 2013, c. 18, s. 8]

R.S., 1985, c. R-10, s. 7; R.S., 1985, c. 8 (2nd Supp.), s. 4, c. 1 (4th Supp.), s. 45(F); 2013, c. 18, s. 8.

Duration of appointment

8 (1) The term of a member's appointment under subsection 6(4) or 7(1) is indeterminate unless the Commissioner specifies that it is for a fixed period.

Expiry of fixed period

(2) A member whose appointment is for a fixed period ceases to be a member at the expiry of that period or of any extension made under subsection (3).

Extension

(3) The Commissioner may extend the period of the term of a member whose appointment is for a fixed period. The extension does not constitute an appointment under subsection 6(4) or 7(1).

R.S., 1985, c. R-10, s. 8; R.S., 1985, c. 8 (2nd Supp.), s. 4, c. 1 (4th Supp.), s. 45(F); 2013, c. 18, s. 9.

9 [Repealed, 2013, c. 18, s. 9]

Qualifications

Qualifications

9.1 (1) Subject to subsection (2), no person shall be appointed to be a member unless that person is a Canadian citizen, is of good character and has the necessary physical qualities and, in the case of a member other than an officer, that person meets such other qualifications for appointment to the Force as the Commissioner may, by rule, prescribe.

Exception

(2) When no person who meets the qualifications described in subsection (1) is available for appointment as a member, any person who is not a Canadian citizen but meets the other qualifications described in that subsection that are applicable to that person may be appointed to be a member.

R.S., 1985, c. 8 (2nd Supp.), s. 4.

Grades et échelons

(2) Les grades et échelons des membres qui ne sont pas officiers ainsi que le nombre maximal de postes à pourvoir dans chaque grade et échelon sont fixés par le Conseil du Trésor.

(3) à (5) [Abrogés, 2013, ch. 18, art. 8]

L.R. (1985), ch. R-10, art. 7; L.R. (1985), ch. 8 (2^e suppl.), art. 4, ch. 1 (4^e suppl.), art. 45(F); 2013, ch. 18, art. 8.

Durée des fonctions

8 (1) Le membre nommé en vertu des paragraphes 6(4) ou 7(1) occupe ses fonctions pour une durée indéterminée, sauf si le commissaire a prévu une durée déterminée.

Expiration de la période fixée

(2) Le membre nommé pour une durée déterminée perd sa qualité de membre à l'expiration de la période fixée ou de toute période de prolongation fixée en vertu du paragraphe (3).

Prolongation

(3) Le commissaire peut prolonger la durée des fonctions du membre nommé pour une durée déterminée. Cette prolongation n'est pas assimilée à la nomination prévue aux paragraphes 6(4) ou 7(1).

L.R. (1985), ch. R-10, art. 8; L.R. (1985), ch. 8 (2^e suppl.), art. 4, ch. 1 (4^e suppl.), art. 45(F); 2013, ch. 18, art. 9.

9 [Abrogé, 2013, ch. 18, art. 9]

Qualités requises

Qualités requises

9.1 (1) Sous réserve du paragraphe (2), ne sont nommés membres que les citoyens canadiens de bonne réputation et possédant les aptitudes physiques nécessaires; les membres qui ne sont pas officiers doivent en outre réunir les autres qualités que peut imposer, par règle, le commissaire.

Exception

(2) À défaut de personnes réunissant toutes les qualités prévues au paragraphe (1), quiconque n'est pas citoyen canadien mais réunit les autres qualités qui lui sont applicables peut être nommé membre.

L.R. (1985), ch. 8 (2^e suppl.), art. 4.

Revocation

Revocation of appointment

9.2 The Commissioner's power to appoint a person as a member or to appoint a member, by way of promotion, to a higher rank or level, includes the power to revoke the appointment and to take corrective action whenever the Commissioner is satisfied that an error, an omission or improper conduct affected the selection of the person or member for appointment.

2013, c. 18, s. 10.

Probation

Probationary period

9.3 (1) A person appointed as a member is on probation for a period established by rules of the Commissioner.

Clarification

(2) A member's probationary period is not terminated by any appointment, demotion or transfer from one position to another during that period.

2013, c. 18, s. 10.

Discharge

9.4 (1) While a member is on probation, the Commissioner may discharge the member by notifying the member that the member will be discharged at the end of the notice period established by rules of the Commissioner. The member ceases to be a member at the end of that notice period.

Compensation in lieu of notice

(2) Instead of giving the notice referred to in subsection (1), the Commissioner may notify the member that the member is discharged on the date specified by the Commissioner and that the member will be paid an amount equal to the salary the member would have been paid during the notice period referred to in subsection (1). The member ceases to be a member at that specified date.

2013, c. 18, s. 10.

Resignation

Resignation

9.5 A member may resign from the Force by giving the Commissioner notice in writing of their intention to resign, and the member ceases to be a member on the date

Révocation

Révocation de nomination

9.2 Le pouvoir du commissaire de nommer une personne à titre de membre ou de nommer un membre par voie de promotion à un grade ou échelon supérieur lui confère le pouvoir de révoquer la nomination et de prendre des mesures correctives dans le cas où il est convaincu qu'une erreur, une omission ou une conduite irrégulière a influé sur le choix de la personne ou du membre nommé.

2013, ch. 18, art. 10.

Stagiaires

Durée de la période de stage

9.3 (1) La personne nommée à titre de membre est considérée comme stagiaire pendant la période que fixe, par règle, le commissaire.

Précision

(2) Une nouvelle nomination, une rétrogradation ou le transfert d'un poste à un autre n'interrompt pas la période de stage.

2013, ch. 18, art. 10.

Licenciement

9.4 (1) À tout moment au cours de la période de stage, le commissaire peut licencier un membre en l'avisant qu'il sera licencié au terme du délai de préavis fixé par règle établie par le commissaire. Le membre perd sa qualité de membre au terme de ce délai.

Indemnité tenant lieu de préavis

(2) Au lieu de donner le préavis prévu au paragraphe (1), le commissaire peut aviser le membre de son licenciement et du fait qu'une indemnité équivalant au salaire auquel il aurait eu droit au cours de la période de préavis lui sera versée. Le membre perd sa qualité de membre à la date fixée par le commissaire.

2013, ch. 18, art. 10.

Démission

Démission

9.5 Le membre qui a l'intention de démissionner de la Gendarmerie en donne avis, par écrit, au commissaire; il perd sa qualité de membre à la date précisée par écrit par

specified by the Commissioner in writing on accepting the resignation.

2013, c. 18, s. 10.

Supernumerary Special Constables

Appointment

9.6 (1) The Commissioner may, on the request of any department as defined in section 2 of the *Financial Administration Act* or if he or she considers it necessary or in the public interest, appoint, for periods of not more than 12 months, special constables supernumerary to the strength of the Force for the purpose of maintaining law and order.

Revocation of appointment

(2) The Commissioner may at any time revoke the appointment of any supernumerary special constable.

No entitlement to pecuniary privileges or benefits

(3) Supernumerary special constables are not entitled to any pecuniary privileges or benefits under this Act.

2013, c. 18, s. 10.

Civilian Staff

Appointment or employment

10 The civilian employees that are necessary for carrying out the functions and duties of the Force shall be appointed or employed under the *Public Service Employment Act*.

R.S., 1985, c. R-10, s. 10; R.S., 1985, c. 8 (2nd Supp.), s. 5; 2013, c. 18, s. 11.

Reserve

Establishment

11 (1) The Governor in Council may make regulations providing for the establishment of a Royal Canadian Mounted Police Reserve, for the appointment of persons as reservists and for defining their powers, duties and functions.

Application of this Act to Reserve

(2) Except as provided by the regulations made under subsection (1), this Act does not apply to reservists.

Royal Canadian Mounted Police Superannuation Act

(3) Despite subsection 3(3) of the *Royal Canadian Mounted Police Superannuation Act*, for the purposes of

le commissaire au moment de l'acceptation de la démission.

2013, ch. 18, art. 10.

Gendarmes spéciaux

Nomination

9.6 (1) Le commissaire peut, à la demande d'un ministre, au sens de l'article 2 de la *Loi sur la gestion des finances publiques*, ou dans les cas où il le juge nécessaire ou dans l'intérêt public, nommer des gendarmes spéciaux à titre surnuméraire, pour des périodes maximales de douze mois, en vue d'assurer l'ordre public.

Révocation

(2) Le commissaire peut révoquer la nomination de tout gendarme spécial à titre surnuméraire.

Aucun privilège ou avantage

(3) Les gendarmes spéciaux nommés à titre surnuméraire n'ont droit à aucun des privilèges ou avantages pécuniaires prévus par la présente loi.

2013, ch. 18, art. 10.

Personnel civil

Nomination ou emploi

10 La nomination ou l'emploi du personnel civil nécessaire à l'exercice des attributions de la Gendarmerie sont régis par la *Loi sur l'emploi dans la fonction publique*.

L.R. (1985), ch. R-10, art. 10; L.R. (1985), ch. 8 (2^e suppl.), art. 5; 2013, ch. 18, art. 11.

Réserve

Constitution

11 (1) Le gouverneur en conseil peut, par règlement, constituer une réserve de la Gendarmerie royale du Canada, en nommer les réservistes et définir leurs pouvoirs et fonctions.

Application de la présente loi

(2) Sauf disposition contraire des règlements pris aux termes du paragraphe (1), la présente loi ne s'applique pas aux réservistes.

Loi sur la pension de retraite de la Gendarmerie royale du Canada

(3) Malgré le paragraphe 3(3) de la *Loi sur la pension de retraite de la Gendarmerie royale du Canada*, pour

that Act, the *Public Service Superannuation Act* and the *Canadian Forces Superannuation Act*, a reservist is not deemed to be employed in the public service, as defined in subsection 3(1) of the *Royal Canadian Mounted Police Superannuation Act*.

R.S., 1985, c. R-10, s. 11; 2013, c. 18, s. 11.

Peace Officers

Officers

11.1 (1) Every officer is a peace officer in every part of Canada and has all the powers, authority, protection and privileges that a peace officer has by law until the officer ceases to be an officer.

Designation of others as peace officers

(2) The Commissioner may designate any member, other than an officer, any supernumerary special constable appointed under subsection 9.6(1), any person appointed as a reservist under the regulations and any other person who is under the Commissioner's jurisdiction as a peace officer.

Powers, authority, etc.

(3) Every person designated under subsection (2) has the same powers, authority, protection and privileges as officers under subsection (1) until the person's designation expires or is revoked or the designated person ceases to be a member, supernumerary special constable or reservist, or a person under the Commissioner's jurisdiction, as the case may be.

2013, c. 18, s. 11.

Certificates

Certificates

11.2 (1) The Commissioner may issue

(a) a certificate to any member stating that the person to whom it is issued is a member of the Force and, if that person is also a peace officer, that the person is a peace officer; and

(b) a certificate to any other person under the Commissioner's jurisdiction stating that the person to whom it is issued is a peace officer, if that person has been designated as such under subsection 11.1(2).

l'application de cette loi, de la *Loi sur la pension de la fonction publique* et de la *Loi sur la pension de retraite des Forces canadiennes*, les réservistes ne sont pas réputés être employés dans la fonction publique au sens du paragraphe 3(1) de la *Loi sur la pension de retraite de la Gendarmerie royale du Canada*.

L.R. (1985), ch. R-10, art. 11; 2013, ch. 18, art. 11.

Agents de la paix

Officiers

11.1 (1) Les officiers ont qualité d'agent de la paix partout au Canada et ont les pouvoirs et l'immunité conférés de droit aux agents de la paix, jusqu'à ce qu'ils perdent leur qualité d'officier.

Désignation à titre d'agent de la paix

(2) Le commissaire peut désigner comme agent de la paix tout membre, autre qu'un officier, tout gendarme spécial nommé en vertu du paragraphe 9.6(1), toute personne nommée à titre de réserviste en application des règlements ou toute autre personne subordonnée au commissaire.

Pouvoirs et immunité

(3) Les personnes désignées en vertu du paragraphe (2) ont les mêmes pouvoirs et immunité que les officiers visés au paragraphe (1), jusqu'à ce que leur désignation prenne fin ou soit révoquée ou qu'elles perdent leur qualité de membre, de gendarme spécial ou de réserviste ou cessent d'être subordonnées au commissaire.

2013, ch. 18, art. 11.

Certificats

Certificats

11.2 (1) Le commissaire peut délivrer :

a) dans le cas d'un membre, un certificat attestant que le titulaire a cette qualité ainsi que, le cas échéant, celle d'agent de la paix;

b) dans le cas de toute autre personne subordonnée au commissaire et désignée comme agent de la paix en vertu du paragraphe 11.1(2), un certificat attestant que le titulaire a cette qualité.

Evidence of appointment or designation

(2) Any document purporting to be a certificate referred to in subsection (1) is evidence in all courts and in all proceedings of the facts stated in it.

2013, c. 18, s. 11.

Suspension

Suspension

12 Every member who has contravened, is found contravening or is suspected of contravening any provision of the Code of Conduct or of an Act of Parliament, or of the legislature of a province, may be suspended from duty by the Commissioner.

R.S., 1985, c. R-10, s. 12; R.S., 1985, c. 8 (2nd Supp.), s. 6; 2013, c. 18, s. 11.

12.1 [Repealed, 2013, c. 18, s. 11]

Headquarters

Headquarters

13 The headquarters of the Force and the offices of the Commissioner shall be at Ottawa.

R.S., c. R-9, s. 14.

Oaths

Oaths

14 (1) Every member shall, before entering on the duties of the member's office, take the oath of allegiance and the oaths set out in the schedule.

Authority to administer

(2) The oaths prescribed by subsection (1), and any other oath or declaration that may be necessary or required, may be taken by the Commissioner before any judge, provincial court judge or justice of the peace having jurisdiction in any part of Canada, and by any other member before the Commissioner or any officer or person having authority to administer oaths or take and receive affidavits.

R.S., 1985, c. R-10, s. 14; R.S., 1985, c. 27 (1st Supp.), s. 203, c. 8 (2nd Supp.), s. 8.

Absence of Commissioner

Authority where Commissioner absent

15 (1) In the event that the Commissioner is absent or unable to act or the office is vacant, the senior Deputy Commissioner at the headquarters of the Force has, for the time being, the control and management of the Force

Valeur probante

(2) Tout certificat visé au paragraphe (1) et présenté comme tel est admissible en preuve et fait foi de son contenu devant tous les tribunaux et dans toutes les procédures.

2013, ch. 18, art. 11.

Suspension

Suspension

12 Le commissaire peut suspendre tout membre qui a contrevenu, contrevient ou est soupçonné de contrevenir à l'une des dispositions du code de déontologie ou d'une loi fédérale ou provinciale.

L.R. (1985), ch. R-10, art. 12; L.R. (1985), ch. 8 (2^e suppl.), art. 6; 2013, ch. 18, art. 11.

12.1 [Abrogé, 2013, ch. 18, art. 11]

Quartier général

Lieu

13 Le quartier général de la Gendarmerie et les bureaux du commissaire sont situés à Ottawa.

S.R., ch. R-9, art. 14.

Serments

Serments

14 (1) Avant d'entrer en fonctions, les membres prêtent le serment d'allégeance de même que les serments figurant à l'annexe.

Prestation des serments

(2) Les serments visés au paragraphe (1), de même que tous autres serments ou déclarations nécessaires ou exigés, peuvent être prêtés par le commissaire en présence d'un juge, juge de la cour provinciale ou juge de paix dans sa circonscription judiciaire au Canada, et par tout autre membre de la Gendarmerie en présence du commissaire, de tout officier ou de toute personne habilitée à faire prêter les serments ou affidavits.

L.R. (1985), ch. R-10, art. 14; L.R. (1985), ch. 27 (1^{er} suppl.), art. 203, ch. 8 (2^e suppl.), art. 8.

Intérim du commissaire

En l'absence du commissaire

15 (1) En cas d'absence ou d'empêchement du commissaire ou de vacance de son poste, l'intérim est assuré, avec plein exercice des pouvoirs et fonctions attribués au commissaire par la présente loi ou toute autre loi, par le

and all matters connected therewith, and for such purposes the senior Deputy Commissioner may exercise all the powers of the Commissioner under this Act or any other Act.

Authority where Commissioner and Deputy Commissioners absent

(2) In the event that the Commissioner and all the Deputy Commissioners are absent or unable to act or the offices are vacant, the senior Assistant Commissioner at the headquarters of the Force has, for the time being, the control and management of the Force and all matters connected therewith, and for such purposes the senior Assistant Commissioner may exercise all of the powers of the Commissioner under this Act or any other Act.

R.S., c. R-9, s. 16.

16 [Repealed, R.S., 1985, c. 8 (2nd Supp.), s. 9]

17 [Repealed, R.S., 1985, c. 8 (2nd Supp.), s. 10]

Duties

Duties

18 It is the duty of members who are peace officers, subject to the orders of the Commissioner,

(a) to perform all duties that are assigned to peace officers in relation to the preservation of the peace, the prevention of crime and of offences against the laws of Canada and the laws in force in any province in which they may be employed, and the apprehension of criminals and offenders and others who may be lawfully taken into custody;

(b) to execute all warrants, and perform all duties and services in relation thereto, that may, under this Act or the laws of Canada or the laws in force in any province, be lawfully executed and performed by peace officers;

(c) to perform all duties that may be lawfully performed by peace officers in relation to the escort and conveyance of convicts and other persons in custody to or from any courts, places of punishment or confinement, asylums or other places; and

(d) to perform such other duties and functions as are prescribed by the Governor in Council or the Commissioner.

R.S., c. R-9, s. 18.

19 [Repealed, R.S., 1985, c. 8 (2nd Supp.), s. 11]

sous-commissaire le plus ancien en poste au quartier général de la Gendarmerie.

En l'absence du commissaire et des sous-commissaires

(2) En cas d'absence ou d'empêchement du commissaire et de tous les sous-commissaires ou de vacance de leurs postes, l'intérim du commissaire est assuré, avec plein exercice des pouvoirs et fonctions attribués au commissaire par la présente loi ou toute autre loi, par le commissaire adjoint le plus ancien en poste au quartier général de la Gendarmerie.

S.R., ch. R-9, art. 16.

16 [Abrogé, L.R. (1985), ch. 8 (2^e suppl.), art. 9]

17 [Abrogé, L.R. (1985), ch. 8 (2^e suppl.), art. 10]

Fonctions

Obligations

18 Sous réserve des ordres du commissaire, les membres qui ont qualité d'agent de la paix sont tenus :

a) de remplir toutes les fonctions des agents de la paix en ce qui concerne le maintien de la paix, la prévention du crime et des infractions aux lois fédérales et à celles en vigueur dans la province où ils peuvent être employés, ainsi que l'arrestation des criminels, des contrevenants et des autres personnes pouvant être légalement mises sous garde;

b) d'exécuter tous les mandats — ainsi que les obligations et services s'y rattachant — qui peuvent, aux termes de la présente loi, des autres lois fédérales ou de celles en vigueur dans une province, légalement l'être par des agents de la paix;

c) de remplir toutes les fonctions qui peuvent être légalement exercées par des agents de la paix en matière d'escorte ou de transfèrement de condamnés, ou d'autres personnes sous garde, à destination ou à partir de quelque lieu que ce soit : tribunal, asile, lieu de punition ou de détention, ou autre;

d) d'exercer les autres attributions déterminées par le gouverneur en conseil ou le commissaire.

S.R., ch. R-9, art. 18.

19 [Abrogé, L.R. (1985), ch. 8 (2^e suppl.), art. 11]

Arrangements with provinces

20 (1) The Minister may, with the approval of the Governor in Council, enter into an arrangement with the government of any province for the use or employment of the Force, or any portion thereof, in aiding the administration of justice in the province and in carrying into effect the laws in force therein.

Arrangements with municipalities

(2) The Minister may, with the approval of the Governor in Council and the lieutenant governor in council of any province, enter into an arrangement with any municipality in the province for the use or employment of the Force, or any portion thereof, in aiding the administration of justice in the municipality and in carrying into effect the laws in force therein.

Payment for services

(3) The Minister may, with the approval of the Treasury Board, in any arrangement made under subsection (1) or (2), agree on and determine the amount of money to be paid by the province or municipality for the services of the Force.

Taking over other police forces

(4) There may be included in any arrangement made under subsection (1) or (2) provision for the taking over by the Force of officers and other members of any provincial or municipal police force.

Report to Parliament

(5) The Minister shall cause to be laid before Parliament a copy of every arrangement made under subsection (1) or (2) within fifteen days after it is made or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that either House of Parliament is sitting.

R.S., c. R-9, s. 20.

Human Resource Management

Treasury Board's powers

20.1 In addition to its powers under section 11.1 of the *Financial Administration Act*, the Treasury Board may, in the exercise of its human resources management responsibilities under paragraph 7(1)(e) of that Act,

- (a)** determine categories of members; and
- (b)** establish policies or issue directives respecting the exercise of the powers granted to the Commissioner by paragraphs 20.2(1)(h) and (i) and the reporting by the

Arrangements avec les provinces

20 (1) Avec l'agrément du gouverneur en conseil, le ministre peut conclure, avec le gouvernement d'une province, des arrangements pour l'utilisation de la Gendarmerie, ou d'un élément de celle-ci, en vue de l'administration de la justice dans la province et de la mise en œuvre des lois qui y sont en vigueur.

Arrangements avec les municipalités

(2) Avec l'agrément du gouverneur en conseil et du lieutenant-gouverneur en conseil d'une province, le ministre peut conclure, avec toute municipalité de cette province, des arrangements pour l'utilisation de la Gendarmerie, ou d'un élément de celle-ci, en vue de l'administration de la justice dans la municipalité et de la mise en œuvre des lois qui y sont en vigueur.

Paiement des services

(3) Avec l'agrément du Conseil du Trésor, le ministre peut, dans le cadre des arrangements visés aux paragraphes (1) ou (2), convenir avec la province ou la municipalité du montant à payer pour les services de la Gendarmerie.

Subordination à la Gendarmerie

(4) Les arrangements conclus aux termes des paragraphes (1) ou (2) peuvent prévoir le passage sous l'autorité de la Gendarmerie des officiers et autres membres des forces de police provinciales ou municipales.

Rapport au Parlement

(5) Dans les quinze jours de la conclusion de l'un des arrangements visés aux paragraphes (1) ou (2), le ministre en fait déposer une copie devant le Parlement ou, s'il ne siège pas, dans les quinze jours de séance ultérieurs de l'une ou l'autre chambre.

S.R., ch. R-9, art. 20.

Gestion des ressources humaines

Pouvoirs du Conseil du Trésor

20.1 Outre les pouvoirs qu'il est autorisé à exercer en vertu de l'article 11.1 de la *Loi sur la gestion des finances publiques*, le Conseil du Trésor peut, dans l'exercice de ses attributions en matière de gestion des ressources humaines prévues à l'alinéa 7(1)e) de cette loi :

- a)** déterminer des catégories de membres;
- b)** élaborer des lignes directrices ou des directives sur l'exercice des pouvoirs conférés au commissaire par

Commissioner in respect of the exercise of those powers.

2013, c. 18, ss. 12, 13.

Commissioner's powers

20.2 (1) The Commissioner may

- (a)** determine the learning, training and development requirements of members and fix the terms on which the learning, training and development may be carried out;
- (b)** provide for the awards to be made to members for outstanding performance of their duties, for other meritorious achievement in relation to their duties or for inventions or practical suggestions for improvements;
- (c)** require a member to undergo a medical examination or an assessment by a qualified person specified by the Commissioner for the purpose of establishing the member's ability to perform their duties or to participate in conduct related proceedings, other than a hearing initiated under subsection 41(1);
- (d)** recommend the discharge of any Deputy Commissioner whose performance, in the opinion of the Commissioner, is unsatisfactory;
- (e)** discharge or demote any member, other than a Deputy Commissioner, whose performance, in the Commissioner's opinion, is unsatisfactory;
- (f)** recommend the discharge of any Deputy Commissioner for reasons other than a contravention of any provision of the Code of Conduct;
- (g)** discharge or demote any member, other than a Deputy Commissioner, for reasons other than a contravention of any provision of the Code of Conduct;
- (h)** recommend the discharge of any Deputy Commissioner to whom an offer of employment is made as the result of the transfer of any work, undertaking or business from the Force to any other entity;
- (i)** discharge any member, other than a Deputy Commissioner, to whom an offer of employment is made as the result of the transfer of any work, undertaking or business from the Force to any other entity;
- (j)** recommend the discharge of any Deputy Commissioner for the promotion of economy and efficiency in the Force;

les alinéas 20.2(1)h) et i) et sur les rapports que celui-ci doit établir au sujet de l'exercice de ces pouvoirs.

2013, ch. 18, art. 12 et 13.

Pouvoirs du commissaire

20.2 (1) Le commissaire peut :

- a)** déterminer les besoins en matière d'apprentissage, de formation et de perfectionnement des membres et fixer les conditions de mise en œuvre de cet apprentissage, de cette formation et de ce perfectionnement;
- b)** prévoir les primes susceptibles d'être accordées aux membres pour résultats exceptionnels ou toutes autres réalisations méritoires dans le cadre de leurs fonctions, pour des inventions ou pour des idées pratiques d'amélioration;
- c)** exiger qu'un membre subisse un examen médical ou une évaluation par une personne compétente qu'il désigne afin d'évaluer la capacité du membre d'exercer ses fonctions ou de participer à des procédures en matière de conduite, autre qu'une audience convoquée en vertu du paragraphe 41(1);
- d)** recommander le licenciement d'un sous-commissaire dans les cas où il est d'avis que son rendement est insuffisant;
- e)** licencier ou rétrograder tout membre, autre qu'un sous-commissaire, dans le cas où il est d'avis que son rendement est insuffisant;
- f)** recommander, pour des raisons autres qu'une contravention à une disposition du code de déontologie, le licenciement de tout sous-commissaire;
- g)** licencier ou rétrograder tout membre, autre qu'un sous-commissaire, pour des raisons autres que la contravention à une disposition du code de déontologie;
- h)** recommander le licenciement de tout sous-commissaire à qui une offre d'emploi est faite en raison du transfert d'une activité ou entreprise de la Gendarmerie à toute autre entité;
- i)** licencier tout membre, autre qu'un sous-commissaire, à qui une offre d'emploi est faite en raison du transfert d'une activité ou entreprise de la Gendarmerie à toute autre entité;
- j)** recommander le licenciement de tout sous-commissaire par mesure d'économie ou d'efficacité à la Gendarmerie;

(k) discharge any member, other than a Deputy Commissioner, for the promotion of economy and efficiency in the Force; and

(l) establish procedures to investigate and resolve disputes relating to alleged harassment by a member.

For cause

(2) The recommendation for discharge under paragraph (1)(d) or (f), and the discharge or demotion under paragraph (1)(e) or (g), of a member may only be for cause.

Delegation

(3) Despite subsection 5(2), the Commissioner may delegate to any person under the Commissioner's jurisdiction, subject to any terms and conditions that the Commissioner directs, any of the Commissioner's powers under subsection (1).

Sub-delegation

(4) Any person to whom powers are delegated under subsection (3) may, subject to and in accordance with the delegation, sub-delegate any of those powers to any other person under the Commissioner's jurisdiction.

2013, c. 18, s. 13.

Regulations and Rules

Regulations

21 (1) The Governor in Council may make regulations

(a) respecting the exercise of the Commissioner's powers under any of paragraphs 20.2(1)(a) to (g) and (j) to (l);

(b) for the organization, conduct, performance of duties, discipline, efficiency, administration or good government of the Force;

(b.1) respecting the qualifications of persons who are not under the Commissioner's jurisdiction who may be designated under subsection 2(3) and the circumstances under which they may be designated;

(b.2) respecting the appointment of persons to conduct boards established under section 43 and the qualification of the persons who may be appointed;

(b.3) respecting the period during which records relating to investigations and proceedings under Part IV are to be retained;

k) licencier tout membre, autre qu'un sous-commissaire, par mesure d'économie ou d'efficacité à la Gendarmerie;

l) élaborer les procédures concernant les enquêtes et le règlement des différends auxquels donne lieu le harcèlement qui aurait été pratiqué par un membre.

Motifs nécessaires

(2) La recommandation de licenciement découlant de l'application des alinéas (1)d) ou f) et le licenciement ou la rétrogradation découlant de l'application des alinéas (1)e) ou g) doivent être motivés.

Délégation

(3) Malgré le paragraphe 5(2), le commissaire peut déléguer à ses subordonnés, aux conditions qu'il fixe, tel de ses pouvoirs prévus au paragraphe (1).

Subdélégation

(4) Les délégués visés au paragraphe (3) peuvent, sous réserve des conditions de la délégation, subdéléguer à toute autre personne subordonnée au commissaire les pouvoirs qu'ils ont reçus.

2013, ch. 18, art. 13.

Règlements et règles

Règlements

21 (1) Le gouverneur en conseil peut prendre des règlements :

a) concernant l'exercice des pouvoirs du commissaire prévus aux alinéas 20.2(1)a) à g) et j) à l);

b) sur l'organisation, la conduite, l'exercice des fonctions, la discipline, l'efficacité et la bonne administration de la Gendarmerie;

b.1) concernant les compétences des personnes pouvant être désignées en vertu du paragraphe 2(3) qui ne sont pas subordonnées au commissaire et les circonstances relatives à leur désignation;

b.2) concernant la nomination et les compétences des membres des comités de déontologie constitués en vertu de l'article 43;

b.3) concernant le délai de conservation des documents liés à l'enquête et à la procédure prévues sous le régime de la partie IV;

(b.4) respecting the service of documents required or authorized to be served under this Act including the manner and proof of service and the circumstances under which documents are to be considered to be served; and

(c) generally, for carrying the purposes and provisions of this Act into effect.

Rules

(2) Subject to the provisions of this Act and the regulations, the Commissioner may make rules

(a) prescribing a probationary period for the purposes of subsection 9.3(1);

(b) respecting the decision to discharge a member under section 9.4 and the making of a complaint procedure in relation to the decision;

(c) prescribing a notice period for the purposes of subsection 9.4(1);

(d) respecting the Commissioner's authority under subsection 22(2) to direct the stoppage of pay and allowances of members;

(e) respecting the application of any of paragraphs 20.2(1)(a), (b), (c) and (l);

(f) respecting the making of a decision to recommend the discharge of a Deputy Commissioner under any of paragraphs 20.2(1)(d), (f) and (j);

(g) respecting the making of a decision to discharge or demote a member under any of paragraphs 20.2(1)(e), (g) and (k);

(h) defining **standardized test** for the purposes of subsection 31(4.1);

(i) respecting the performance by members of their duties;

(j) establishing basic requirements for the carrying on of a member's duties as a member;

(k) respecting the conduct of members;

(l) respecting the designation of persons to be conduct authorities; and

(m) respecting the organization, efficiency or administration or good government of the Force.

R.S., 1985, c. R-10, s. 21; R.S., 1985, c. 8 (2nd Supp.), s. 12; 2013, c. 18, s. 14.

b.4) concernant la signification des documents autorisés ou exigés sous le régime de la présente loi, notamment l'établissement de présomptions et de règles de preuve;

c) de façon générale, sur la mise en œuvre de la présente loi.

Règles

(2) Sous réserve des autres dispositions de la présente loi et de ses règlements, le commissaire peut établir des règles :

a) prévoyant une période de stage pour l'application du paragraphe 9.3(1);

b) concernant la décision de licencier un membre au titre de l'article 9.4 et la procédure de plainte à l'égard de cette décision;

c) prévoyant un délai de préavis pour l'application du paragraphe 9.4(1);

d) concernant le pouvoir du commissaire prévu au paragraphe 22(2) d'exiger la cessation du versement de la solde et des indemnités des membres;

e) concernant l'application des alinéas 20.2(1)a), b), c) et l);

f) concernant la décision de recommander le licenciement d'un sous-commissaire au titre de l'un des alinéas 20.2(1)d), f) et j);

g) concernant la décision de licencier ou de rétrograder un membre au titre de l'un des alinéas 20.2(1)e), g) et k);

h) visant à définir **test standardisé** pour l'application du paragraphe 31(4.1);

i) concernant l'exercice par les membres de leurs fonctions;

j) établissant les compétences de base pour l'exercice par les membres de leurs fonctions;

k) concernant la conduite des membres;

l) concernant la désignation d'une personne comme autorité disciplinaire;

m) concernant l'organisation, l'efficacité et la bonne administration de la Gendarmerie.

L.R. (1985), ch. R-10, art. 21; L.R. (1985), ch. 8 (2^e suppl.), art. 12; 2013, ch. 18, art. 14.

Pay and Allowances

Pay and allowances

22 (1) The Treasury Board shall establish the pay and allowances to be paid to members.

Reduction in pay where demotion

(1.1) Where, pursuant to this Act, a member is demoted, the rate of pay of that member shall be reduced to the highest rate of pay for the rank or level to which the member is demoted that does not exceed the member's rate of pay at the time of the demotion.

Stoppage of pay and allowances

(2) The Commissioner may direct that a member's pay and allowances be stopped if

(a) the Commissioner is of the opinion that the member

(i) is unable to perform their duties as the result of the loss of a basic requirement, as set out in the rules, for the carrying out of a member's duties,

(ii) is absent from duty without authorization, or

(iii) has left any assigned duty without authorization;

(b) the Commissioner has suspended the member from duty under section 12; or

(c) the member is a Deputy Commissioner who is the subject of a recommendation made under paragraph 20.2(1)(d), (f), (h) or (j).

Imprisonment

(3) For the purpose of paragraph (2)(a), being absent from duty without authorization includes being detained in custody or serving a period of imprisonment.

R.S., 1985, c. R-10, s. 22; R.S., 1985, c. 8 (2nd Supp.), s. 13; 2013, c. 18, s. 15.

Benefit Trust Fund

Fees, gifts, etc., payable to Fund

23 (1) All

(a) fees, costs, remuneration or commissions, other than pay and allowances under section 22, and

Solde et indemnités

Fixation par le Conseil du Trésor

22 (1) Le Conseil du Trésor établit la solde et les indemnités à verser aux membres de la Gendarmerie.

Cas de rétrogradation

(1.1) La rétrogradation d'un membre conformément à la présente loi entraîne la réduction du barème de sa solde au barème de la solde la plus élevée du grade ou échelon auquel il est reporté, qui ne dépasse pas le barème de sa solde au moment de sa rétrogradation.

Cessation de la solde et des indemnités

(2) Le commissaire peut exiger la cessation du versement de la solde et des indemnités d'un membre dans l'un ou l'autre des cas suivants :

a) selon le commissaire :

(i) le membre ne peut s'acquitter de ses fonctions parce qu'il ne possède plus l'une des compétences de base établies dans les règles relativement à l'exercice des fonctions d'un membre,

(ii) il s'absente sans autorisation,

(iii) il abandonne sans autorisation l'une quelconque des fonctions qui lui ont été assignées;

b) le commissaire a suspendu le membre de ses fonctions en vertu de l'article 12;

c) le membre est un sous-commissaire visé par toute recommandation de licenciement prévue à l'un des alinéas 20.2(1)d), f), h) et j).

Emprisonnement

(3) Pour l'application de l'alinéa (2)a), le membre est réputé être absent sans autorisation lorsque, notamment, il est mis sous garde ou purge une peine d'emprisonnement.

L.R. (1985), ch. R-10, art. 22; L.R. (1985), ch. 8 (2^e suppl.), art. 13; 2013, ch. 18, art. 15.

Caisse fiduciaire de bienfaisance

Versement de gratifications à la Caisse

23 (1) Sauf instruction contraire du ministre, sont versés à la Caisse fiduciaire de bienfaisance de la Gendarmerie les honoraires, frais, rétributions ou commissions, sauf la solde ou les indemnités visées à l'article 22, ainsi que les dons, prix et legs alloués ou convertis en argent, sauf les dons ou récompenses visés au paragraphe (3), qu'un membre a gagnés ou qui lui ont été attribués,

(b) gifts, awards and bequests, if money or converted into money, other than gifts or rewards under subsection (3),

earned by or awarded, paid or granted to any member in connection with the performance of the member's duties in the Force shall be paid to the Benefit Trust Fund maintained by the Force, unless the Minister directs otherwise.

Pay, forfeitures payable to Fund

(2) Notwithstanding any other Act, all pay forfeited under this Act and the proceeds of all forfeitures and seizures awarded or adjudged to any member in connection with the performance of the member's duties in the Force shall be paid to the Benefit Trust Fund maintained by the Force.

Purpose of Benefit Trust Fund

(3) The money paid to the Benefit Trust Fund pursuant to this section shall be used

(a) for the benefit of members and former members and their dependants;

(b) as a reward, grant or compensation to any person who assists the Force in the performance of its duties in any case where the Minister is of the opinion that the person is deserving of recognition for the service rendered;

(c) as a reward to any person appointed or employed under the authority of this Act for good conduct or meritorious service; and

(d) for such other objects for the benefit of the Force as the Minister may direct.

Regulations

(4) The Governor in Council may make regulations governing the management and disposition by loan, grant or otherwise of any money paid to the Benefit Trust Fund pursuant to this section.

R.S., 1985, c. R-10, s. 23; R.S., 1985, c. 8 (2nd Supp.), s. 14.

Disposition of Property

Abandoned or lost property

24 Where it appears to the Commissioner

(a) that any personal property that has, in Yukon, the Northwest Territories or Nunavut, come into the hands of any member in the course of the member's

versés ou accordés dans le cadre de ses fonctions dans la Gendarmerie.

Versement des soldes et confiscations à la Caisse

(2) Par dérogation à toute autre loi, sont versés à la Caisse fiduciaire de bienfaisance de la Gendarmerie les soldes confisquées en vertu de la présente loi et le produit des confiscations et saisies alloué à un membre relativement à l'exercice de ses fonctions dans la Gendarmerie.

Utilisation des gratifications

(3) Les montants versés à la Caisse fiduciaire de bienfaisance en application du présent article sont utilisés :

a) au profit des membres et anciens membres et des personnes à leur charge;

b) pour l'octroi de récompenses, primes ou indemnités aux personnes qui aident la Gendarmerie dans l'accomplissement de sa mission, lorsque le ministre estime que les services rendus méritent d'être reconnus;

c) pour l'octroi de récompenses, pour bonne conduite ou services méritoires, aux personnes nommées ou employées sous le régime de la présente loi;

d) à toute autre fin à l'avantage de la Gendarmerie, selon les instructions du ministre.

Règlements

(4) Le gouverneur en conseil peut prendre les règlements qu'il juge utiles pour régir la gestion et l'emploi, notamment par prêt ou subvention, de tout montant versé à la Caisse fiduciaire de bienfaisance au titre du présent article.

L.R. (1985), ch. R-10, art. 23; L.R. (1985), ch. 8 (2^e suppl.), art. 14.

Destination des biens recueillis

Biens abandonnés ou perdus

24 Le commissaire peut aliéner, de la manière qu'il estime indiquée dans les circonstances, les biens meubles dont des membres ont, dans l'exercice de leurs fonctions au Yukon, dans les Territoires du Nord-Ouest ou au Nunavut, acquis la possession, lorsqu'il lui apparaît que, selon le cas :

duties has been abandoned by the owner of it or the person entitled to it, or

(b) that a reasonable attempt has been made to find the owner of or person entitled to any personal property that has, in Yukon, the Northwest Territories or Nunavut, come into the hands of any member in the course of the member's duties, but the owner or person cannot be found,

the Commissioner may make such disposition of the property as the Commissioner in the circumstances deems fit, but the proceeds, if any, from the sale or other disposition of the property, and any such property consisting of money, shall be paid into the Consolidated Revenue Fund.

R.S., 1985, c. R-10, s. 24; R.S., 1985, c. 8 (2nd Suppl.), s. 24(E); 1993, c. 28, s. 78; 2002, c. 7, s. 235(E).

Boards of Inquiry

Board of Inquiry

24.1 (1) The Minister or the Commissioner may appoint such persons as the Minister or Commissioner considers appropriate as a board of inquiry to investigate and report on any matter connected with the organization, training, conduct, performance of duties, discipline, efficiency, administration or government of the Force or affecting any member or other person appointed or employed under the authority of this Act.

Clarification

(1.1) For greater certainty, the power to appoint under subsection (1) includes the power to appoint all or any of the members of the Commission.

Matter to be investigated

(2) Where the Minister or the Commissioner appoints a board of inquiry under subsection (1), the Minister or Commissioner shall specify in writing the matter that the board is to investigate and report on.

Powers of board of inquiry

(3) A board of inquiry has, in relation to the matter before it, power

(a) to summon any person before the board and to require that person to give oral or written evidence on oath and to produce such documents and things under that person's control as the board deems requisite to the full investigation and consideration of that matter;

(b) to administer oaths;

a) ces biens ont été abandonnés par leur propriétaire ou la personne y ayant droit;

b) les efforts nécessaires ont été faits — mais en vain — pour retrouver le propriétaire de ces biens ou la personne y ayant droit.

Le produit éventuel de l'aliénation, notamment par vente, ainsi que tous semblables biens consistant en argent sont versés au Trésor.

L.R. (1985), ch. R-10, art. 24; L.R. (1985), ch. 8 (2^e suppl.), art. 24(A); 1993, ch. 28, art. 78; 2002, ch. 7, art. 235(A).

Commissions d'enquête

Commissions d'enquête

24.1 (1) Le ministre ou le commissaire peut constituer les personnes qu'il estime indiquées en commission chargée d'enquêter et de faire rapport sur toute question liée à l'organisation, la formation, la conduite, l'exercice des fonctions, la discipline, l'efficacité et la bonne administration de la Gendarmerie ou touchant un membre ou une autre personne nommée ou employée sous le régime de la présente loi.

Précision

(1.1) Il est entendu que le pouvoir visé au paragraphe (1) comprend celui de nommer les membres de la Commission.

Objet de l'enquête

(2) Le ministre ou le commissaire saisit par écrit la commission d'enquête de la question sur laquelle elle doit faire rapport.

Pouvoirs de la commission d'enquête

(3) La commission d'enquête dispose, relativement à la question dont elle est saisie, des pouvoirs suivants :

a) assigner des témoins, les enjoindre à témoigner sous serment, oralement ou par écrit, et à produire les documents et pièces dont ils ont la responsabilité et que la commission estime nécessaires à une enquête et étude complètes;

b) recevoir des serments;

(c) to receive and accept on oath or by affidavit such evidence and other information as the board sees fit, whether or not such evidence or information is or would be admissible in a court of law; and

(d) to make such examination of records and such inquiries as the board deems necessary.

Rights of persons interested

(4) Any person whose conduct or affairs are being investigated by a board of inquiry or who satisfies a board of inquiry that the person has a substantial and direct interest in the matter before the board shall be afforded a full and ample opportunity, in person or by counsel or a representative, to present evidence, to cross-examine witnesses and to make representations before the board.

Representation of witnesses

(5) A board of inquiry shall permit any person who gives evidence in the investigation by the board to be represented by counsel or a representative.

Restriction

(6) Notwithstanding subsection (3), a board of inquiry may not receive or accept in an investigation

(a) subject to subsection (7), any evidence or other information that would be inadmissible in a court of law by reason of any privilege under the law of evidence;

(b) any answer or statement made in response to a question described in subsection 35(8), 40(2), 45.1(5) or 45.65(2);

(c) any answer or statement made in response to a question described in subsection (7) before any other board of inquiry appointed under this section; or

(d) any answer or statement made in the course of attempting to informally dispose of or resolve a complaint made under Part VII or VII.2.

Witness not excused from testifying

(7) In an investigation by a board of inquiry, no witness shall be excused from answering any question relating to the matter before the board when required to do so by the board on the ground that the answer to the question may tend to criminate the witness or subject the witness to any proceeding or penalty.

c) recevoir et accepter les éléments de preuve et renseignements, fournis sous serment ou sous forme d'affidavit, qu'elle estime indiqués, qu'ils soient ou non recevables devant un tribunal;

d) procéder à l'examen des dossiers ou registres et aux enquêtes qu'elle juge nécessaires.

Droits des intéressés

(4) Toute personne dont la commission d'enquête étudie la conduite ou les activités ou qui convainc celle-ci qu'elle a dans la question dont la commission est saisie un intérêt direct et réel doit avoir toute latitude de présenter devant celle-ci des éléments de preuve, de contre-interroger les témoins et de faire des observations, soit personnellement, soit par l'intermédiaire d'un avocat ou autre représentant.

Représentation des témoins

(5) La commission d'enquête doit permettre aux témoins de se faire représenter par un avocat ou par un autre représentant.

Restrictions

(6) Par dérogation au paragraphe (3), la commission d'enquête ne peut recevoir ou accepter :

a) sous réserve du paragraphe (7), des éléments de preuve ou autres renseignements non recevables devant un tribunal du fait qu'ils sont protégés par le droit de la preuve;

b) les réponses ou déclarations faites à la suite des questions visées aux paragraphes 35(8), 40(2), 45.1(5) ou 45.65(2);

c) les réponses ou déclarations faites à la suite des questions visées au paragraphe (7) devant une autre commission d'enquête nommée en vertu du présent article;

d) les réponses ou déclarations faites dans le cadre d'une tentative de règlement à l'amiable faite sous le régime des parties VII ou VII.2.

Obligation des témoins de déposer

(7) Au cours d'une enquête tenue par la commission d'enquête, un témoin n'est pas dispensé de répondre aux questions portant sur l'objet de l'enquête lorsque la commission l'exige, au motif que sa réponse peut l'incriminer ou l'exposer à des poursuites ou à une peine.

Answer not receivable

(8) If the witness is a member, no answer or statement made in response to a question described in subsection (7) shall be used or receivable against the witness under any proceeding under Part IV, other than a proceeding regarding an allegation that with intent to mislead the witness gave the answer or statement knowing it to be false.

Investigation and hearing in private

(9) Unless the Minister or the Commissioner directs otherwise, an investigation and any hearing by a board of inquiry appointed by the Minister or Commissioner, as the case may be, shall be conducted in private.

Exception

(10) Notwithstanding subsection (9),

- (a)** while a child is testifying in an investigation or at a hearing by a board of inquiry, the child's parent or guardian may be present; and
- (b)** when authorized by a board of inquiry, a member may attend a hearing before the board as an observer for the purpose of familiarizing the member with procedures under this section.

Return of documents, etc.

(11) Any document or thing produced pursuant to this section to a board of inquiry shall, on the request of the person producing the document or thing, be released to that person within a reasonable time after completion of the board's investigation and report.

R.S., 1985, c. 8 (2nd Supp.), s. 15; 2013, c. 18, ss. 16, 77, 80.

PART II

Royal Canadian Mounted Police External Review Committee

Establishment and Organization of Committee

Committee established

25 (1) There is hereby established a committee, to be known as the Royal Canadian Mounted Police External Review Committee, consisting of a Chairperson, a Vice-chairperson and not more than three other members, to be appointed by order of the Governor in Council.

Non-recevabilité des réponses

(8) Dans le cas où le témoin est un membre, les réponses ou déclarations faites à la suite des questions visées au paragraphe (7) ne peuvent être utilisées ni ne sont recevables contre lui dans le cadre d'une procédure prévue à la partie IV, sauf une procédure portant sur une alléga-tion selon laquelle il a fait une telle réponse ou déclara-tion, qu'il savait fausse, dans l'intention de tromper.

Huis clos

(9) Sauf instruction contraire du ministre ou du commis-saire qui a constitué la commission d'enquête, l'enquête ainsi que les audiences de celle-ci se tiennent à huis clos.

Exceptions

(10) Par dérogation au paragraphe (9) :

- a)** les parents peuvent assister au témoignage de leur enfant devant la commission d'enquête ou le tuteur, à celui de son pupille;
- b)** un membre peut, s'il en reçoit l'autorisation de la commission d'enquête, assister à une audience à titre d'observateur afin de se familiariser avec la procédure prévue au présent article.

Remise des pièces

(11) Les documents et autres pièces produits devant la commission d'enquête en vertu du présent article sont remis à la personne qui les a produits, si elle en fait la demande, dans un délai raisonnable après la clôture de l'enquête de la commission et l'achèvement de son rapport.

L.R. (1985), ch. 8 (2^e suppl.), art. 15; 2013, ch. 18, art. 16, 77 et 80.

PARTIE II

Comité externe d'examen de la Gendarmerie royale du Canada

Constitution et organisation du Comité

Constitution du Comité

25 (1) Est constitué le Comité externe d'examen de la Gendarmerie royale du Canada, composé d'au plus cinq membres, dont le président et un vice-président, nom-més par décret du gouverneur en conseil.

Full- or part-time

(2) The Committee Chairperson is a full-time member of the Committee and the other members may be appointed as full-time or part-time members of the Committee.

Tenure of office

(3) Each member of the Committee shall be appointed to hold office during good behaviour for a term not exceeding five years but may be removed for cause at any time by order of the Governor in Council.

Re-appointment

(4) A member of the Committee is eligible for re-appointment on the expiration of the member's term of office.

Eligibility

(5) No member of the Force is eligible to be appointed or to continue as a member of the Committee.

Salary of full-time members

(6) Each full-time member of the Committee is entitled to be paid such salary in connection with the work of the Committee as may be approved by order of the Governor in Council.

Fees of part-time members

(7) Each part-time member of the Committee is entitled to be paid such fees in connection with the work of the Committee as may be approved by order of the Governor in Council.

Expenses

(8) Each member of the Committee is entitled to be paid reasonable travel and living expenses incurred by the member while absent from the member's ordinary place of residence in connection with the work of the Committee.

Benefits of full-time members

(9) The full-time members of the Committee are deemed to be employed in the public service for the purposes of the *Public Service Superannuation Act* and to be employed in the federal public administration for the purposes of the *Government Employees Compensation Act* and any regulations made under section 9 of the *Aeronautics Act*.

R.S., 1985, c. R-10, s. 25; R.S., 1985, c. 8 (2nd Supp.), s. 16; 2003, c. 22, s. 216(E); 2013, c. 18, s. 41(E).

Temps plein ou temps partiel

(2) Le président est membre à plein temps du Comité. Les autres membres peuvent être nommés à temps plein ou à temps partiel.

Mandat

(3) Les membres du Comité sont nommés, à titre inamovible, pour un mandat de cinq ans au maximum, sous réserve de révocation par décret du gouverneur en conseil pour motif valable.

Nouveau mandat

(4) Les membres du Comité peuvent recevoir un nouveau mandat.

Admissibilité

(5) Un membre de la Gendarmerie ne peut faire partie du Comité.

Traitement des membres à plein temps

(6) Les membres à plein temps du Comité reçoivent, pour leur participation aux travaux du Comité, le traitement approuvé par décret du gouverneur en conseil.

Honoraires des membres à temps partiel

(7) Les membres à temps partiel du Comité reçoivent, pour leur participation aux travaux du Comité, les honoraires approuvés par décret du gouverneur en conseil.

Indemnités

(8) Les membres du Comité ont droit aux frais de déplacement et de séjour entraînés par l'accomplissement, hors de leur lieu ordinaire de résidence, de leurs fonctions au sein du Comité.

Pension de retraite et autres bénéfices des membres à plein temps

(9) Les membres à plein temps du Comité sont réputés faire partie de la fonction publique pour l'application de la *Loi sur la pension de la fonction publique* et de l'administration publique fédérale pour l'application de la *Loi sur l'indemnisation des agents de l'État* et des règlements pris en vertu de l'article 9 de la *Loi sur l'aéronautique*.

L.R. (1985), ch. R-10, art. 25; L.R. (1985), ch. 8 (2^e suppl.), art. 16; 2003, ch. 22, art. 216(A); 2013, ch. 18, art. 41(A).

Committee Chairperson

26 (1) The Committee Chairperson is the chief executive officer of the Committee and has supervision over and direction of the work and staff of the Committee.

Absence or incapacity

(2) In the event of the absence or incapacity of the Committee Chairperson or if the office of Committee Chairperson is vacant, the Minister may authorize the Vice-chairperson to exercise the powers and perform the duties and functions of the Committee Chairperson.

Delegation

(3) The Committee Chairperson may delegate to the Vice-chairperson any of the Committee Chairperson's powers, duties or functions under this Act, except the power to delegate under this subsection and the duty under section 30.

R.S., 1985, c. R-10, s. 26; R.S., 1985, c. 8 (2nd Supp.), s. 16; 2013, c. 18, s. 41(E).

Head office

27 (1) The head office of the Committee shall be at such place in Canada as the Governor in Council may, by order, designate.

Staff

(2) Such officers and employees as are necessary for the proper conduct of the work of the Committee shall be appointed in accordance with the *Public Service Employment Act*.

Idem

(3) The Committee may, with the approval of the Treasury Board,

(a) engage on a temporary basis the services of persons having technical or specialized knowledge of any matter relating to the work of the Committee to advise and assist the Committee in the exercise or performance of its powers, duties and functions under this Act; and

(b) fix and pay the remuneration and expenses of persons engaged pursuant to paragraph (a).

R.S., 1985, c. R-10, s. 27; R.S., 1985, c. 8 (2nd Supp.), s. 16.

Duties

Duties of Committee

28 (1) The Committee shall carry out such functions and duties as are assigned to it by this Act.

Président du Comité

26 (1) Le président du Comité en assure la direction et contrôle la gestion de son personnel.

Absence ou empêchement

(2) En cas d'absence ou d'empêchement du président du Comité ou de vacance de son poste, le ministre peut autoriser le vice-président à le remplacer.

Délégation

(3) Le président du Comité peut déléguer au vice-président les pouvoirs et fonctions que lui attribue la présente loi, à l'exception du pouvoir de délégation que lui accorde le présent paragraphe et des fonctions visées à l'article 30.

L.R. (1985), ch. R-10, art. 26; L.R. (1985), ch. 8 (2^e suppl.), art. 16; 2013, ch. 18, art. 41(A).

Siège

27 (1) Le siège du Comité est fixé, au Canada, au lieu désigné par décret du gouverneur en conseil.

Personnel

(2) Le personnel nécessaire à l'exécution des travaux du Comité est nommé conformément à la *Loi sur l'emploi dans la fonction publique*.

Idem

(3) Le Comité peut, avec l'approbation du Conseil du Trésor :

a) engager, à titre temporaire, des experts compétents dans des domaines relevant du champ d'activité du Comité pour assister celui-ci dans l'exercice de ses pouvoirs et fonctions;

b) fixer et payer leur rémunération et leurs frais.

L.R. (1985), ch. R-10, art. 27; L.R. (1985), ch. 8 (2^e suppl.), art. 16.

Fonctions

Fonctions du Comité

28 (1) Le Comité exerce les fonctions que lui attribue la présente loi.

Duties of Committee Chairperson

(2) The Committee Chairperson shall carry out such functions and duties as are assigned to the Committee Chairperson by this Act.

R.S., 1985, c. R-10, s. 28; R.S., 1985, c. 8 (2nd Supp.), s. 16; 2013, c. 18, s. 41(E).

Service standards respecting time limits

28.1 The Committee shall establish, and make public, service standards respecting the time limits within which it is to deal with grievances and appeal cases that are referred to it and specifying the circumstances under which those time limits do not apply or the circumstances under which they may be extended.

2013, c. 18, s. 17.

Rules

Rules

29 Subject to the provisions of this Act and the regulations, the Committee may make rules respecting

- (a)** the sittings of the Committee;
- (b)** the manner of dealing with matters and business before the Committee generally, including the practice and procedure before the Committee;
- (c)** the apportionment of the work of the Committee among its members and the assignment of members to review grievances or cases referred to the Committee; and
- (d)** the performance of the duties and functions of the Committee under this Act generally.

R.S., 1985, c. R-10, s. 29; R.S., 1985, c. 8 (2nd Supp.), s. 16; 2013, c. 18, s. 18.

Annual Report

Annual report

30 (1) The Committee Chairperson shall, within three months after the end of each fiscal year, submit to the Minister a report of the activities of the Committee during that year and its recommendations, if any, and the Minister shall cause a copy of the report to be laid before each House of Parliament on any of the first fifteen days on which that House is sitting after the day the Minister receives it.

Performance in relation to time limits

(2) The report must contain information respecting the Committee's performance in relation to the service standards established under section 28.1.

R.S., 1985, c. R-10, s. 30; R.S., 1985, c. 8 (2nd Supp.), s. 16; 2013, c. 18, ss. 19, 41(E).

Fonctions du président du Comité

(2) Le président du Comité exerce les fonctions que lui attribue la présente loi.

L.R. (1985), ch. R-10, art. 28; L.R. (1985), ch. 8 (2^e suppl.), art. 16; 2013, ch. 18, art. 41(A).

Normes de service régissant les délais

28.1 Le Comité établit et rend publiques des normes de service concernant les délais pour le traitement des griefs et des dossiers d'appels qui font l'objet d'un renvoi devant lui et prévoyant les circonstances dans lesquelles ces délais ne s'appliquent pas ou peuvent être prorogés.

2013, ch. 18, art. 17.

Règles

Règles

29 Sous réserve des autres dispositions de la présente loi et de ses règlements, le Comité peut établir des règles concernant :

- a)** ses séances;
- b)** de façon générale, l'expédition de ses affaires et des questions dont il est saisi, y compris la pratique et la procédure qui lui sont applicables;
- c)** la répartition de ses travaux entre ses membres et la désignation de ces derniers pour examiner les griefs ou les affaires dont il est saisi;
- d)** de façon générale, l'exercice des fonctions que la présente loi lui attribue.

L.R. (1985), ch. R-10, art. 29; L.R. (1985), ch. 8 (2^e suppl.), art. 16; 2013, ch. 18, art. 18.

Rapport annuel

Rapport annuel

30 (1) Le président du Comité présente au ministre, dans les trois premiers mois de chaque exercice, le rapport d'activité du Comité pour l'exercice précédent, et y joint ses recommandations, le cas échéant. Le ministre le fait déposer devant chaque chambre du Parlement dans les quinze premiers jours de séance de celle-ci suivant sa réception.

Normes de service concernant les délais à respecter

(2) Le rapport contient des renseignements concernant le rendement du Comité en ce qui a trait aux normes de service établies en vertu de l'article 28.1.

L.R. (1985), ch. R-10, art. 30; L.R. (1985), ch. 8 (2^e suppl.), art. 16; 2013, ch. 18, art. 19 et 41(A).

PART III

Grievances

Interpretation

Former members

30.1 Every reference in this Part to a member includes a former member for the purposes of any provision respecting a grievance in relation to a discharge from the Force.

2013, c. 18, s. 20.

Conflict Management

Informal conflict management system

30.2 Subject to any policies established or directives issued by the Treasury Board, the Commissioner shall establish an informal conflict management system and inform the members of its availability.

2013, c. 18, s. 20.

Presentation of Grievances

Member's right

31 (1) Subject to subsections (1.01) to (3), if a member is aggrieved by a decision, act or omission in the administration of the affairs of the Force in respect of which no other process for redress is provided by this Act, the regulations or the Commissioner's standing orders, the member is entitled to present the grievance in writing at each of the levels, up to and including the final level, in the grievance process provided for by this Part.

Limitation

(1.01) A grievance that relates to the interpretation or application, in respect of a member, of a provision of a collective agreement or arbitral award must be presented under the *Federal Public Sector Labour Relations Act*.

Limitation

(1.1) A member is not entitled to present a grievance in respect of which an administrative procedure for redress is provided under any other Act of Parliament, other than one provided for in the *Canadian Human Rights Act*.

PARTIE III

Grievs

Interprétation

Application aux anciens membres

30.1 Les dispositions de la présente partie relatives aux griefs s'appliquent aussi aux anciens membres en ce qui concerne le licenciement de la Gendarmerie.

2013, ch. 18, art. 20.

Gestion des conflits

Système de gestion informelle des conflits

30.2 Sous réserve des lignes directrices ou des directives élaborées par le Conseil du Trésor, le commissaire établit un système de gestion informelle des conflits et avise les membres qu'ils peuvent y avoir recours.

2013, ch. 18, art. 20.

Présentation des griefs

Règle

31 (1) Sous réserve des paragraphes (1.01) à (3), le membre à qui une décision, un acte ou une omission liés à la gestion des affaires de la Gendarmerie causent un préjudice peut présenter son grief par écrit à chacun des niveaux que prévoit la procédure applicable aux griefs prévue par la présente partie dans le cas où la présente loi, ses règlements ou les consignes du commissaire ne prévoient aucune autre procédure pour réparer ce préjudice.

Réserve

(1.01) Tout grief qui porte sur l'interprétation ou l'application à l'égard d'un membre de toute disposition d'une convention collective ou d'une décision arbitrale doit être présenté sous le régime de la *Loi sur les relations de travail dans le secteur public fédéral*.

Réserve

(1.1) Le membre ne peut présenter de grief si un recours administratif de réparation lui est ouvert sous le régime d'une autre loi fédérale, à l'exception d'un recours administratif prévu par la *Loi canadienne sur les droits de la personne*.

Limitation

(1.2) Despite subsection (1.1), a member is not entitled to present a grievance in respect of the right to equal pay for work of equal value.

Limitation

(1.3) A member is not entitled to present a grievance relating to any action taken under any instruction, direction or regulation given or made by or on behalf of the Government of Canada in the interest of the safety or security of Canada or any state allied or associated with Canada.

Order to be conclusive proof

(1.4) For the purposes of subsection (1.3), an order made by the Governor in Council is conclusive proof of the matters stated in the order in relation to the giving or making of an instruction, direction or regulation by or on behalf of the Government of Canada in the interest of the safety or security of Canada or any state allied or associated with Canada.

Limitation period

(2) A grievance under this Part must be presented

(a) at the initial level in the grievance process, within thirty days after the day on which the aggrieved member knew or reasonably ought to have known of the decision, act or omission giving rise to the grievance; and

(b) at the second and any succeeding level in the grievance process, within fourteen days after the day the aggrieved member is served with the decision of the immediately preceding level in respect of the grievance.

Restriction

(3) No appointment by the Commissioner to a position prescribed pursuant to subsection (7) may be the subject of a grievance under this Part.

Access to information

(4) Subject to subsection (4.1) and any limitations specified under paragraph 36(b), a member presenting a grievance shall be granted access to any written or documentary information under the Force's control and relevant to the grievance that the member reasonably requires to properly present it.

Access to standardized test

(4.1) A member is not entitled to have access to a standardized test used by the Force, or to information concerning such a test, if in the opinion of the

Réserve

(1.2) Malgré le paragraphe (1.1), le membre ne peut présenter de grief relativement au droit à la parité salariale pour l'exécution de fonctions équivalentes.

Réserve

(1.3) Le membre ne peut présenter de grief portant sur une mesure prise en vertu d'une instruction, d'une directive ou d'un règlement établis par le gouvernement du Canada, ou au nom de celui-ci, dans l'intérêt de la sécurité du pays ou de tout État allié ou associé au Canada.

Force probante absolue du décret

(1.4) Pour l'application du paragraphe (1.3), tout décret du gouverneur en conseil constitue une preuve concluante de ce qui y est énoncé au sujet des instructions, directives ou règlements établis par le gouvernement du Canada, ou au nom de celui-ci, dans l'intérêt de la sécurité du pays ou de tout État allié ou associé au Canada.

Prescription

(2) Un grief visé à la présente partie doit être présenté :

a) au premier niveau de la procédure applicable aux griefs, dans les trente jours suivant celui où le membre qui a subi un préjudice a connu ou aurait normalement dû connaître la décision, l'acte ou l'omission donnant lieu au grief;

b) à tous les autres niveaux de la procédure applicable aux griefs, dans les quatorze jours suivant la signification au membre de la décision relative au grief rendue par le niveau inférieur immédiat.

Restriction

(3) Ne peut faire l'objet d'un grief en vertu de la présente partie une nomination faite par le commissaire à un poste visé au paragraphe (7).

Documentation

(4) Sous réserve du paragraphe (4.1) et des restrictions imposées en vertu de l'alinéa 36b), le membre qui présente un grief peut consulter la documentation pertinente placée sous la responsabilité de la Gendarmerie et dont il a besoin pour bien présenter son grief.

Communication de test standardisé

(4.1) Le membre ne peut consulter un test standardisé utilisé par la Gendarmerie ou des renseignements relatifs à celui-ci si, selon le commissaire, la communication

Commissioner, its disclosure would affect its validity or continued use or would affect the results of such a test by giving an unfair advantage to any person.

Definition of *standardized test*

(4.2) In this section, *standardized test* has the meaning assigned by rules established by the Commissioner.

No penalty for presenting grievance

(5) No member shall be disciplined or otherwise penalized in relation to employment or any term of employment in the Force for exercising the right under this Part to present a grievance.

Decision

(6) As soon as feasible after the presentation and consideration of a grievance at any level in the grievance process, the person constituting the level shall render a decision in writing as to the disposition of the grievance, including reasons for the decision, and serve the member presenting the grievance and, if the grievance has been referred to the Committee under section 33, the Committee Chairperson with a copy of the decision.

Excluded appointments

(7) The Governor in Council may make regulations prescribing for the purposes of subsection (3) any position in the Force that reports to the Commissioner either directly or through one other person.

R.S., 1985, c. R-10, s. 31; R.S., 1985, c. 8 (2nd Supp.), s. 16; 1994, c. 26, s. 63(F); 2013, c. 18, s. 21; 2017, c. 9, s. 40.

Final level in grievance process

32 (1) The Commissioner constitutes the final level in the grievance process and the Commissioner's decision in respect of any grievance is final and binding.

Commissioner not bound

(2) The Commissioner is not bound to act on any findings or recommendations set out in a report with respect to a grievance referred to the Committee under section 33, but if the Commissioner does not so act, the Commissioner shall include in the decision on the disposition of the grievance the reasons for not so acting.

Rescission or amendment of decision

(3) Notwithstanding subsection (1), the Commissioner may rescind or amend the Commissioner's decision in respect of a grievance under this Part on the presentation to the Commissioner of new facts or where, with respect to the finding of any fact or the interpretation of any law, the Commissioner determines that an error was made in reaching the decision.

aurait pour effet de nuire à la validité ou à l'utilisation continue de ce test ou porterait atteinte aux résultats d'un tel test en conférant un avantage indu à une quelconque personne.

Définition de *test standardisé*

(4.2) Au présent article, *test standardisé* s'entend au sens des règles établies par le commissaire.

Aucune sanction liée à la présentation d'un grief

(5) Le fait qu'un membre présente un grief en vertu de la présente partie ne doit entraîner aucune peine disciplinaire ni aucune autre sanction relativement à son emploi ou à la durée de son emploi dans la Gendarmerie.

Décision

(6) La personne qui constitue un niveau de la procédure applicable aux griefs rend une décision écrite et motivée dans les meilleurs délais après la présentation et l'étude du grief, et en signifie copie au membre intéressé, ainsi qu'au président du Comité en cas de renvoi devant le Comité en vertu de l'article 33.

Exclusions

(7) Le gouverneur en conseil peut, par règlement, déterminer, pour l'application du paragraphe (3), les postes dont le titulaire relève du commissaire, directement ou par l'intermédiaire d'une autre personne.

L.R. (1985), ch. R-10, art. 31; L.R. (1985), ch. 8 (2^e suppl.), art. 16; 1994, ch. 26, art. 63(F); 2013, ch. 18, art. 21; 2017, ch. 9, art. 40.

Dernier niveau

32 (1) Le commissaire constitue le dernier niveau de la procédure applicable aux griefs; sa décision est définitive et exécutoire.

Non-assujettissement du commissaire

(2) Le commissaire n'est pas lié par les conclusions ou les recommandations contenues dans un rapport portant sur un grief renvoyé devant le Comité conformément à l'article 33; s'il choisit de s'en écarter, il doit toutefois motiver son choix dans sa décision.

Annulation ou modification de la décision

(3) Par dérogation au paragraphe (1), le commissaire peut annuler ou modifier sa décision à l'égard d'un grief visé à la présente partie si de nouveaux faits lui sont soumis ou s'il constate avoir fondé sa décision sur une erreur de fait ou de droit.

Delegation

(4) The Commissioner may delegate to any person under the Commissioner's jurisdiction any of the Commissioner's powers, duties or functions under this section or section 33.

Sub-delegation

(5) A person to whom any powers, duties or functions are delegated under subsection (4) may not sub-delegate any of them.

R.S., 1985, c. R-10, s. 32; R.S., 1985, c. 8 (2nd Supp.), s. 16; 1990, c. 8, s. 65; 2002, c. 8, s. 182; 2013, c. 18, s. 22.

Reference to Committee

Reference to Committee

33 (1) Before the Commissioner considers a grievance of a type prescribed pursuant to subsection (4), the Commissioner shall refer the grievance to the Committee.

Idem

(2) Notwithstanding subsection (1), a member presenting a grievance to the Commissioner may request the Commissioner not to refer the grievance to the Committee and, on such a request, the Commissioner may either not refer the grievance to the Committee or, if the Commissioner considers that a reference to the Committee is appropriate notwithstanding the request, refer the grievance to the Committee.

Material to be furnished to Committee

(3) Where the Commissioner refers a grievance to the Committee pursuant to this section, the Commissioner shall furnish the Committee Chairperson with a copy of

- (a)** the written submissions made at each level in the grievance process by the member presenting the grievance;
- (b)** the decisions rendered at each level in the grievance process in respect of the grievance; and
- (c)** the written or documentary information under the control of the Force and relevant to the grievance.

Grievances referable to Committee

(4) The Governor in Council may make regulations prescribing for the purposes of subsection (1) the types of grievances that are to be referred to the Committee.

R.S., 1985, c. R-10, s. 33; R.S., 1985, c. 8 (2nd Supp.), s. 16; 2013, c. 18, s. 41(E).

Délégation

(4) Le commissaire peut déléguer à ses subordonnés tel de ses pouvoirs ou fonctions prévus au présent article ou à l'article 33.

Subdélégation

(5) Les délégués visés au paragraphe (4) ne peuvent subdéléguer à aucune autre personne les pouvoirs ou fonctions qu'ils ont reçus.

L.R. (1985), ch. R-10, art. 32; L.R. (1985), ch. 8 (2^e suppl.), art. 16; 1990, ch. 8, art. 65; 2002, ch. 8, art. 182; 2013, ch. 18, art. 22.

Renvoi devant le Comité

Renvoi devant le Comité

33 (1) Avant d'étudier un grief d'une catégorie visée par règlement pris en vertu du paragraphe (4), le commissaire le renvoie devant le Comité.

Idem

(2) Par dérogation au paragraphe (1), le membre qui présente un grief au commissaire peut lui demander de ne pas le renvoyer devant le Comité; le commissaire peut accéder à cette demande, ou la rejeter s'il estime plus indiqué un renvoi devant le Comité.

Documents à transmettre au Comité

(3) En cas de renvoi d'un grief devant le Comité conformément au présent article, le commissaire transmet au président du Comité une copie :

- a)** des argumentations écrites faites à chaque niveau de la procédure applicable aux griefs par le membre qui présente le grief;
- b)** des décisions rendues à chaque niveau de cette procédure;
- c)** de la documentation pertinente placée sous la responsabilité de la Gendarmerie.

Griefs qui doivent être renvoyés devant le Comité

(4) Le gouverneur en conseil peut, par règlement, prescrire, pour l'application du paragraphe (1), les catégories de griefs qui doivent faire l'objet d'un renvoi devant le Comité.

L.R. (1985), ch. R-10, art. 33; L.R. (1985), ch. 8 (2^e suppl.), art. 16; 2013, ch. 18, art. 41(A).

Review by Committee Chairperson

34 (1) The Committee Chairperson shall review every grievance referred to the Committee pursuant to section 33.

Action by Committee Chairperson

(2) Where, after reviewing a grievance, the Committee Chairperson is satisfied with the disposition of the grievance by the Force, the Committee Chairperson shall prepare and send a report in writing to that effect to the Commissioner and the member presenting the grievance.

Idem

(3) Where, after reviewing a grievance, the Committee Chairperson is not satisfied with the disposition of the grievance by the Force or considers that further inquiry is warranted, the Committee Chairperson may

(a) prepare and send to the Commissioner and the member presenting the grievance a report in writing setting out such findings and recommendations with respect to the grievance as the Committee Chairperson sees fit; or

(b) institute a hearing to inquire into the grievance.

Hearing

(4) Where the Committee Chairperson decides to institute a hearing to inquire into a grievance, the Committee Chairperson shall assign the member or members of the Committee to conduct the hearing and shall send a notice in writing of the decision to the Commissioner and the member presenting the grievance.

R.S., 1985, c. R-10, s. 34; R.S., 1985, c. 8 (2nd Supp.), s. 16; 2013, c. 18, s. 41(E).

Committee

35 (1) For the purposes of this section, the member or members conducting a hearing to inquire into a grievance are deemed to be the Committee.

Notice

(2) The Committee shall serve a notice in writing of the time and place appointed for a hearing on the parties.

Sittings of Committee

(3) Where a party wishes to appear before the Committee, the Committee shall sit at such place in Canada and at such time as may be fixed by the Committee, having regard to the convenience of the parties.

Examen par le président du Comité

34 (1) Le président du Comité examine tous les griefs qui sont renvoyés devant le Comité conformément à l'article 33.

Rapport du président du Comité

(2) Après examen du grief, le président du Comité, s'il est d'accord avec la décision de la Gendarmerie, rédige et transmet un rapport écrit à cet effet au commissaire et au membre qui a présenté ce grief.

Idem

(3) Après examen du grief, le président du Comité, s'il n'est pas d'accord avec la décision de la Gendarmerie ou s'il estime qu'une enquête plus approfondie est indiquée, peut :

a) soit rédiger et transmettre au commissaire et au membre qui a présenté ce grief un rapport exposant ses conclusions et recommandations;

b) soit ordonner la tenue d'une audience pour enquêter sur le grief.

Audience

(4) Le président du Comité, s'il décide d'ordonner la tenue d'une audience, désigne le ou les membres du Comité qui la tiendront et transmet au commissaire et au membre qui a présenté le grief un avis écrit de sa décision.

L.R. (1985), ch. R-10, art. 34; L.R. (1985), ch. 8 (2^e suppl.), art. 16; 2013, ch. 18, art. 41(A).

Comité

35 (1) Pour l'application du présent article, le ou les membres qui tiennent une audience pour enquêter sur un grief sont réputés être le Comité.

Avis

(2) Le Comité signifie aux parties un avis écrit de la date, de l'heure et du lieu de l'audience.

Séances du Comité

(3) Lorsqu'une partie désire comparaître devant le Comité, celui-ci siège à la date, à l'heure et à l'endroit au Canada qu'il détermine eu égard à la situation des parties.

Powers of Committee

(4) The Committee has, in relation to the grievance before it, the powers conferred on a board of inquiry, in relation to the matter before it, by paragraphs 24.1(3)(a), (b) and (c).

Rights of persons interested

(5) The parties and any other person who satisfies the Committee that the person has a substantial and direct interest in a grievance before the Committee shall be afforded a full and ample opportunity, in person or by counsel or a representative, to present evidence, to cross-examine witnesses and to make representations at the hearing.

Representation of witnesses

(6) The Committee shall permit any person who gives evidence at a hearing to be represented by counsel or a representative.

Restriction

(7) Notwithstanding subsection (4) but subject to subsection (8), the Committee may not receive or accept any evidence or other information that would be inadmissible in a court of law by reason of any privilege under the law of evidence.

Witness not excused from testifying

(8) In a hearing, no witness shall be excused from answering any question relating to the grievance before the Committee when required to do so by the Committee on the ground that the answer to the question may tend to criminate the witness or subject the witness to any proceeding or penalty.

Answer not receivable

(9) If the witness is a member, no answer or statement made in response to a question described in subsection (8) shall be used or receivable against the witness under any proceeding under Part IV, other than a proceeding regarding an allegation that with intent to mislead the witness gave the answer or statement knowing it to be false.

Hearing in private

(10) A hearing shall be held in private, except that

(a) while a child is testifying at the hearing, the child's parent or guardian may attend the hearing; and

(b) when authorized by the Committee, a member may attend the hearing as an observer for the purpose of familiarizing the member with procedures under this section.

Pouvoirs du Comité

(4) Le Comité dispose, relativement au grief dont il est saisi, des pouvoirs dont jouit une commission d'enquête en vertu des alinéas 24.1(3)a, b) et c).

Droits des intéressés

(5) Les parties et toute personne qui convainc le Comité qu'elle a un intérêt direct et réel dans le grief dont celui-ci est saisi doivent avoir toute latitude de présenter des éléments de preuve à l'audience, d'y contre-interroger les témoins et d'y faire des observations, soit personnellement, soit par l'intermédiaire d'un avocat ou autre représentant.

Représentation des témoins

(6) Le Comité doit permettre aux témoins de se faire représenter à l'audience par avocat ou par un autre représentant.

Restriction

(7) Par dérogation au paragraphe (4) mais sous réserve du paragraphe (8), le Comité ne peut recevoir ou accepter des éléments de preuve ou autres renseignements non recevables devant un tribunal du fait qu'ils sont protégés par le droit de la preuve.

Obligation des témoins de déposer

(8) Au cours d'une audience, un témoin n'est pas dispensé de répondre aux questions portant sur le grief dont est saisi le Comité lorsque ce dernier l'exige, au motif que sa réponse peut l'incriminer ou l'exposer à des poursuites ou à une peine.

Non-recevabilité des réponses

(9) Dans le cas où le témoin est un membre, les réponses ou déclarations faites à la suite des questions visées au paragraphe (8) ne peuvent être utilisées ni ne sont recevables contre lui dans le cadre d'une procédure prévue à la partie IV, sauf une procédure portant sur une allévation selon laquelle il a fait une telle réponse ou déclaration, qu'il savait fausse, dans l'intention de tromper.

Huis clos

(10) Les audiences se tiennent à huis clos; toutefois :

a) les parents peuvent assister au témoignage de leur enfant à une audience ou le tuteur, à celui de son pupille;

b) un membre peut, s'il en reçoit l'autorisation du Comité, assister à une audience à titre d'observateur afin

Return of documents, etc.

(11) Any document or thing produced pursuant to this section to the Committee shall, on the request of the person producing the document or thing, be released to the person within a reasonable time after completion of the Committee's report.

Expenses

(12) Where the Committee sits at a place in Canada that is not the ordinary place of residence of a member whose grievance is before the Committee or of the member's counsel or representative, that member, counsel or representative is entitled, in the discretion of the Committee, to receive such travel and living expenses incurred by the member, counsel or representative in appearing before the Committee as may be fixed by the Treasury Board.

Report

(13) On completion of a hearing, the Committee shall prepare and send to the parties and the Commissioner a report in writing setting out such findings and recommendations with respect to the grievance as the Committee sees fit.

Definition of *parties*

(14) In this section, *parties* means

(a) in respect of each type of grievance that is referred to the Committee under section 33, the person designated by the Commissioner for the purposes of this section and the member whose grievance has been referred to the Committee under section 33;

(b) in respect of a case of an appeal made under subsection 45.11(1) that is referred to the Committee under subsection 45.15(1), the member who is the subject of the decision of the conduct board and the conduct authority that initiated the hearing by that conduct board; and

(c) in respect of a case of an appeal made under subsection 45.11(3) that is referred to the Committee under subsection 45.15(1), the member making the appeal and the conduct authority who made the finding under appeal or who imposed the conduct measure under appeal.

R.S., 1985, c. R-10, s. 35; R.S., 1985, c. 8 (2nd Supp.), s. 16; 2013, c. 18, s. 23.

de se familiariser avec la procédure prévue au présent article.

Remise des pièces

(11) Les documents et autres pièces produits devant le Comité en vertu du présent article sont remis à la personne qui les a produits, si elle en fait la demande, dans un délai raisonnable après l'achèvement du rapport du Comité.

Frais

(12) Lorsque le Comité siège, au Canada, ailleurs qu'au lieu de résidence habituel du membre dont il étudie le grief, ou de son avocat ou autre représentant, ce membre ou son avocat ou autre représentant a droit, selon l'appréciation du Comité et selon les normes établies par le Conseil du Trésor, aux frais de déplacement et de séjour engagés par lui pour sa comparution devant le Comité.

Rapports

(13) À la conclusion d'une audience, le Comité établit et transmet aux parties et au commissaire un rapport écrit exposant ses conclusions et recommandations au sujet du grief dont il a été saisi.

Définition de *parties*

(14) Au présent article, *parties* s'entend :

a) dans le cas de toute catégorie de griefs faisant l'objet d'un renvoi devant le Comité en vertu de l'article 33, de la personne désignée par le commissaire pour l'application du présent article et du membre dont le grief fait l'objet d'un renvoi devant le Comité en vertu de l'article 33;

b) dans le cas d'un appel visé au paragraphe 45.11(1) dont le dossier fait l'objet d'un renvoi devant le Comité en vertu du paragraphe 45.15(1), du membre dont la conduite fait l'objet de la décision du comité de déontologie et de l'autorité disciplinaire qui a convoqué l'audience relative à cette décision;

c) dans le cas d'un appel visé au paragraphe 45.11(3) dont le dossier fait l'objet d'un renvoi devant le Comité en vertu du paragraphe 45.15(1), du membre qui a interjeté l'appel et de l'autorité disciplinaire qui a rendu les conclusions ou pris les mesures visées par l'appel.

L.R. (1985), ch. R-10, art. 35; L.R. (1985), ch. 8 (2^e suppl.), art. 16; 2013, ch. 18, art. 23.

Rules

Rules

36 Subject to the provisions of this Act and the regulations, the Commissioner may make rules governing the presentation and consideration of grievances under this Part, including rules

(a) prescribing persons under the Commissioner's jurisdiction or classes of such persons to constitute the levels in the grievance process; and

(b) specifying, for the purpose of subsection 31(4), limitations, in the interests of security or the protection of privacy of persons, on the right of a member presenting a grievance to be granted access to information relating to the grievance.

R.S., 1985, c. R-10, s. 36; R.S., 1985, c. 8 (2nd Supp.), s. 16; 1994, c. 26, s. 64(F); 2013, c. 18, s. 24.

Recommendation for Deputy Commissioner's Discharge

Recommendation for Deputy Commissioner's discharge

36.1 If the Commissioner recommends under paragraph 20.2(1)(d), (f), (h) or (j) that a Deputy Commissioner is to be discharged from the Force, the recommendation is not to be forwarded to the Governor in Council until the expiry of the time within which a grievance may be presented under this Part. If a grievance is presented, the recommendation is to be forwarded only if the grievance is denied at the final level.

2013, c. 18, s. 25.

PART IV

Conduct

Purposes of Part

Purposes

36.2 The purposes of this Part are

(a) to establish the responsibilities of members;

(b) to provide for the establishment of a Code of Conduct that emphasizes the importance of maintaining the public trust and reinforces the high standard of conduct expected of members;

Règles

Règles

36 Sous réserve des autres dispositions de la présente loi et de ses règlements, le commissaire peut établir des règles pour régir la présentation et l'étude des griefs sous le régime de la présente partie, et notamment :

a) pour déterminer lesquels de ses subordonnés ou quelles catégories de ceux-ci constitueront les différents niveaux que prévoit la procédure applicable aux griefs;

b) pour imposer, au nom de la sécurité ou de la protection de la vie privée, des restrictions au droit que le paragraphe 31(4) accorde à un membre qui présente un grief de consulter la documentation pertinente placée sous la responsabilité de la Gendarmerie.

L.R. (1985), ch. R-10, art. 36; L.R. (1985), ch. 8 (2^e suppl.), art. 16; 1994, ch. 26, art. 64(F); 2013, ch. 18, art. 24.

Recommandation de licencier un sous-commissaire

Recommandation de licencier un sous-commissaire

36.1 Lorsque le commissaire recommande, en vertu de l'un des alinéas 20.2(1)d), f), h) et j), qu'un sous-commissaire soit licencié de la Gendarmerie, la recommandation ne peut être transmise au gouverneur en conseil avant l'expiration du délai accordé pour présenter un grief sous le régime de la présente partie. Lorsqu'un grief est présenté, la recommandation est transmise seulement si le grief est refusé au dernier niveau.

2013, ch. 18, art. 25.

PARTIE IV

Déontologie

Objet

Objet

36.2 La présente partie a pour objet :

a) d'établir les responsabilités des membres;

b) de prévoir l'établissement d'un code de déontologie qui met l'accent sur l'importance de maintenir la confiance du public et renforce les normes de conduite élevées que les membres sont censés observer;

(c) to ensure that members are responsible and accountable for the promotion and maintenance of good conduct in the Force;

(d) to establish a framework for dealing with contraventions of provisions of the Code of Conduct, in a fair and consistent manner, at the most appropriate level of the Force; and

(e) to provide, in relation to the contravention of any provision of the Code of Conduct, for the imposition of conduct measures that are proportionate to the nature and circumstances of the contravention and, where appropriate, that are educative and remedial rather than punitive.

2013, c. 18, s. 26.

Responsibilities

Responsibilities

37 It is the responsibility of every member

- (a)** to respect the rights of all persons;
- (b)** to maintain the integrity of the law, law enforcement and the administration of justice;
- (c)** to perform the member's duties promptly, impartially and diligently, in accordance with the law and without abusing the member's authority;
- (d)** to avoid any actual, apparent or potential conflict of interests;
- (e)** to ensure that any improper or unlawful conduct of any member is not concealed or permitted to continue;
- (f)** to be incorruptible, never accepting or seeking special privilege in the performance of the member's duties or otherwise placing the member under any obligation that may prejudice the proper performance of the member's duties;
- (g)** to act at all times in a courteous, respectful and honourable manner; and
- (h)** to maintain the honour of the Force and its principles and purposes.

R.S., 1985, c. R-10, s. 37; R.S., 1985, c. 8 (2nd Suppl.), s. 16; 2013, c. 18, s. 27.

(c) de favoriser la responsabilité et la responsabilisation des membres pour ce qui est de promouvoir et de maintenir la bonne conduite au sein de la Gendarmerie;

(d) d'établir un cadre pour traiter les contraventions aux dispositions du code de déontologie de manière équitable et cohérente au niveau le plus approprié de la Gendarmerie;

(e) de prévoir des mesures disciplinaires adaptées à la nature et aux circonstances des contraventions aux dispositions du code de déontologie et, s'il y a lieu, des mesures éducatives et correctives plutôt que punitives.

2013, ch. 18, art. 26.

Responsabilités

Responsabilités

37 Il incombe à tout membre :

- a)** de respecter les droits de toutes personnes;
- b)** de maintenir l'intégrité du droit et de son application ainsi que de l'administration de la justice;
- c)** de remplir ses fonctions avec promptitude, impartialité et diligence, conformément au droit et sans abuser de son autorité;
- d)** d'éviter tout conflit d'intérêt réel, apparent ou possible;
- e)** de veiller à ce que l'inconduite des membres ne soit pas cachée ou ne se répète pas;
- f)** d'être incorruptible, de ne pas rechercher ni accepter des avantages particuliers dans l'exercice de ses fonctions et de ne jamais contracter une obligation qui puisse entraver l'exécution de ses fonctions;
- g)** de se conduire en tout temps d'une façon courtoise, respectueuse et honorable;
- h)** de maintenir l'honneur de la Gendarmerie, ses principes et ses objets.

L.R. (1985), ch. R-10, art. 37; L.R. (1985), ch. 8 (2^e suppl.), art. 16; 2013, ch. 18, art. 27.

Code of Conduct

Code of Conduct

38 The Governor in Council may make regulations, to be known as the Code of Conduct, governing the conduct of members.

R.S., 1985, c. R-10, s. 38; R.S., 1985, c. 8 (2nd Supp.), s. 16.

Contravention of Code of Conduct

39 (1) Every member who is alleged to have contravened a provision of the Code of Conduct may be dealt with under this Act either in or outside Canada,

(a) whether or not the alleged contravention took place in or outside Canada; and

(b) whether or not the member has been charged with an offence constituted by, included in or otherwise related to the alleged contravention or has been tried, acquitted, discharged, convicted or sentenced by a court in respect of such an offence.

No interference with jurisdiction of courts

(2) Nothing in this Act affects the jurisdiction of any court to try a member for any offence triable by that court.

R.S., 1985, c. R-10, s. 39; R.S., 1985, c. 8 (2nd Supp.), s. 16; 2013, c. 18, s. 28.

Investigation

Rules — conduct measures

39.1 The Commissioner shall make rules

(a) establishing the conduct measures, other than dismissal or recommendation for dismissal, that may be taken in respect of contraventions of provisions of the Code of Conduct and specifying which of those conduct measures may be imposed by any class of conduct authorities; and

(b) governing appeals under this Part, including rules

(i) prescribing the time within which an appeal may be made and providing for extensions of that time, and

(ii) respecting the practice and procedure for the appeals.

2013, c. 18, s. 29.

Rules — investigations

39.2 The Commissioner may make rules

Code de déontologie

Code de déontologie

38 Le gouverneur en conseil peut prendre des règlements, appelés code de déontologie, pour régir la conduite des membres.

L.R. (1985), ch. R-10, art. 38; L.R. (1985), ch. 8 (2^e suppl.), art. 16.

Contravention au code de déontologie

39 (1) Tout membre à qui l'on impute une contravention à l'une des dispositions du code de déontologie peut être jugé selon la présente loi au Canada ou à l'extérieur du Canada :

a) que la contravention alléguée ait été ou non commise au Canada;

b) que le membre ait été ou non accusé d'une infraction constituée par la contravention alléguée, en faisant partie ou s'y rattachant, ou qu'il ait ou non été jugé, acquitté, libéré, reconnu coupable ou condamné par un tribunal relativement à une telle infraction.

Compétence des tribunaux

(2) La présente loi n'a pas pour effet d'empêcher les tribunaux de juger un membre pour les infractions relevant de leur compétence.

L.R. (1985), ch. R-10, art. 39; L.R. (1985), ch. 8 (2^e suppl.), art. 16; 2013, ch. 18, art. 28.

Enquête

Règles — mesures disciplinaires

39.1 Le commissaire établit des règles :

a) établissant les mesures disciplinaires, autres que le congédiement ou la recommandation de congédiement, qui peuvent être prises relativement à la contravention à une disposition du code de déontologie et précisant lesquelles parmi ces mesures chaque catégorie d'autorités disciplinaires peut imposer;

b) concernant les appels interjetés sous le régime de la présente partie et, notamment :

(i) la prescription des délais d'appel applicables et leur prorogation,

(ii) la pratique et la procédure.

2013, ch. 18, art. 29.

Règles — enquêtes

39.2 Le commissaire peut établir des règles :

(a) respecting the investigation of contraventions of provisions of the Code of Conduct; and

(b) respecting the exercise of the conduct authorities' powers under subsection 42(1).

2013, c. 18, s. 29.

Investigation

40 (1) If it appears to a conduct authority in respect of a member that the member has contravened a provision of the Code of Conduct, the conduct authority shall make or cause to be made any investigation that the conduct authority considers necessary to enable the conduct authority to determine whether the member has contravened or is contravening the provision.

Member not excused from answering

(2) In any investigation under subsection (1), no member shall be excused from answering any question relating to the matter being investigated when required to do so by the person conducting the investigation on the grounds that the answer to the question may tend to criminate the member or subject the member to any criminal, civil or administrative action or proceeding.

Answer not receivable

(3) No answer or statement made in response to a question described in subsection (2) shall be used or receivable in any criminal, civil or administrative action or proceeding, other than a proceeding under this Part regarding an allegation that with intent to mislead the member gave the answer or statement knowing it to be false.

R.S., 1985, c. R-10, s. 40; R.S., 1985, c. 8 (2nd Supp.), s. 16; 2013, c. 18, s. 29.

Definitions

40.1 The following definitions apply in sections 40.2 to 40.8.

document means any medium on which is recorded or marked anything that is capable of being read or understood by an individual or a computer system or other device. (*document*)

justice has the meaning assigned by section 2 of the *Criminal Code*. (*juge de paix*)

night has the meaning assigned by section 2 of the *Criminal Code*. (*nuît*)

person has the meaning assigned by section 2 of the *Criminal Code*. (*personne*)

2013, c. 18, s. 29.

a) concernant les enquêtes sur les contraventions aux dispositions du code de déontologie;

b) concernant l'exercice des pouvoirs des autorités disciplinaires prévus au paragraphe 42(1).

2013, ch. 18, art. 29.

Enquête

40 (1) Lorsqu'il apparaît à l'autorité disciplinaire d'un membre que celui-ci a contrevenu à l'une des dispositions du code de déontologie, elle tient ou fait tenir l'enquête qu'elle estime nécessaire pour lui permettre d'établir s'il y a réellement contravention.

Obligation du membre de répondre

(2) Au cours d'une enquête tenue en vertu du paragraphe (1), aucun membre n'est dispensé de répondre aux questions portant sur l'objet de l'enquête, lorsque la personne menant l'enquête l'exige, au motif que sa réponse peut l'incriminer ou l'exposer à une procédure ou action pénale, civile ou administrative.

Non-recevabilité des réponses

(3) Les réponses ou déclarations faites à la suite des questions visées au paragraphe (2) ne peuvent être utilisées ni ne sont recevables dans le cadre d'une procédure ou d'une action pénale, civile ou administrative, sauf dans le cadre d'une procédure engagée sous le régime de la présente partie portant sur l'allégation selon laquelle le membre a fait une telle réponse ou déclaration, qu'il savait fausse, dans l'intention de tromper.

L.R. (1985), ch. R-10, art. 40; L.R. (1985), ch. 8 (2^e suppl.), art. 16; 2013, ch. 18, art. 29.

Définitions

40.1 Les définitions qui suivent s'appliquent aux articles 40.2 à 40.8.

document Tout support sur lequel est enregistré ou marqué quelque chose qui peut être lu ou compris par une personne physique, un ordinateur ou un autre dispositif. (*document*)

juge de paix S'entend au sens de l'article 2 du *Code criminel*. (*justice*)

nuît S'entend au sens de l'article 2 du *Code criminel*. (*night*)

personne S'entend au sens de l'article 2 du *Code criminel*. (*person*)

2013, ch. 18, art. 29.

Authority to issue warrant

40.2 (1) On *ex parte* application that has been approved by an officer designated by the Commissioner for the purposes of this section, a justice may issue a warrant if the justice is satisfied by information on oath that there are reasonable grounds to believe that there is in any receptacle or place not under the control of the Force anything that will afford evidence with respect to the contravention of a provision of the Code of Conduct.

Dwelling-house

(2) The application must indicate whether or not the place is a dwelling-house.

Powers under warrant

(3) The warrant may authorize a peace officer, and any other individual named in the warrant, to enter and search the place and to seize anything specified in the warrant, subject to any conditions specified in the warrant.

Telewarrant provisions to apply

(4) A warrant may be issued under this section by telephone or other means of telecommunication on application submitted by a peace officer by one of those means and section 487.1 of the *Criminal Code* applies for that purpose with any modifications that the circumstances require.

Execution of search warrant

(5) A warrant issued under this section shall be executed by day, unless

- (a)** the justice is satisfied that there are reasonable grounds for it to be executed by night;
- (b)** the reasonable grounds are included in the information; and
- (c)** the warrant authorizes that it be executed by night.

Operation of computer system and copying equipment

(6) A person authorized under this section to search a computer system in a place for data may

- (a)** use or cause to be used any computer system at the place to search any data contained in or available to the computer system;
- (b)** reproduce or cause to be reproduced any data in the form of a print-out or other intelligible output;

Mandat

40.2 (1) Sur demande *ex parte* approuvée par un officier désigné par le commissaire pour l'application du présent article, le juge de paix peut décerner un mandat s'il est convaincu, sur la foi d'une dénonciation faite sous serment, qu'il y a des motifs raisonnables de croire à la présence dans un lieu ou un contenant, qui n'est pas sous la responsabilité de la Gendarmerie, d'une chose qui constitue une preuve liée à la contravention à l'une des dispositions du code de déontologie.

Maison d'habitation

(2) La demande indique si le lieu est une maison d'habitation.

Pouvoirs

(3) Le mandat peut autoriser, sous réserve des conditions fixées, un agent de la paix et tout autre individu qui y est nommé à perquisitionner dans le lieu et à saisir toute chose spécifiée dans le mandat.

Télémandats

(4) L'agent de la paix peut demander que le mandat visé au présent article lui soit délivré par téléphone ou à l'aide d'un autre moyen de télécommunication, sur le fondement d'une dénonciation transmise par l'un quelconque de ces moyens; l'article 487.1 du *Code criminel* s'applique alors avec les adaptations nécessaires.

Exécution d'un mandat de perquisition

(5) Le mandat délivré en vertu du présent article est exécuté de jour, à moins que les conditions suivantes ne soient réunies :

- a)** le juge de paix est convaincu qu'il existe des motifs raisonnables de l'exécuter la nuit;
- b)** la dénonciation énonce ces motifs raisonnables;
- c)** le libellé du mandat en autorise l'exécution la nuit.

Usage d'un ordinateur et du matériel de reprographie

(6) La personne autorisée, en vertu du présent article, à fouiller des données contenues dans un ordinateur se trouvant dans le lieu peut :

- a)** utiliser ou faire utiliser tout ordinateur se trouvant dans le lieu pour vérifier les données que celui-ci contient ou auxquelles il donne accès;

(c) seize the print-out or other output for examination or copying; and

(d) use or cause to be used any copying equipment at the place to make copies of the data.

Receipt and report

(7) A person who seizes a thing under this section shall give a receipt to the person from whom the thing was seized and shall as soon as feasible, make a report of the seizure to a justice.

Return or detention

(8) If a report of the seizure is made to the justice, the justice shall,

(a) if the lawful owner or person who is lawfully entitled to possession of the thing seized is known, order it to be returned to that owner or person, unless the person having custody of the thing seized satisfies the justice that the detention of the thing seized is required for the purposes of any proceeding under this Part; or

(b) if the person having custody of the thing seized satisfies the justice that the thing seized should be detained, order that it be detained in the Force's care until the conclusion of the proceedings.

Application for order of return

(9) On application by the person from whom a thing was seized and on three clear days notice to the Commissioner, a justice may make an order for the release of the thing to the person if the justice is satisfied that the thing is no longer necessary for the purposes of the investigation or any proceeding under this Part arising from the investigation.

Storage and removal

(10) A thing seized under this section may be stored in the place where it was seized or it may, at the discretion of a peace officer, be removed to any other place for storage.

2013, c. 18, s. 29.

Production order

40.3 (1) On *ex parte* application, a justice may order a person to produce to a peace officer named in the order a document that is a copy of a document that is in their possession or control when they receive the order, or to prepare and produce a document that contains data that is in their possession or control at that time.

b) reproduire ou faire reproduire des données sous forme d'imprimé ou toute autre forme intelligible;

c) saisir tout imprimé ou sortie de données pour examen ou reproduction;

d) utiliser ou faire utiliser le matériel se trouvant dans le lieu pour reproduire des données.

Reçu et rapport

(7) La personne qui saisit une chose en vertu du présent article remet un reçu au saisi et, dans les meilleurs délais, présente un rapport de la saisie au juge de paix.

Remise ou détention des choses saisies

(8) Dans le cas où un rapport de la saisie est présenté au juge de paix, celui-ci doit :

a) si le propriétaire légitime ou la personne qui a droit à la possession légitime de la chose saisie est connu, ordonner qu'elle lui soit remise à moins que la personne qui en a la garde ne le convainque que sa détention est nécessaire pour toute procédure engagée sous le régime de la présente partie;

b) si la personne qui en a la garde le convainc qu'elle devrait être détenue, ordonner qu'elle soit placée sous la garde de la Gendarmerie jusqu'à la conclusion de la procédure.

Demande d'ordonnance de remise

(9) Sur demande du saisi et après avoir donné un préavis de trois jours francs au commissaire, le juge de paix peut rendre une ordonnance en vue de la restitution de la chose au saisi s'il est convaincu qu'il n'est plus nécessaire de la retenir pour les besoins de l'enquête ou de toute procédure engagée sous le régime de la présente partie et découlant de l'enquête.

Entreposage et déplacement

(10) L'agent de la paix peut entreposer une chose saisie en vertu du présent article sur le lieu même de la saisie; il peut aussi, à son appréciation, la faire transférer dans un autre lieu.

2013, ch. 18, art. 29.

Ordonnance de communication

40.3 (1) Sur demande *ex parte*, le juge de paix peut ordonner à toute personne de communiquer à l'agent de la paix nommé dans l'ordonnance un document qui est la copie d'un document qui est en sa possession ou à sa disposition au moment où il reçoit l'ordonnance ou d'établir

Conditions for making order

(2) Before making the order, the justice must be satisfied by information on oath that there are reasonable grounds to believe that the document will afford evidence with respect to the contravention of a provision of the Code of Conduct.

Limitation

(3) An order shall not be made under subsection (1) requiring a member who is under investigation for an alleged contravention of a provision of the Code of Conduct to produce a document or to prepare and produce a document that relates to that alleged contravention.

2013, c. 18, s. 29.

Conditions

40.4 (1) An order made under subsection 40.3(1) may contain any conditions that the justice considers appropriate including conditions to protect a privileged communication between a person who is qualified to give legal advice and their client.

Effect of order

(2) The order has effect throughout Canada.

Power to revoke or vary order

(3) On *ex parte* application made by a peace officer, the justice who made the order may, on the basis of an information on oath, revoke or vary the order. The peace officer shall give notice of the revocation or variation to the person who is subject to the order as soon as feasible.

2013, c. 18, s. 29.

Particulars — production orders

40.5 An order made under subsection 40.3(1) shall require a person to produce the document to a peace officer named in the order within the time, at the place and in the form specified in the order.

2013, c. 18, s. 29.

Probative force of copies

40.6 Every copy of a document produced under subsection 40.3(1) is admissible in evidence in proceedings under this Part on proof by affidavit that it is a true copy and has the same probative force as the document would have if it were proved in the ordinary way.

2013, c. 18, s. 29.

et de communiquer un document comportant des données qui sont en sa possession ou à sa disposition à ce moment.

Conditions préalables à l'ordonnance

(2) Il ne rend l'ordonnance que s'il est convaincu, sur la foi d'une dénonciation sous serment, qu'il existe des motifs raisonnables de croire que le document constitue une preuve liée à la contravention à l'une des dispositions du code de déontologie.

Limite

(3) Aucune ordonnance ne peut être rendue à l'encontre d'un membre faisant l'objet d'une enquête relative à une contravention alléguée à l'une des dispositions du code de déontologie l'obligeant à communiquer ou à établir et à communiquer un document lié à cette contravention.

2013, ch. 18, art. 29.

Conditions

40.4 (1) L'ordonnance rendue en vertu du paragraphe 40.3(1) peut être assortie des conditions que le juge de paix estime indiquées, notamment pour protéger les communications privilégiées entre la personne habilitée à donner des avis juridiques et son client.

Effet de l'ordonnance

(2) L'ordonnance a effet partout au Canada.

Pouvoir de révoquer ou de modifier

(3) Sur demande *ex parte* d'un agent de la paix, le juge de paix qui a rendu l'ordonnance peut, sur la foi d'une dénonciation sous serment, la révoquer ou la modifier. L'agent de la paix avise, dans les meilleurs délais, la personne assujettie à l'ordonnance de la révocation de celle-ci ou de sa modification.

2013, ch. 18, art. 29.

Précisions concernant des ordonnances de communication

40.5 L'ordonnance rendue en vertu du paragraphe 40.3(1) précise le lieu et la forme de la communication du document, le délai dans lequel elle doit être faite ainsi que le nom de l'agent de la paix à qui elle doit être faite.

2013, ch. 18, art. 29.

Valeur probante des copies

40.6 Toute copie communiquée en application du paragraphe 40.3(1) est, à la condition d'être certifiée conforme à l'original par affidavit, admissible en preuve dans toute procédure engagée sous le régime de la présente partie et a la même valeur probante que l'original aurait eue s'il avait été déposé en preuve de la façon normale.

2013, ch. 18, art. 29.

Application for exemption

40.7 (1) A person named in an order made under subsection 40.3(1) may, before the order expires, apply in writing to the justice who issued the order, or to any other justice, for an exemption from the requirement to produce or to prepare and produce any document.

Notice

(2) A person may only make the application if they give notice of their intention to do so to the peace officer named in the order to whom the document is to be produced within 15 days after the day on which the order is made.

Order suspended

(3) The execution of the order is suspended until a final decision is made in respect of the application.

Exemption

(4) The justice may grant the exemption if the justice is satisfied that

- (a)** the document, data or information would disclose information that is privileged or otherwise protected from disclosure by law;
- (b)** it is unreasonable to require the applicant to produce the document, data or information; or
- (c)** the document, data or information is not in the possession or control of the applicant.

2013, c. 18, s. 29.

Self-incrimination

40.8 No one is excused from complying with an order made under subsection 40.3(1) on the grounds that the document that they are required to produce may tend to criminate them or subject them to any criminal, civil or administrative action or proceeding. However, a document that an individual is required to prepare shall not be used or received in evidence against them in a criminal proceeding that is subsequently instituted against them, other than a prosecution for an offence under section 132, 136 or 137 of the *Criminal Code*.

2013, c. 18, s. 29.

Notice to designated officer

41 (1) If it appears to a conduct authority in respect of a member that the member has contravened a provision of the Code of Conduct and the conduct authority is of the opinion that the conduct measures provided for in the rules are insufficient, having regard to the gravity of the

Demande d'exemption

40.7 (1) Toute personne visée par l'ordonnance rendue en vertu du paragraphe 40.3(1) peut, avant l'expiration de l'ordonnance, demander par écrit au juge de paix qui l'a rendue ou à un autre juge de paix de l'exempter de l'obligation de communiquer ou d'établir et de communiquer tout document.

Préavis

(2) Elle ne peut présenter une demande qu'à la condition d'avoir donné, dans les quinze jours suivant celui où l'ordonnance est rendue, un préavis de son intention à l'agent de la paix nommé dans l'ordonnance auprès duquel le document doit être produit.

Conséquence de la demande d'exemption

(3) L'exécution de l'ordonnance de communication est suspendue jusqu'à ce qu'une décision définitive soit rendue sur la demande.

Exemption

(4) Le juge de paix peut accorder l'exemption s'il est convaincu que, selon le cas :

- a)** la communication révélerait des renseignements protégés, notamment par des règles de droit;
- b)** il serait déraisonnable d'obliger l'intéressé à communiquer les documents, données ou renseignements;
- c)** les documents, données ou renseignements ne sont ni en la possession de l'intéressé ni à sa disposition.

2013, ch. 18, art. 29.

Documents incriminants

40.8 Nul n'est dispensé de se conformer à une ordonnance rendue en vertu du paragraphe 40.3(1) du fait que des documents à communiquer peuvent tendre à l'incriminer ou à l'exposer à quelque procédure ou action pénale, civile ou administrative; toutefois, les documents qu'un particulier est tenu d'établir ne peuvent être utilisés ou admis en preuve contre lui dans le cadre de poursuites criminelles intentées contre lui par la suite, sauf en ce qui concerne les poursuites pour toute infraction prévue aux articles 132, 136 ou 137 du *Code criminel*.

2013, ch. 18, art. 29.

Avis — officier désigné

41 (1) Lorsqu'il apparaît à l'autorité disciplinaire d'un membre que celui-ci a contrevenu à l'une des dispositions du code de déontologie et que, eu égard à la gravité de la contravention et aux circonstances, les mesures disciplinaires prévues dans les règles ne seraient pas

contravention and to the surrounding circumstances, the conduct authority shall initiate a hearing into the alleged contravention by notifying the officer designated by the Commissioner for the purpose of this section of the alleged contravention.

Limitation or prescription period

(2) A hearing shall not be initiated by a conduct authority in respect of an alleged contravention of a provision of the Code of Conduct by a member after the expiry of one year from the time the contravention and the identity of that member as the one who is alleged to have committed the contravention became known to the conduct authority that investigated the contravention or caused it to be investigated.

R.S., 1985, c. R-10, s. 41; R.S., 1985, c. 8 (2nd Suppl.), s. 16; 2013, c. 18, s. 29.

Conduct authority's powers

42 (1) If a conduct authority in respect of a member is satisfied, on a balance of probabilities, that the member has contravened a provision of the Code of Conduct and the conduct authority is of the opinion that the conduct measures provided for in the rules are sufficient, having regard to the gravity of the contravention and to the surrounding circumstances, the conduct authority may impose any one or more of those conduct measures against the member.

Limitation or prescription period

(2) Conduct measures shall not be imposed under subsection (1) in respect of the contravention after the expiry of one year from the time the contravention and the identity of that member became known to the conduct authority that investigated the contravention or caused it to be investigated.

R.S., 1985, c. R-10, s. 42; R.S., 1985, c. 8 (2nd Suppl.), s. 16; 1990, c. 8, s. 66; 2002, c. 8, s. 182; 2013, c. 18, s. 29.

Conduct Boards

Appointment

43 (1) On being notified under subsection 41(1) of an alleged contravention of a provision of the Code of Conduct by a member, the officer designated for the purpose of that subsection shall, subject to the regulations, appoint one or more persons as members of a conduct board to decide whether the member contravened the provision.

Notice

(2) As soon as feasible after making the appointment or appointments, the conduct authority who initiated the hearing shall serve the member with a notice in writing informing the member that a conduct board is to

suffisantes, elle convoque une audience pour enquêter sur la contravention qui aurait été commise en signalant celle-ci à l'officier désigné par le commissaire pour l'application du présent article.

Prescription

(2) L'autorité disciplinaire ne peut convoquer une audience, relativement à une contravention au code de déontologie qui aurait été commise par un membre, plus d'un an après que la contravention et l'identité du membre en cause ont été portées à la connaissance de l'autorité disciplinaire qui tient ou fait tenir l'enquête.

L.R. (1985), ch. R-10, art. 41; L.R. (1985), ch. 8 (2^e suppl.), art. 16; 2013, ch. 18, art. 29.

Mesures imposées par l'autorité disciplinaire

42 (1) Si l'autorité disciplinaire d'un membre est convaincue, selon la prépondérance des probabilités, que celui-ci a contrevenu à l'une des dispositions du code de déontologie et que, eu égard à la gravité de la contravention et aux circonstances, les mesures disciplinaires prévues dans les règles sont suffisantes, elle peut lui imposer une ou plusieurs de ces mesures.

Prescription

(2) Les mesures disciplinaires visées au paragraphe (1) ne peuvent être prises plus d'un an après que la contravention et l'identité du membre en cause ont été portées à la connaissance de l'autorité disciplinaire qui tient ou fait tenir l'enquête.

L.R. (1985), ch. R-10, art. 42; L.R. (1985), ch. 8 (2^e suppl.), art. 16; 1990, ch. 8, art. 66; 2002, ch. 8, art. 182; 2013, ch. 18, art. 29.

Comités de déontologie

Nomination

43 (1) Dès qu'il est avisé en vertu du paragraphe 41(1) qu'un membre aurait contrevenu à l'une des dispositions du code de déontologie, l'officier désigné pour l'application de ce paragraphe constitue, sous réserve des règlements, un comité de déontologie composé d'une ou de plusieurs personnes pour décider si le membre y a contrevenu.

Avis

(2) Dans les meilleurs délais après avoir constitué le comité de déontologie, l'autorité disciplinaire qui a convoqué l'audience signifie au membre en cause un avis écrit

determine whether the member contravened a provision of the Code of Conduct.

Contents of notice

(3) The notice may allege more than one contravention of any provision of the Code of Conduct and is to contain

- (a)** a separate statement of each alleged contravention;
- (b)** a statement of the particulars of the act or omission constituting each alleged contravention;
- (c)** the names of the members of the conduct board; and
- (d)** a statement of the member's right to object to the appointment of any person as a member of the conduct board as provided in section 44.

Statement of particulars

(4) The statement of particulars contained in the notice is to contain sufficient details, including, if practicable, the place and date of each contravention alleged in the notice, to enable the member who is served with the notice to identify each contravention in order that the member may prepare a response and direct it to the occasion and events indicated in the notice.

R.S., 1985, c. R-10, s. 43; R.S., 1985, c. 8 (2nd Suppl.), s. 16; 2013, c. 18, s. 29.

Objection to appointment

44 (1) Within seven days after the day on which a member is served with a notice under subsection 43(2), the member may object in writing to the designated officer referred to in subsection 43(1) to the appointment of any person as a member of the conduct board, and the designated officer shall, on receiving the objection, decide whether to reject the objection or to allow the objection and appoint another person as a member of the board.

Reasons for objection

(2) The objection must contain reasons for the objection.

Notice

(3) After the designated officer makes a decision under subsection (1) with respect to an objection, the designated officer shall serve the member making the objection with a notice in writing setting out the decision and the reasons for it, and, if the objection is allowed, the designated officer shall

- (a)** appoint another person as a new member of the conduct board; and

l'informant qu'un comité de déontologie décidera s'il y a eu contravention.

Contenu de l'avis

(3) L'avis peut énoncer plus d'une contravention aux dispositions du code de déontologie et contient les éléments suivants :

- a)** un énoncé distinct de chaque contravention reprochée;
- b)** un énoncé détaillé de l'acte ou de l'omission constituant chaque contravention reprochée;
- c)** le nom des membres du comité de déontologie;
- d)** l'énoncé du droit d'opposition du membre à la nomination de toute personne au comité de déontologie, comme le prévoit l'article 44.

Énoncé détaillé

(4) L'énoncé détaillé contenu dans l'avis doit être suffisamment précis et mentionner, si possible, le lieu et la date où se serait produite chaque contravention afin que le membre qui en reçoit signification puisse connaître la nature des contraventions reprochées et préparer sa réponse en conséquence.

L.R. (1985), ch. R-10, art. 43; L.R. (1985), ch. 8 (2^e suppl.), art. 16; 2013, ch. 18, art. 29.

Opposition à la nomination

44 (1) Le membre à qui est signifié l'avis visé au paragraphe 43(2) peut, dans les sept jours suivant la signification, adresser par écrit à l'officier désigné par le commissaire pour l'application du paragraphe 43(1) son opposition à la nomination de toute personne au comité de déontologie; sur réception de l'opposition, l'officier ainsi désigné soit la rejette, soit l'accueille et nomme une autre personne.

Motifs

(2) L'opposition visée au paragraphe (1) doit être motivée.

Avis

(3) L'officier désigné signifie au membre qui s'est opposé un avis écrit de sa décision et de ses motifs; s'il accueille l'opposition :

- a)** il nomme une nouvelle personne au comité de déontologie;
- b)** il inclut dans l'avis :
 - (i)** le nom de cette personne,

(b) set out in the notice

(i) the name of the other person, and

(ii) a statement of the member's right to object to the appointment of the other person as provided in this section.

Objection to new person

(4) The provisions of this section apply, with any modifications that the circumstances require, with respect to the appointment of a person under subsection (3) as though the notice setting out the name of the person were a notice referred to in subsection (1).

R.S., 1985, c. R-10, s. 44; R.S., 1985, c. 8 (2nd Suppl.), s. 16; 2013, c. 18, s. 29.

Role of conduct board

45 (1) The role of the conduct board is to decide whether or not each allegation of a contravention of a provision of the Code of Conduct contained in the notice served under subsection 43(2) is established on a balance of probabilities.

Powers

(2) A conduct board has, in relation to the case before it, the powers conferred on a board of inquiry, in relation to the matter before it, by paragraphs 24.1(3)(a) to (c).

Decision in writing

(3) The conduct board's decision must be recorded in writing and include a statement of the conduct board's findings on questions of fact material to the decision, reasons for the decision and a statement of the conduct measure, if any, imposed under subsection (4).

Conduct measures

(4) If a conduct board decides that an allegation of a contravention of a provision of the Code of Conduct by a member is established, the conduct board shall impose one or more of the following conduct measures on the member, namely,

(a) recommendation for dismissal from the Force, if the member is a Deputy Commissioner, or dismissal from the Force, if the member is not a Deputy Commissioner,

(b) direction to resign from the Force and, in default of resigning within 14 days after being directed to do so, recommendation for dismissal from the Force, if the member is a Deputy Commissioner, or dismissal from the Force, if the member is not a Deputy Commissioner, or

(ii) la mention du droit d'opposition du membre à la nomination de cette personne, comme il est prévu au présent article.

Opposition

(4) Les dispositions du présent article s'appliquent, compte tenu des adaptations de circonstance, à la nomination d'une personne en vertu du paragraphe (3) comme si l'avis mentionnant le nom de cette dernière était l'avis visé au paragraphe (1).

L.R. (1985), ch. R-10, art. 44; L.R. (1985), ch. 8 (2^e suppl.), art. 16; 2013, ch. 18, art. 29.

Mandat

45 (1) Le comité de déontologie décide, selon la prépondérance des probabilités, si les allégations de contravention à l'une ou plusieurs des dispositions du code de déontologie énoncées dans l'avis signifié en vertu du paragraphe 43(2) ont été établies.

Pouvoirs du comité de déontologie

(2) Le comité de déontologie possède, relativement à l'affaire qu'il préside, les pouvoirs conférés à une commission d'enquête par les alinéas 24.1(3)a) à c).

Décision par écrit

(3) La décision du comité de déontologie est consignée par écrit; elle comprend notamment l'exposé de ses conclusions sur les questions de fait essentielles à la décision, les motifs de la décision et l'énoncé, le cas échéant, de la mesure disciplinaire imposée en vertu du paragraphe (4).

Mesure disciplinaire

(4) Si le comité de déontologie décide qu'un membre a contrevenu à l'une des dispositions du code de déontologie, il prend à son égard une ou plusieurs des mesures disciplinaires suivantes :

a) il recommande que le membre soit congédié de la Gendarmerie, s'il est sous-commissaire, ou, s'il ne l'est pas, le congédie de la Gendarmerie;

b) il ordonne au membre de démissionner de la Gendarmerie, et si ce dernier ne s'exécute pas dans les quatorze jours suivants, il prend à son égard la mesure visée à l'alinéa a);

c) il impose une ou plusieurs des mesures disciplinaires prévues dans les règles.

L.R. (1985), ch. R-10, art. 45; L.R. (1985), ch. 8 (2^e suppl.), art. 16; 2013, ch. 18, art. 29.

(c) one or more of the conduct measures provided for in the rules.

R.S., 1985, c. R-10, s. 45; R.S., 1985, c. 8 (2nd Supp.), s. 16; 2013, c. 18, s. 29.

Hearing

Parties

45.1 (1) The parties to a hearing initiated under subsection 41(1) are the conduct authority who initiated it and the member whose conduct is the subject of the hearing.

Hearing in public

(2) The hearing shall be held in public but the conduct board, on its own initiative or at the request of any party, may order that the hearing or any part of it is to be held *in camera* if it is of the opinion

(a) that information, the disclosure of which could reasonably be expected to be injurious to the defence of Canada or any state allied or associated with Canada or to the detection, prevention or suppression of subversive or hostile activities, will likely be disclosed during the course of the hearing;

(b) that information, the disclosure of which could reasonably be expected to be injurious to law enforcement, will likely be disclosed during the course of the hearing;

(c) that information respecting a person's financial or personal affairs, if that person's interest or security outweighs the public's interest in the information, will likely be disclosed during the course of the hearing; or

(d) that it is otherwise required by the circumstances of the case.

Representation of witnesses

(3) The conduct board shall permit any person who gives evidence at the hearing to be represented by legal counsel or a representative.

Restriction

(4) Despite subsection 45(2), but subject to subsection (5), the conduct board is not authorized to receive or accept any evidence or other information that would be inadmissible in a court of law by reason of any privilege under the law of evidence.

Witness not excused from testifying

(5) In the hearing, no witness shall be excused from answering any question relating to the case before the conduct board when required to do so by the conduct board

Audience

Parties

45.1 (1) L'autorité disciplinaire qui a convoqué l'audience en vertu du paragraphe 41(1) ainsi que le membre dont la conduite fa it l'objet de l'audience y sont tous deux parties.

Audiences publiques

(2) Les audiences sont publiques; toutefois, le comité de déontologie, de sa propre initiative ou sur demande de toute partie, peut ordonner que toute partie de l'audience soit tenue à huis clos s'il estime :

a) que des renseignements dont la communication risquerait vraisemblablement de porter préjudice à la défense du Canada ou d'États alliés ou associés avec le Canada ou à la détection, à la prévention ou à la répression d'activités hostiles ou subversives seront probablement révélés au cours de l'audience;

b) que des renseignements risquant d'entraver le contrôle d'application de la loi seront probablement révélés au cours de l'audience;

c) que des renseignements concernant les ressources pécuniaires ou la vie privée d'une personne dont l'intérêt ou la sécurité l'emporte sur l'intérêt du public à l'égard de ces renseignements seront probablement révélés au cours de l'audience;

d) par ailleurs, que les circonstances exigent une telle mesure.

Représentation des témoins

(3) Le comité de déontologie doit permettre aux témoins de se faire représenter à l'audience par un conseiller juridique ou par un représentant.

Restriction

(4) Malgré le paragraphe 45(2) mais sous réserve du paragraphe (5), le comité de déontologie ne peut recevoir ou accepter des éléments de preuve ou autres renseignements non recevables devant un tribunal du fait qu'ils sont protégés par le droit de la preuve.

Obligation des témoins de déposer

(5) Au cours de l'audience, aucun témoin n'est dispensé de répondre aux questions portant sur l'affaire dont est saisi le comité de déontologie, lorsque ce dernier l'exige,

on the grounds that the answer to the question may tend to criminate the witness or subject the witness to any criminal, civil or administrative action or proceeding.

Answer not receivable

(6) If the witness is a member, no answer or statement made in response to a question described in subsection (5) shall be used or receivable against the witness under any proceeding under Part IV regarding an allegation of a contravention of a provision of the Code of Conduct by the witness, other than a proceeding regarding an allegation that with intent to mislead the witness gave the answer or statement knowing it to be false.

Order restricting publication

(7) The conduct board may, on its own initiative or at the request of any person, make an order directing that any of the following information shall not be published in any document or broadcast or transmitted in any way:

- (a)** information that could identify a complainant, a witness or a person under the age of 18; and
- (b)** information disclosed during any part of the hearing held *in camera*.

Absence of member

(8) The conduct board may conduct the hearing in the absence of the member whose conduct is the subject of the hearing in the circumstances set out in the rules.

Medical examination

(9) If the member whose conduct is the subject of the hearing indicates that they are unable to attend the hearing for medical reasons, the conduct board may direct the member to undergo a medical examination or an assessment by a qualified person specified by the conduct board to determine if the member is unable to participate in the hearing for medical reasons. If the member fails to undergo the medical examination or assessment, the conduct board may conduct the hearing in the absence of the member.

R.S., 1985, c. 8 (2nd Suppl.), s. 16; 2013, c. 18, s. 29.

Appeal

Appeal to Commissioner – conduct board’s decision

45.11 (1) A member who is the subject of a conduct board’s decision or the conduct authority who initiated the hearing by the conduct board that made the decision

au motif que sa réponse peut l’incriminer ou l’exposer à une procédure ou action pénale, civile ou administrative.

Non-recevabilité des réponses

(6) Lorsque le témoin est un membre, les réponses ou déclarations faites à la suite des questions visées au paragraphe (5) ne peuvent être utilisées ni ne sont recevables dans le cadre d’une procédure prévue à la partie IV portant sur une allégation selon laquelle il a contrevenu à l’une des dispositions du code de déontologie, sauf si la procédure porte sur une allégation selon laquelle il a fait une telle réponse ou déclaration, qu’il savait être fausse, dans l’intention de tromper.

Ordonnance limitant la publication

(7) Le comité de déontologie peut, de sa propre initiative ou sur demande de toute personne, rendre une ordonnance interdisant à quiconque de publier ou de diffuser de quelque façon que ce soit tout renseignement qui, à la fois :

- a)** permettrait d’établir l’identité d’un plaignant, d’un témoin ou d’une personne âgée de moins de dix-huit ans;
- b)** a été communiqué pendant toute partie de l’audience tenue à huis clos.

Absence du membre

(8) Le comité de déontologie peut, dans les circonstances prévues par les règles, tenir l’audience en l’absence du membre dont la conduite fait l’objet de l’audience.

Examen médical

(9) Si le membre dont la conduite fait l’objet de l’audience s’absente pour un motif d’ordre médical, le comité de déontologie peut exiger qu’il subisse un examen médical ou une évaluation par la personne compétente que le comité désigne afin de vérifier si cette absence est justifiée. Si le membre omet sans raison de se présenter à l’examen médical ou à l’évaluation, le comité peut tenir l’audience en son absence.

L.R. (1985), ch. 8 (2^e suppl.), art. 16; 2013, ch. 18, art. 29.

Appel

Appel interjeté au commissaire – décision du comité de déontologie

45.11 (1) Tout membre dont la conduite fait l’objet d’une décision du comité de déontologie ou l’autorité disciplinaire qui a convoqué l’audience relative à cette

may, within the time provided for in the rules, appeal the decision to the Commissioner in respect of

- (a) any finding that an allegation of a contravention of a provision of the Code of Conduct by the member is established or not established; or
- (b) any conduct measure imposed in consequence of a finding referred to in paragraph (a).

Former member

(2) Every reference in subsection (1) to a member includes a former member for the purposes of any appeal with respect to a dismissal from the Force.

Appeal to Commissioner – conduct authority’s decision

(3) A member who is the subject of a conduct authority’s decision may, within the time provided for in the rules, appeal the decision to the Commissioner in respect of

- (a) any finding that an allegation of a contravention of a provision of the Code of Conduct by the member is established; or
- (b) any conduct measure imposed in consequence of a finding that an allegation referred to in paragraph (a) is established.

Grounds of appeal

(4) An appeal lies to the Commissioner on any ground of appeal.

R.S., 1985, c. 8 (2nd Supp.), s. 16; 2013, c. 18, s. 29.

45.12 [Repealed, 2013, c. 18, s. 29]

45.13 [Repealed, 2013, c. 18, s. 29]

45.14 [Repealed, 2013, c. 18, s. 29]

Referral to Committee

45.15 (1) If an appeal relates to any of the following conduct measures, or to any finding that resulted in its imposition, the Commissioner, before considering the appeal, shall refer the case to the Committee:

- (a) a financial penalty of more than one day of the member’s pay;
- (b) a demotion;
- (c) a direction to resign;
- (d) a recommendation for dismissal; or
- (e) a dismissal.

décision peut, dans les délais prévus aux règles, faire appel de la décision devant le commissaire :

- a) soit en ce qui concerne la conclusion selon laquelle est établie ou non, selon le cas, une contravention alléguée à une disposition du code de déontologie;
- b) soit en ce qui concerne toute mesure disciplinaire imposée après la conclusion visée à l’alinéa a).

Application aux anciens membres

(2) Le paragraphe (1) s’applique par ailleurs aux anciens membres à l’égard d’un appel en ce qui concerne le congédiement de la Gendarmerie.

Appel interjeté au commissaire – décision de l’autorité disciplinaire

(3) Tout membre dont la conduite fait l’objet d’une décision de l’autorité disciplinaire peut, dans les délais prévus dans les règles, faire appel de la décision devant le commissaire :

- a) soit en ce qui concerne la conclusion selon laquelle est établie une contravention alléguée à une disposition du code de déontologie;
- b) soit en ce qui concerne toute mesure disciplinaire imposée après la conclusion visée à l’alinéa a).

Motifs d’appel

(4) Le commissaire entend tout appel, quel qu’en soit le motif.

L.R. (1985), ch. 8 (2^e suppl.), art. 16; 2013, ch. 18, art. 29.

45.12 [Abrogé, 2013, ch. 18, art. 29]

45.13 [Abrogé, 2013, ch. 18, art. 29]

45.14 [Abrogé, 2013, ch. 18, art. 29]

Renvoi devant le Comité

45.15 (1) Avant d’étudier un appel relatif aux mesures disciplinaires ci-après ou aux conclusions qui les ont justifiées, le commissaire renvoie le dossier devant le Comité :

- a) une pénalité financière qui excède une somme équivalente à une journée de salaire du membre;
- b) la rétrogradation;
- c) l’ordre de démissionner;
- d) une recommandation de congédiement;
- e) le congédiement.

(2) [Repealed, 2013, c. 18, s. 30]

Request by member

(3) Notwithstanding subsection (1), the member whose case is appealed to the Commissioner may request the Commissioner not to refer the case to the Committee and, on such a request, the Commissioner may either not refer the case to the Committee or, if the Commissioner considers that a reference to the Committee is appropriate notwithstanding the request, refer the case to the Committee.

(4) [Repealed, 2013, c. 18, s. 30]

Applicable provisions

(5) Sections 34 and 35 apply, with such modifications as the circumstances require, with respect to a case referred to the Committee pursuant to this section as though the case were a grievance referred to the Committee pursuant to section 33.

R.S., 1985, c. 8 (2nd Supp.), s. 16; 2013, c. 18, s. 30.

Disposal of appeal against conduct board's finding

45.16 (1) The Commissioner may dispose of an appeal in respect of a conduct board's finding by

- (a) dismissing the appeal and confirming the finding being appealed; or
- (b) allowing the appeal and either ordering a new hearing into the allegation giving rise to the finding or making the finding that, in the Commissioner's opinion, the conduct board should have made.

Disposal of appeal against conduct authority's finding

(2) The Commissioner may dispose of an appeal in respect of a conduct authority's finding by

- (a) dismissing the appeal and confirming the finding being appealed; or
- (b) allowing the appeal and making the finding that, in the Commissioner's opinion, the conduct authority should have made.

Disposal of appeal against conduct measure

(3) The Commissioner may dispose of an appeal in respect of a conduct measure imposed by a conduct board or a conduct authority by

(2) [Abrogé, 2013, ch. 18, art. 30]

Demande du membre

(3) Par dérogation au paragraphe (1), le membre dont la cause est portée en appel devant le commissaire peut lui demander de ne pas la renvoyer devant le Comité; le commissaire peut accéder à cette demande, ou la rejeter s'il estime plus indiqué un renvoi devant le Comité.

(4) [Abrogé, 2013, ch. 18, art. 30]

Dispositions applicables

(5) Les articles 34 et 35 s'appliquent, compte tenu des adaptations de circonstance, aux affaires renvoyées devant le Comité conformément au présent article, comme s'il s'agissait d'un grief renvoyé devant ce même Comité conformément à l'article 33.

L.R. (1985), ch. 8 (2^e suppl.), art. 16; 2013, ch. 18, art. 30.

Décisions rendues en appel : conclusion du comité de déontologie

45.16 (1) Le commissaire peut, lorsqu'il est saisi d'un appel interjeté contre la conclusion d'un comité de déontologie :

- a) soit rejeter l'appel et confirmer la conclusion portée en appel;
- b) soit accueillir l'appel et ordonner la tenue d'une nouvelle audience portant sur l'allégation qui a donné lieu à la conclusion contestée ou rendre la conclusion que, selon lui, le comité de déontologie aurait dû rendre.

Décisions rendues en appel : conclusion de l'autorité disciplinaire

(2) Le commissaire peut, lorsqu'il est saisi d'un appel interjeté contre une conclusion d'une autorité disciplinaire :

- a) soit rejeter l'appel et confirmer la conclusion portée en appel;
- b) soit accueillir l'appel et rendre la conclusion que, selon lui, l'autorité disciplinaire aurait dû rendre.

Décision concernant une mesure disciplinaire

(3) Le commissaire peut, lorsqu'il est saisi d'un appel interjeté contre une mesure disciplinaire imposée par le comité de déontologie ou l'autorité disciplinaire :

(a) dismissing the appeal and confirming the conduct measure; or

(b) allowing the appeal and either rescinding the conduct measure or, subject to subsection (4) or (5), imposing another conduct measure.

Restriction

(4) If the appeal is in respect of a conduct measure imposed by a conduct authority, the Commissioner may only impose under paragraph (3)(b) a conduct measure that is provided for in the rules.

Clarification

(5) If the appeal is in respect of a conduct measure imposed by a conduct board, the Commissioner may impose any conduct measure under paragraph (3)(b) that the conduct board could have imposed, including the power to recommend dismissal from the Force, if the member is a Deputy Commissioner, or dismissal from the Force, if the member is not a Deputy Commissioner.

New hearing

(6) If the Commissioner orders a new hearing into an allegation under subsection (1), a conduct board shall be appointed in accordance with this Part to conduct the hearing and the new hearing shall be held in accordance with this Part as if it were the first hearing into that allegation.

Decision

(7) The Commissioner shall as soon as feasible render a decision in writing on an appeal, including reasons for the decision.

Committee's or Committee Chairperson's report

(8) If a case has been referred to the Committee under section 45.15, the Commissioner shall take into consideration the findings or recommendations set out in the report of the Committee or the Committee Chairperson in respect of the case, but the Commissioner is not bound to act on any findings or recommendations set out in the report. However, if the Commissioner does not so act, the Commissioner shall include in the decision on the appeal the reasons for not so acting.

Commissioner's decision final

(9) A Commissioner's decision on an appeal is final and binding.

Rescission or amendment of decision

(10) Despite subsection (9), the Commissioner may rescind or amend the Commissioner's decision on an

a) soit rejeter l'appel et confirmer la mesure disciplinaire;

b) soit accueillir l'appel et annuler la mesure disciplinaire imposée ou, sous réserve des paragraphes (4) ou (5), imposer toute autre mesure disciplinaire.

Limite

(4) Lorsque l'appel vise une mesure disciplinaire imposée par une autorité disciplinaire, le commissaire ne peut imposer une mesure disciplinaire en vertu de l'alinéa (3)b) que si elle est prévue par les règles.

Précision

(5) Lorsque l'appel vise une mesure disciplinaire imposée par un comité de déontologie, le commissaire peut imposer toute mesure disciplinaire visée à l'alinéa (3)b) que le comité aurait pu imposer, notamment recommander que le membre soit congédié de la Gendarmerie, s'il est sous-commissaire, ou, s'il ne l'est pas, le congédier de la Gendarmerie.

Nouvelle audience

(6) Lorsque le commissaire ordonne, conformément au paragraphe (1), la tenue d'une nouvelle audience portant sur une allégation, un comité de déontologie chargé de la conduite de l'audience est nommé conformément à la présente partie; l'audience est tenue conformément à la présente partie comme s'il s'agissait de la première audience relativement à cette allégation.

Décision

(7) Le commissaire rend, dans les meilleurs délais, une décision écrite et motivée sur tout appel dont il est saisi.

Rapport du Comité ou de son président

(8) Lorsqu'un dossier fait l'objet d'un renvoi devant le Comité en application de l'article 45.15, le commissaire tient compte des conclusions ou des recommandations contenues dans le rapport du Comité ou de son président, mais il n'est pas lié par celles-ci; s'il choisit de s'en écarter, il doit toutefois motiver son choix dans sa décision.

Caractère définitif de la décision

(9) La décision du commissaire portant sur un appel est définitive et exécutoire.

Annulation ou modification de la décision

(10) Malgré le paragraphe (9), le commissaire peut annuler ou modifier sa décision à l'égard d'un appel

appeal under section 45.11 on the presentation to the Commissioner of new facts or if, with respect to the finding of any fact or the interpretation of any law, the Commissioner determines that an error was made in reaching the decision.

Delegation

(11) The Commissioner may delegate any of the Commissioner's powers, duties or functions under this section to any person under the Commissioner's jurisdiction.

Sub-delegation

(12) A person to whom powers, duties or functions are delegated under subsection (11) may not sub-delegate any of them.

R.S., 1985, c. 8 (2nd Supp.), s. 16; 1990, c. 8, s. 67; 2002, c. 8, s. 182; 2013, c. 18, s. 31.

Recommendation for Deputy Commissioner's dismissal

45.17 If a conduct board recommends under paragraph 45(4)(a) that a Deputy Commissioner is to be dismissed from the Force, the recommendation is not to be forwarded to the Governor in Council until the expiry of the time within which an appeal may be made under subsection 45.11(1). If an appeal is made, the recommendation is to be forwarded only if the appeal is dismissed.

R.S., 1985, c. 8 (2nd Supp.), s. 16; 2013, c. 18, s. 31.

Notice

Notice to complainant and Commission

45.171 If an individual makes a complaint under subsection 45.53(1) in respect of any conduct by a member that is also an alleged contravention of a provision of the Code of Conduct, the individual and the Commission are to be notified, as soon as feasible after a final decision is made under this Part in respect of the alleged contravention or the time for appealing any decision under this Part has expired, of the decision and what conduct measures, if any, have been imposed against the member.

2013, c. 18, ss. 32, 77.

Notice to person making representations

45.172 If representations have been received by the Force from a person who was given an opportunity to do so under subsection 45.57(1) in respect of an alleged contravention of a provision of the Code of Conduct by a member, the person is to be notified, as soon as feasible after a final decision is made under this Part in respect of the alleged contravention or the time for appealing any decision under this Part has expired, of the decision and

interjeté en vertu de l'article 45.11 si de nouveaux faits lui sont soumis ou s'il constate qu'il a fondé sa décision sur une erreur de fait ou de droit.

Délégation

(11) Le commissaire peut déléguer à ses subordonnés tel de ses pouvoirs ou fonctions prévus au présent article.

Subdélégation

(12) Les délégataires visés au paragraphe (11) ne peuvent subdéléguer à aucune autre personne les pouvoirs ou fonctions qu'ils ont reçus.

L.R. (1985), ch. 8 (2^e suppl.), art. 16; 1990, ch. 8, art. 67; 2002, ch. 8, art. 182; 2013, ch. 18, art. 31.

Recommandation de congédier un sous-commissaire

45.17 Lorsqu'un comité de déontologie recommande, en vertu de l'alinéa 45(4)a), qu'un sous-commissaire soit congédié de la Gendarmerie, la recommandation ne peut être transmise au gouverneur en conseil avant l'expiration du délai accordé pour interjeter appel en vertu du paragraphe 45.11(1). Lorsque l'appel est interjeté, la recommandation n'est transmise que si l'appel est rejeté.

L.R. (1985), ch. 8 (2^e suppl.), art. 16; 2013, ch. 18, art. 31.

Avis

Avis au plaignant et à la Commission

45.171 Si un particulier dépose une plainte en vertu du paragraphe 45.53(1) concernant la conduite d'un membre et que celle-ci constitue une contravention alléguée à l'une des dispositions du code de déontologie, la Commission et le particulier doivent être avisés, dans les meilleurs délais après le prononcé de toute décision définitive relative à cette contravention sous le régime de la présente partie ou après l'expiration du délai d'appel prévu sous le régime de la présente partie, de la décision et de toute mesure disciplinaire prise à l'égard du membre.

2013, ch. 18, art. 32 et 77.

Avis à la personne qui a présenté des observations

45.172 Si la Gendarmerie reçoit d'une personne des observations relatives à une contravention à l'une des dispositions du code de déontologie qui aurait été commise par un membre et que cette dernière a eu la possibilité de les présenter au titre du paragraphe 45.57(1), la personne doit être avisée, dans les meilleurs délais après le prononcé de toute décision définitive relative à une contravention alléguée sous le régime de la présente partie ou

what conduct measures, if any, have been imposed against the member.

2013, c. 18, ss. 32, 77.

Notice to Chairperson

45.173 If the Chairperson of the Commission initiates a complaint under subsection 45.59(1) in respect of any conduct by a member that is also an alleged contravention of a provision of the Code of Conduct, the Chairperson of the Commission is to be notified, as soon as feasible after a final decision is made under this Part in respect of the alleged contravention or the time for appealing any decision under this Part has expired, of the decision and what conduct measures, if any, have been imposed against the member.

2013, c. 18, ss. 32, 77.

PART V

Management Advisory Board

Establishment

45.18 (1) The Management Advisory Board is established.

Mandate

(2) The mandate of the Management Advisory Board is to provide the Commissioner — on its own initiative or at the Commissioner's request — with advice, information and reports on the administration and management of the Force, including with respect to

- (a)** the development and implementation of transformation and modernization plans;
- (b)** the effective and efficient use of resources;
- (c)** the actions to be taken to reduce corporate risks;
- (d)** the development and implementation of policies and management controls that support the operation of the Force;
- (e)** the development and implementation of corporate and strategic plans; and
- (f)** the development and implementation of operating and capital budgets.

Consideration

(2.1) In carrying out its mandate, the Management Advisory Board shall consider the impact of its advice on women, men and gender-diverse people by taking into

après l'expiration du délai d'appel, de la décision et de toute mesure disciplinaire prise à l'égard du membre.

2013, ch. 18, art. 32 et 77.

Avis au président de la Commission

45.173 Si le président de la Commission dépose une plainte en vertu du paragraphe 45.59(1) concernant la conduite d'un membre et que celle-ci constitue une contravention alléguée à l'une des dispositions du code de déontologie, il doit être avisé, dans les meilleurs délais après le prononcé de toute décision définitive relative à cette contravention sous le régime de la présente partie ou après l'expiration du délai d'appel, de la décision et de toute mesure disciplinaire prise à l'égard du membre.

2013, ch. 18, art. 32 et 77.

PARTIE V

Conseil consultatif de gestion

Constitution

45.18 (1) Est constitué le Conseil consultatif de gestion.

Mission

(2) Le Conseil consultatif de gestion a pour mission de fournir au commissaire, de sa propre initiative ou à la demande de ce dernier, des conseils, des renseignements et des rapports relativement à l'administration et à la gestion de la Gendarmerie, notamment en ce qui a trait :

- a)** à l'élaboration et à la mise en œuvre de plans de modernisation et de transformation;
- b)** à l'utilisation efficace et efficiente des ressources;
- c)** aux mesures à prendre pour atténuer les risques organisationnels;
- d)** à l'élaboration et à la mise en œuvre de politiques et de contrôles de gestion qui favorisent les opérations de la Gendarmerie;
- e)** à l'élaboration et à la mise en œuvre de plans organisationnels et stratégiques;
- f)** à l'élaboration et à la mise en œuvre de budgets de fonctionnement et d'investissement.

Considération

(2.1) Dans l'exécution de sa mission, le Conseil consultatif de gestion prend en considération les répercussions, sur les femmes, les hommes et les personnes de diverses

account the intersection of sex and gender with other identity factors.

Copy or summary to Minister

(3) The Management Advisory Board may provide the Minister with a copy or a summary of any advice, information or report that it provides to the Commissioner.

R.S., 1985, c. 8 (2nd Suppl.), s. 16; 2013, c. 18, s. 33; 2019, c. 29, s. 222.

Appointment of members

45.19 (1) The Management Advisory Board is to consist of not more than 13 members to be appointed by the Governor in Council on the recommendation of the Minister.

Consultation

(2) Before making a recommendation to the Governor in Council with respect to an appointment, the Minister may consult with any government with which the Minister has entered into an arrangement under subsection 20(1).

Factors to be considered

(2.1) When recommending members, the Minister shall consider the importance of having a Management Advisory Board that is representative of the diversity of Canadian society and that is comprised of members who have the experience and the capacity required to carry out the Board's mandate.

Tenure

(3) The members are to be appointed to hold office on a part-time basis during pleasure for a renewable term of not more than four years that will ensure, as far as possible, the expiry in any one year of the terms of office of not more than one half of the members.

Chairperson and Vice-chairperson

(4) The Governor in Council shall designate, from among the members of the Management Advisory Board, one person to be the Chairperson and another person to be the Vice-chairperson.

Absence of Chairperson

(5) If the Chairperson is absent or unable to act or if the office of Chairperson is vacant, the Vice-chairperson is to act as Chairperson, but he or she is not entitled to act for a period of more than 90 days without the Governor in Council's approval.

identités de genre, de ses conseils en tenant compte de l'interaction du sexe et du genre avec d'autres facteurs identitaires.

Copie ou résumé au ministre

(3) Le Conseil consultatif de gestion peut donner au ministre une copie ou un résumé des conseils, des renseignements et des rapports qu'il a fournis au commissaire.

L.R. (1985), ch. 8 (2^e suppl.), art. 16; 2013, ch. 18, art. 33; 2019, ch. 29, art. 222.

Composition

45.19 (1) Le Conseil consultatif de gestion est composé d'au plus treize membres nommés par le gouverneur en conseil sur recommandation du ministre.

Consultation

(2) Avant de faire la recommandation au gouverneur en conseil, le ministre peut consulter les gouvernements avec lesquels il a conclu des arrangements en vertu du paragraphe 20(1).

Facteurs à prendre en considération

(2.1) Lorsqu'il fait la recommandation, le ministre prend en considération l'importance de former un conseil qui est représentatif de la diversité de la société canadienne et dont les membres possèdent l'expérience et la compétence nécessaires à l'exécution de sa mission.

Mandat

(3) Les membres sont nommés, à temps partiel et à titre amovible, pour des mandats renouvelables respectifs d'au plus quatre ans, ces mandats étant, dans la mesure du possible, échelonnés de manière que leur expiration au cours d'une même année touche au plus la moitié des membres.

Président et vice-président

(4) Le gouverneur en conseil désigne le président et le vice-président du Conseil consultatif de gestion parmi les membres de celui-ci.

Absence du président

(5) En cas d'absence ou d'empêchement du président ou de vacance de son poste, le vice-président assume la présidence; cependant, l'intérim ne peut dépasser quatre-vingt-dix jours sans l'approbation du gouverneur en conseil.

Absence of Chairperson and Vice-chairperson

(6) If the Chairperson and the Vice-chairperson are absent or unable to act or if those offices are vacant, the Minister may designate a member of the Management Advisory Board to act as Chairperson, but no member so designated is entitled to act for a period of more than 90 days without the Governor in Council's approval.

Security clearance

(7) Every member of the Management Advisory Board shall obtain and maintain the necessary security clearance from the Government of Canada.

Ineligibility

(8) A person is not eligible to be appointed or to continue as a member of the Management Advisory Board if the person

(a) is a member or other person appointed or employed under the authority of Part I;

(b) is not a Canadian citizen or a *permanent resident* as defined in subsection 2(1) of the *Immigration and Refugee Protection Act*;

(c) is a *public office holder* as defined in subsection 2(1) of the *Conflict of Interest Act*, unless the person is a public office holder only by virtue of their appointment as a member of the Management Advisory Board;

(d) is employed on a full-time basis in the federal public administration or by a provincial or municipal authority; or

(e) is a member of the Senate, the House of Commons, the legislature of a province or a municipal council or is on the staff of such a member.

Remuneration

(9) The members of the Management Advisory Board are to be paid the remuneration that is fixed by the Governor in Council.

Travel and living expenses

(10) The members of the Management Advisory Board are entitled to be reimbursed, in accordance with Treasury Board directives, for the travel and living expenses incurred in connection with their work for the Board while absent from their ordinary place of residence.

Federal public administration

(11) The members of the Management Advisory Board are deemed to be employed in the federal public

Absence du président et du vice-président

(6) En cas d'absence ou d'empêchement du président et du vice-président ou de vacance de leurs postes, le ministre peut désigner le président intérimaire parmi les autres membres du Conseil consultatif de gestion; cependant, l'intérim ne peut dépasser quatre-vingt-dix jours sans l'approbation du gouverneur en conseil.

Habilitation de sécurité

(7) Les membres du Conseil consultatif de gestion sont tenus d'obtenir et de conserver l'habilitation de sécurité requise délivrée par le gouvernement fédéral.

Qualités requises des membres

(8) Nul ne peut être nommé membre ni continuer à occuper cette charge si, selon le cas :

a) il est un membre ou une autre personne nommée ou employée sous le régime de la partie I;

b) il est ni citoyen canadien ni *résident permanent* au sens du paragraphe 2(1) de la *Loi sur l'immigration et la protection des réfugiés*;

c) il est *titulaire de charge publique* au sens du paragraphe 2(1) de la *Loi sur les conflits d'intérêts*, à moins de l'être en raison de sa nomination à titre de membre du Conseil consultatif de gestion;

d) il occupe un poste à temps plein au sein de l'administration publique fédérale ou est employé à temps plein par une autorité provinciale ou municipale;

e) il est membre du Sénat, de la Chambre des communes, d'une législature provinciale ou d'un conseil municipal, ou fait partie de leur personnel.

Rémunération

(9) Les membres du Conseil consultatif de gestion reçoivent la rémunération fixée par le gouverneur en conseil.

Indemnités

(10) Ils sont indemnisés des frais de déplacement et de séjour entraînés par l'exercice de leurs attributions hors du lieu de leur résidence habituelle, conformément aux directives du Conseil du Trésor.

Administration publique fédérale

(11) Ils sont réputés appartenir à l'administration publique fédérale pour l'application de la *Loi sur*

administration for the purposes of the *Government Employees Compensation Act* and any regulations made under section 9 of the *Aeronautics Act*.

R.S., 1985, c. 8 (2nd Supp.), s. 16; 1993, c. 34, s. 111(F); 2013, c. 18, s. 33; 2019, c. 29, s. 222.

Meetings

45.2 (1) The Chairperson may determine the dates, times and places at which the Management Advisory Board will meet, but it must meet at least once in each fiscal quarter of each fiscal year.

Quarterly meetings in person

(2) One meeting in each fiscal quarter of each fiscal year must be in person.

Off-site participation

(3) Except for the meetings referred to in subsection (2), a meeting of the Management Advisory Board may be held by any means of telecommunication that permits all persons who are participating to communicate adequately with each other. A person who is participating by such means is deemed to be present at the meeting.

Participation of Deputy Minister and Commissioner

(4) The Deputy Minister of Public Safety and Emergency Preparedness and the Commissioner, or a delegate of each of them, are to receive notice of all meetings of the Management Advisory Board and may attend and take part in, but not vote at, those meetings.

R.S., 1985, c. 8 (2nd Supp.), s. 16; 2013, c. 18, s. 33; 2019, c. 29, s. 222.

Administrative matters

45.21 The Management Advisory Board may

- (a)** set its own priorities and develop its own work plans;
- (b)** establish procedures governing the carrying out of its work; and
- (c)** determine the quorum for its meetings.

R.S., 1985, c. 8 (2nd Supp.), s. 16; 2013, c. 18, s. 33; 2019, c. 29, s. 222.

Right of access to information

45.22 (1) Subject to subsection (2), the Commissioner shall, at the request of the Management Advisory Board, provide it with timely access to any information under the control, or in the possession, of the Force that the Board considers is necessary to enable it to carry out its mandate.

l'indemnisation des agents de l'État et des règlements pris en vertu de l'article 9 de la Loi sur l'aéronautique.

L.R. (1985), ch. 8 (2^e suppl.), art. 16; 1993, ch. 34, art. 111(F); 2013, ch. 18, art. 33; 2019, ch. 29, art. 222.

Réunions

45.2 (1) Le Conseil consultatif de gestion tient, aux date, heure et lieu fixés par le président, un minimum d'une réunion par trimestre d'exercice.

Réunions trimestrielles en personne

(2) Les membres du Conseil consultatif de gestion sont tenus de se réunir en personne une fois par trimestre d'exercice.

Télécommunication

(3) À l'exception des réunions visées au paragraphe (2), les réunions du Conseil consultatif de gestion peuvent se tenir par tout moyen de télécommunication permettant à tous les participants de communiquer adéquatement entre eux. Les personnes qui participent ainsi à ces réunions sont réputées y être présentes.

Voix consultative

(4) Le sous-ministre de la Sécurité publique et de la Protection civile et le commissaire, ou leur délégué, sont avisés de la tenue des réunions du Conseil consultatif de gestion, auxquelles ils peuvent participer avec voix consultative.

L.R. (1985), ch. 8 (2^e suppl.), art. 16; 2013, ch. 18, art. 33; 2019, ch. 29, art. 222.

Questions administratives

45.21 Le Conseil consultatif de gestion peut :

- a)** fixer ses priorités et développer ses plans de travail;
- b)** établir des procédures régissant l'exercice de ses activités;
- c)** fixer le quorum de ses réunions.

L.R. (1985), ch. 8 (2^e suppl.), art. 16; 2013, ch. 18, art. 33; 2019, ch. 29, art. 222.

Droit d'accès aux renseignements

45.22 (1) Sous réserve du paragraphe (2) et sur demande du Conseil consultatif de gestion, le commissaire lui donne accès, en temps opportun, aux renseignements qui relèvent de la Gendarmerie ou qui sont en sa possession et que le Conseil consultatif de gestion considère comme nécessaires à l'exécution de sa mission.

Exception

(2) The Management Advisory Board shall not have access to information under the control, or in the possession, of the Force if

- (a) the provision of access to the Board might compromise or hinder the investigation or prosecution of any offence;
- (b) the information reveals personal information; or
- (c) the information constitutes *a confidence of the Queen's Privy Council for Canada*, as defined in subsection 39(2) of the *Canada Evidence Act*.

R.S., 1985, c. 8 (2nd Supp.), s. 16; 2013, c. 18, s. 33; 2019, c. 29, s. 222.

No waiver

45.23 For greater certainty, the provision of access by the Commissioner to the Management Advisory Board of any information that is subject to a privilege under the law of evidence, solicitor-client privilege or the professional secrecy of advocates and notaries or to litigation privilege does not constitute a waiver of any of those privileges or that secrecy.

R.S., 1985, c. 8 (2nd Supp.), s. 16; 2013, c. 18, s. 33; 2019, c. 29, s. 222.

Statistical and analytical reports

45.24 The Commissioner shall, at the request of the Management Advisory Board, based on information under the control, or in the possession, of the Force, prepare and provide to the Board any statistical or analytical reports that the Board considers necessary to enable it to carry out its mandate.

R.S., 1985, c. 8 (2nd Supp.), s. 16; 2013, c. 18, s. 33; 2019, c. 29, s. 222.

45.25 [Repealed, 2013, c. 18, s. 33]

45.26 [Repealed, 2013, c. 18, s. 33]

45.27 [Repealed, 2013, c. 18, s. 33]

45.28 [Repealed, 2013, c. 18, s. 33]

Exceptions

(2) Le Conseil consultatif de gestion n'a pas accès aux renseignements qui relèvent de la Gendarmerie ou qui sont en sa possession, dans les cas suivants :

- a) le fait de lui donner accès à ces renseignements risque de compromettre une enquête ou une poursuite ou d'y nuire;
- b) ces renseignements révèlent des renseignements personnels;
- c) ces renseignements sont des *renseignements confidentiels du Conseil privé de la Reine pour la Canada*, au sens du paragraphe 39(2) de la *Loi sur la preuve au Canada*.

L.R. (1985), ch. 8 (2^e suppl.), art. 16; 2013, ch. 18, art. 33; 2019, ch. 29, art. 222.

Non-renonciation

45.23 Il est entendu que le fait que le commissaire donne, au Conseil consultatif de gestion, accès à des renseignements protégés par toute immunité reconnue par le droit de la preuve, par le secret professionnel de l'avocat ou du notaire ou par le privilège relatif au litige ne constitue pas une renonciation à l'immunité, au secret professionnel ou au privilège.

L.R. (1985), ch. 8 (2^e suppl.), art. 16; 2013, ch. 18, art. 33; 2019, ch. 29, art. 222.

Rapports statistiques ou analytiques

45.24 Sur demande du Conseil consultatif de gestion, le commissaire prépare, sur le fondement des renseignements qui relèvent de la Gendarmerie ou qui sont en sa possession, les rapports statistiques ou analytiques que le Conseil consultatif de gestion considère comme nécessaires à l'exécution de sa mission. Il fournit ces rapports au Conseil consultatif de gestion.

L.R. (1985), ch. 8 (2^e suppl.), art. 16; 2013, ch. 18, art. 33; 2019, ch. 29, art. 222.

45.25 [Abrogé, 2013, ch. 18, art. 33]

45.26 [Abrogé, 2013, ch. 18, art. 33]

45.27 [Abrogé, 2013, ch. 18, art. 33]

45.28 [Abrogé, 2013, ch. 18, art. 33]

PART VI

Civilian Review and Complaints Commission For the Royal Canadian Mounted Police

Establishment and Organization

Establishment

45.29 (1) The Civilian Review and Complaints Commission for the Royal Canadian Mounted Police is established, consisting of a Chairperson and not more than four other members, one of whom may be a Vice-chairperson, appointed by the Governor in Council.

Ineligibility

(2) A person is not eligible to be a member of the Commission if that person

- (a)** is a member or former member; or
- (b)** is not a Canadian citizen or a permanent resident within the meaning of subsection 2(1) of the *Immigration and Refugee Protection Act*.

Appointment consideration

(3) The Governor in Council shall, before appointing a person as a member of the Commission, consider the need for regional representation in the membership of the Commission.

Reappointment

(4) A member of the Commission is eligible for reappointment on the expiry of that member's term of office.

R.S., 1985, c. 8 (2nd Supp.), s. 16; 2003, c. 22, s. 217(E); 2013, c. 18, s. 35.

Full- or part-time

45.3 (1) The Chairperson is a full-time member of the Commission. The other members may be appointed as full-time or part-time members of the Commission.

Tenure

(2) Each member of the Commission holds office during good behaviour for a term of not more than five years but may be removed for cause at any time by the Governor in Council.

PARTIE VI

Commission civile d'examen et de traitement des plaintes relatives à la Gendarmerie royale du Canada

Constitution et organisation

Constitution

45.29 (1) Est constituée la Commission civile d'examen et de traitement des plaintes relatives à la Gendarmerie royale du Canada, composée d'un président et d'au plus quatre autres membres, dont l'un peut être un vice-président, nommés par le gouverneur en conseil.

Inadmissibilité

(2) Est inadmissible à titre de membre de la Commission quiconque :

- a)** est un membre ou un ancien membre;
- b)** n'est ni citoyen canadien ni résident permanent au sens du paragraphe 2(1) de la *Loi sur l'immigration et la protection des réfugiés*.

Considération avant la nomination

(3) Le gouverneur en conseil, avant de nommer une personne membre de la Commission, tient compte de la nécessité d'assurer la représentation des régions.

Renouvellement du mandat

(4) Le mandat des membres de la Commission peut être renouvelé.

L.R. (1985), ch. 8 (2^e suppl.), art. 16; 2003, ch. 22, art. 217(A); 2013, ch. 18, art. 35.

Temps plein ou temps partiel

45.3 (1) Le président est membre à temps plein de la Commission. Les autres membres peuvent être nommés à temps plein ou à temps partiel.

Mandat

(2) Les membres de la Commission occupent leur charge à titre inamovible pour un mandat d'au plus cinq ans, sous réserve de révocation par le gouverneur en conseil pour motif valable.

Remuneration

(3) Members of the Commission are to be paid the remuneration that is to be determined by the Governor in Council.

Travel, living and other expenses

(4) Members of the Commission are entitled to be reimbursed, in accordance with Treasury Board directives, for the travel, living and other expenses incurred in connection with their work for the Commission while absent, in the case of full-time members, from their ordinary place of work or, in the case of part-time members, from their ordinary place of residence.

Application of *Public Service Superannuation Act*

(5) The full-time members of the Commission are deemed to be employed in the public service for the purposes of the *Public Service Superannuation Act*.

Application of other Acts

(6) Members of the Commission are deemed to be employed in the federal public administration for the purposes of the *Government Employees Compensation Act* and any regulations made under section 9 of the *Aeronautics Act*.

R.S., 1985, c. 8 (2nd Supp.), s. 16; 2013, c. 18, s. 35.

Chairperson

45.31 (1) The Chairperson is the chief executive officer of the Commission and has supervision over and direction of the work and staff of the Commission.

Delegation

(2) The Chairperson may delegate to the Vice-chairperson or, if the office of Vice-chairperson is vacant, to any other member of the Commission any of the Chairperson's powers, duties and functions under this Act, except the power to delegate under this subsection and the powers, duties and functions under subsections 45.4(5), 45.41(10), 45.47(2) and 45.85(3).

Absence or incapacity

(3) In the event of the absence or incapacity of the Chairperson or if the office of Chairperson is vacant, the Vice-chairperson has all the powers, duties and functions of the Chairperson. In the event of the absence or incapacity of the Vice-chairperson or if the office of Vice-chairperson is vacant, the Minister may authorize another member of the Commission to exercise the powers and perform the duties and functions of the Chairperson, but a member of the Commission so authorized is not entitled

Rémunération

(3) Les membres de la Commission reçoivent la rémunération fixée par le gouverneur en conseil.

Indemnités

(4) Ils sont indemnisés des frais, notamment des frais de déplacement et de séjour, engagés dans le cadre de l'exercice de leurs attributions hors de leur lieu habituel, soit de travail, s'ils sont à temps plein, soit de résidence, s'ils sont à temps partiel, conformément aux directives du Conseil du Trésor.

Application de la *Loi sur la pension de la fonction publique*

(5) Les membres à temps plein de la Commission sont réputés faire partie de la fonction publique pour l'application de la *Loi sur la pension de la fonction publique*.

Application d'autres lois

(6) Les membres de la Commission sont réputés appartenir à l'administration publique fédérale pour l'application de la *Loi sur l'indemnisation des agents de l'État* et des règlements pris en vertu de l'article 9 de la *Loi sur l'aéronautique*.

L.R. (1985), ch. 8 (2^e suppl.), art. 16; 2013, ch. 18, art. 35.

Président de la Commission

45.31 (1) Le président de la Commission en est le premier dirigeant et en assure la direction et contrôle la gestion de son personnel.

Délégation

(2) Il peut déléguer au vice-président ou, en cas de vacance de son poste, à tout autre membre de la Commission, les pouvoirs et fonctions que lui attribue la présente loi, à l'exception du pouvoir de délégation que lui accorde le présent paragraphe et des pouvoirs et fonctions visés aux paragraphes 45.4(5), 45.41(10), 45.47(2) et 45.85(3).

Absence ou empêchement

(3) En cas d'absence ou d'empêchement du président de la Commission ou de vacance de son poste, le vice-président exerce les pouvoirs et fonctions attribués au président. En cas d'absence ou d'empêchement du vice-président ou en cas de vacance de son poste, le ministre peut autoriser un autre membre de la Commission à remplacer le président et à exercer les pouvoirs et fonctions de celui-ci; l'autorisation ne peut cependant dépasser

to act as Chairperson for more than 90 days without the approval of the Governor in Council.

R.S., 1985, c. 8 (2nd Supp.), s. 16; 2013, c. 18, s. 35.

Head office

45.32 (1) The head office of the Commission shall be in Ottawa.

Regional offices

(2) The Commission may establish an office in any region of Canada.

Staff

(3) The officers and employees that are necessary for the proper conduct of the work of the Commission shall be appointed in accordance with the *Public Service Employment Act*.

Technical assistance

(4) The Commission may, with the approval of the Treasury Board,

(a) engage, on a temporary basis, the services of persons having technical or specialized knowledge of any matter relating to the work of the Commission to advise and assist the Commission in the exercise or performance of its powers, duties and functions under this Act; and

(b) fix and pay the remuneration and expenses of persons engaged under paragraph (a).

R.S., 1985, c. 8 (2nd Supp.), s. 16; 2013, c. 18, s. 35.

Powers, Duties and Functions

Powers, duties and functions of Commission

45.33 The Commission shall exercise or perform the powers, duties and functions that are assigned to it by this Act.

R.S., 1985, c. 8 (2nd Supp.), s. 16; 2013, c. 18, s. 35.

Review and report

45.34 (1) For the purpose of ensuring that the activities of the Force are carried out in accordance with this Act or the *Witness Protection Program Act*, any regulations or ministerial directions made under them or any policy, procedure or guideline relating to the operation of the Force, the Commission may, on the request of the Minister or on its own initiative, conduct a review of specified activities of the Force and provide a report to the Minister and the Commissioner on the review.

quatre-vingt-dix jours sans l'approbation du gouverneur en conseil.

L.R. (1985), ch. 8 (2^e suppl.), art. 16; 2013, ch. 18, art. 35.

Siège

45.32 (1) Le siège de la Commission est fixé dans la ville d'Ottawa.

Bureaux

(2) La Commission peut établir des bureaux dans toute région du Canada.

Personnel

(3) Le personnel nécessaire à l'exécution des travaux de la Commission est nommé conformément à la *Loi sur l'emploi dans la fonction publique*.

Assistance d'un expert

(4) La Commission peut, avec l'approbation du Conseil du Trésor :

a) engager, à titre temporaire, des experts compétents dans des domaines relevant de son champ d'activité pour l'assister dans l'exercice des pouvoirs et fonctions que lui attribue la présente loi;

b) fixer et payer leur rémunération et leurs frais.

L.R. (1985), ch. 8 (2^e suppl.), art. 16; 2013, ch. 18, art. 35.

Pouvoirs et fonctions

Attributions de la Commission

45.33 La Commission exerce les pouvoirs et fonctions que lui attribue la présente loi.

L.R. (1985), ch. 8 (2^e suppl.), art. 16; 2013, ch. 18, art. 35.

Examen et rapport

45.34 (1) Dans le but de veiller à ce que la Gendarmerie exerce ses activités conformément à la présente loi ou à la *Loi sur le programme de protection des témoins*, à leurs règlements, à toute directive donnée par le ministre en vertu de ceux-ci ou aux politiques, procédures ou lignes directrices régissant ses opérations, la Commission peut, de sa propre initiative ou à la demande du ministre, effectuer l'examen d'activités précises et présenter un rapport au ministre et au commissaire.

Conditions

(2) In order to conduct a review on its own initiative, the Commission shall be satisfied that

- (a)** sufficient resources exist for conducting the review and the handling of complaints under Part VII will not be compromised; and
- (b)** no other review or inquiry has been undertaken on substantially the same issue by a federal or provincial entity.

Notice

(3) Before conducting a review on its own initiative, the Commission shall give a notice to the Minister indicating that the Commission is satisfied that the conditions referred to in subsection (2) have been met and setting out the rationale for conducting the review.

Policies, procedures and guidelines

(4) The Commission shall include in the report any findings and recommendations that it sees fit regarding the adequacy, appropriateness, sufficiency or clarity of any policy, procedure or guideline relating to the operation of the Force.

Copy of report to provincial ministers

(5) The Commission may provide a copy of the report to the provincial minister who has the primary responsibility for policing in any province in respect of which there is an arrangement between the government of the province and the Minister under section 20.

R.S., 1985, c. 8 (2nd Suppl.), s. 16; 2013, c. 18, s. 35.

Review for province

45.35 (1) If there is an arrangement between the government of a province and the Minister under section 20, the provincial minister who has the primary responsibility for policing in that province may ask the Minister to request that the Commission conduct a review of specified activities of the Force in that province.

Report

(2) If the Commission conducts a review under this section, it shall provide the Minister, the provincial minister who asked for the review and the Commissioner with a report on the review. The Commission may provide a copy of the report to any other provincial minister who has the primary responsibility for policing in a province.

Exigences

(2) Pour effectuer un examen de sa propre initiative, la Commission doit être convaincue :

- a)** qu'elle dispose des ressources nécessaires pour effectuer l'examen et que le traitement des plaintes en application de la partie VII n'en sera pas compromis;
- b)** qu'aucun autre examen ou enquête n'a été entrepris sur une question similaire par une entité fédérale ou provinciale.

Avis

(3) Avant d'effectuer un examen de sa propre initiative, la Commission est tenue de transmettre un avis au ministre indiquant qu'elle estime s'être acquittée des exigences prévues au paragraphe (2) et donnant les motifs à l'appui de l'examen.

Politiques, procédures et lignes directrices

(4) La Commission inclut dans son rapport les conclusions et les recommandations qu'elle estime indiquées quant au bien-fondé, à la pertinence, à l'adéquation ou à la clarté de toute politique, procédure ou ligne directrice régissant les opérations de la Gendarmerie.

Copie du rapport pour les ministres provinciaux

(5) La Commission peut fournir une copie du rapport au ministre de qui relève au premier chef l'administration des forces de police d'une province à l'égard de laquelle le ministre a conclu des arrangements avec le gouvernement de la province en vertu de l'article 20.

L.R. (1985), ch. 8 (2^e suppl.), art. 16; 2013, ch. 18, art. 35.

Examen pour faire suite à la demande d'une province

45.35 (1) Si le ministre a conclu des arrangements avec le gouvernement d'une province en vertu de l'article 20, le ministre de qui relève au premier chef l'administration des forces de police dans la province peut demander au ministre qu'il demande à la Commission d'effectuer un examen des activités de la Gendarmerie qu'il précise et qui sont exercées dans sa province.

Rapport

(2) Lorsqu'elle effectue un examen sous le régime du présent article, la Commission présente un rapport au ministre, au ministre de la province qui en a fait la demande et au commissaire, et elle peut en fournir une copie à tout autre ministre de qui relève au premier chef l'administration des forces de police d'une province.

Findings and recommendations

(3) The Commission shall include in its report any findings and recommendations that the Commission sees fit regarding

(a) whether the activities of the Force are carried out in accordance with this Act or the *Witness Protection Program Act*, any regulations or ministerial directions made under them or any policy, procedure or guideline relating to the operation of the Force; and

(b) the adequacy, appropriateness, sufficiency or clarity of any policy, procedure or guideline relating to the operation of the Force.

R.S., 1985, c. 8 (2nd Supp.), s. 16; 1996, c. 15, s. 22; 2013, c. 18, s. 35.

National security

45.351 (1) The Commission does not have jurisdiction to conduct a review of an activity that is related to national security.

Referral

(2) The Commission shall refer any matter related to national security arising from a request for a review under section 45.34 or 45.35 to the National Security and Intelligence Review Agency.

2019, c. 13, s. 41.

Powers

45.36 (1) The Commission has, when conducting a review under section 45.34 or 45.35, all of the powers of the Commission under paragraphs 45.65(1)(a) to (d).

Application

(2) Subsections 45.65(2) to (6) apply, with any necessary modifications, to the exercise of the powers by the Commission under subsection (1).

R.S., 1985, c. 8 (2nd Supp.), s. 16; 2013, c. 18, s. 35.

Service standards respecting time limits

45.37 The Commission shall establish, and make public, service standards respecting the time limits within which it is to deal with complaints and specifying the circumstances under which those time limits do not apply or the circumstances under which they may be extended.

R.S., 1985, c. 8 (2nd Supp.), s. 16; 2013, c. 18, s. 35.

Education and information

45.38 The Commission may implement public education and information programs to make its mandate better known to the public and may conduct research and

Conclusions et recommandations

(3) La Commission inclut dans son rapport les conclusions et les recommandations qu'elle estime indiquées relativement :

a) à la question de savoir si les activités de la Gendarmerie sont exercées conformément à la présente loi, à la *Loi sur le programme de protection des témoins*, à leurs règlements, à toute directive donnée par le ministre en vertu de ceux-ci ou aux politiques, procédures ou lignes directrices régissant ses opérations;

b) au bien-fondé, à la pertinence, à l'adéquation ou à la clarté de ces politiques, procédures ou lignes directrices.

L.R. (1985), ch. 8 (2^e suppl.), art. 16; 1996, ch. 15, art. 22; 2013, ch. 18, art. 35.

Sécurité nationale

45.351 (1) La Commission n'a pas compétence pour effectuer l'examen d'activités liées à la sécurité nationale.

Renvoi

(2) Elle renvoie à l'Office de surveillance des activités en matière de sécurité nationale et de renseignement toute question liée à la sécurité nationale soulevée par une demande d'examen présentée au titre des articles 45.34 ou 45.35.

2019, ch. 13, art. 41.

Pouvoirs

45.36 (1) Lorsqu'elle effectue l'examen visé aux articles 45.34 ou 45.35, la Commission peut exercer les mêmes pouvoirs que ceux prévus aux alinéas 45.65(1)a) à d).

Application

(2) Les paragraphes 45.65(2) à (6) s'appliquent à l'exercice des pouvoirs prévus au paragraphe (1), avec les adaptations nécessaires.

L.R. (1985), ch. 8 (2^e suppl.), art. 16; 2013, ch. 18, art. 35.

Normes de service régissant les délais

45.37 La Commission établit et rend publiques des normes de service concernant les délais pour le traitement des plaintes et prévoyant les circonstances dans lesquelles ces délais ne s'appliquent pas ou peuvent être prorogés.

L.R. (1985), ch. 8 (2^e suppl.), art. 16; 2013, ch. 18, art. 35.

Éducation et information

45.38 La Commission peut mettre en œuvre à l'intention du public des programmes d'éducation et d'information visant à mieux faire connaître son mandat, effectuer

consult and cooperate with any person or entity, in or outside Canada, in matters relating to its mandate.

R.S., 1985, c. 8 (2nd Supp.), s. 16; 2013, c. 18, s. 35.

Information Provisions

Right of access

45.39 (1) Subject to sections 45.4 and 45.42, the Commission is entitled to have access to any information under the control, or in the possession, of the Force that the Commission considers is relevant to the exercise of its powers, or the performance of its duties and functions, under Parts VI and VII.

Access to records

(2) The entitlement to access includes the right to examine all or any part of a record and to be given a copy of all or any part of a record.

Identification

(3) If the Commissioner is of the opinion that the disclosure of any information referred to in subsection (1), other than privileged information as defined in subsection 45.4(1), to any person or entity, other than a member, officer or employee of the Commission or a person acting on its behalf, gives rise to a risk of serious harm to a person, the Commissioner shall identify the information to the Commission when providing the Commission with access to the information.

Application

(4) Except as provided by any other Act of Parliament that expressly refers to this section, this section applies despite any other Act of Parliament.

R.S., 1985, c. 8 (2nd Supp.), s. 16; 2013, c. 18, s. 35.

Definition of *privileged information*

45.4 (1) In this section and sections 45.41 to 45.48, *privileged information* means information that is subject to any type of privilege that exists and may be claimed, including

(a) information that is protected by the privilege that exists between legal counsel and their client or that is subject to informer privilege;

(b) information the disclosure of which is described in subsection 11(1) of the *Witness Protection Program Act*;

(c) [Repealed, 2013, c. 29, s. 23]

des recherches et consulter des personnes ou entités, au Canada ou à l'étranger, relativement à ce mandat et agir en collaboration avec celles-ci.

L.R. (1985), ch. 8 (2^e suppl.), art. 16; 2013, ch. 18, art. 35.

Dispositions relatives aux renseignements

Droit d'accès

45.39 (1) Sous réserve des articles 45.4 et 45.42, la Commission a un droit d'accès aux renseignements qui relèvent de la Gendarmerie ou qui sont en sa possession et qu'elle considère comme pertinents à l'égard de l'exercice des pouvoirs et fonctions que lui attribuent les parties VI et VII.

Accès aux documents

(2) La Commission exerce son droit d'accès, notamment par la consultation de tout ou partie de documents et par l'obtention de copies de tout ou partie de ceux-ci.

Indication des renseignements

(3) Lorsqu'il est d'avis que la communication des renseignements visés au paragraphe (1) qui ne sont pas des renseignements protégés, au sens du paragraphe 45.4(1), à toute personne ou entité autre que les membres et le personnel de la Commission ou les personnes agissant pour son compte risquerait de causer un préjudice sérieux à une personne, le commissaire désigne ces renseignements à la Commission lorsqu'il lui donne accès à ceux-ci.

Application

(4) Sous réserve d'une autre loi fédérale qui y renvoie expressément, le présent article s'applique malgré toute autre loi fédérale.

L.R. (1985), ch. 8 (2^e suppl.), art. 16; 2013, ch. 18, art. 35.

Définition de *renseignement protégé*

45.4 (1) Pour l'application du présent article et des articles 45.41 à 45.48, *renseignement protégé* s'entend de tout renseignement à l'égard duquel un privilège ou la confidentialité peut être invoqué, notamment :

a) tout renseignement protégé par le secret professionnel liant le conseiller juridique à son client ou par le privilège de l'informateur;

b) tout renseignement dont la communication est visée au paragraphe 11(1) de la *Loi sur le Programme de protection des témoins*;

c) [Abrogé, 2013, ch. 29, art. 23]

(d) special operational information as defined in subsection 8(1) of the *Security of Information Act*;

(e) information or intelligence that is similar in nature to information or intelligence referred to in any of paragraphs (a) to (f) of the definition **special operational information** in subsection 8(1) of the *Security of Information Act* and that is in relation to, or is received from, any police force or Interpol or other similar international police organization; and

(f) medical information about a member or other person appointed or employed under the authority of Part I.

Access to privileged information

(2) Despite any privilege that exists and may be claimed, the Commission is entitled to have access to privileged information under the control, or in the possession, of the Force if that information is relevant and necessary to the matter before the Commission when it is conducting a review under section 45.34 or 45.35 or is conducting an investigation, review or hearing under Part VII.

Access to records

(3) The entitlement to access includes the right to examine all or any part of a record and, subject to the Commissioner's approval, to be given a copy of all or any part of a record.

Refusal and reasons

(4) If the Commissioner refuses access to privileged information sought by the Commission under this section, the Commissioner shall, without disclosing the privileged information,

(a) indicate to the Commission why the privileged information is not relevant or necessary to the matter before the Commission; and

(b) provide the Commission with information about the nature and date of the privileged information.

Memorandum of understanding

(5) The Chairperson and the Commissioner may enter into a memorandum of understanding setting out principles and procedures respecting access to privileged information under this section and principles and procedures to protect that information.

Regulations

(6) The Governor in Council may make regulations respecting procedures that govern the Commission's access

d) tout renseignement opérationnel spécial, au sens du paragraphe 8(1) de la *Loi sur la protection de l'information*;

e) tout élément d'information ou renseignement de la nature de ceux mentionnés à l'un des alinéas a) à f) de la définition de **renseignements opérationnels spéciaux**, au paragraphe 8(1) de la *Loi sur la protection de l'information*, concernant toute force de police ou Interpol ou toute autre organisation policière internationale similaire, ou reçu de celles-ci;

f) tout renseignement médical qui a trait à un membre ou à toute autre personne nommée ou employée sous le régime de la partie I.

Renseignements protégés

(2) Malgré la confidentialité des renseignements protégés, la Commission a un droit d'accès à ceux d'entre eux qui relèvent de la Gendarmerie ou qui sont en sa possession, s'ils sont pertinents et nécessaires pour l'examen visé aux articles 45.34 ou 45.35 ou pour une enquête, une révision ou une audience tenues sous le régime de la partie VII.

Accès aux documents

(3) Le droit d'accès de la Commission comprend le droit de consulter tout ou partie des documents et, sous réserve de l'approbation du commissaire, d'obtenir des copies de tout ou partie de ceux-ci.

Motivation du refus

(4) Si le commissaire refuse à la Commission l'accès à des renseignements protégés prévu au présent article, il indique à la Commission, tout en évitant de divulguer les renseignements :

a) les raisons pour lesquelles ces renseignements ne sont pas pertinents ou nécessaires relativement aux fins visées par la Commission;

b) la nature et la date des renseignements protégés.

Protocole d'entente

(5) Le président de la Commission et le commissaire peuvent conclure un protocole d'entente qui établit les principes et la procédure relatifs à l'accès aux renseignements protégés prévu au présent article et ceux relatifs à leur protection.

Règlements

(6) Le gouverneur en conseil peut prendre des règlements concernant la procédure d'exercice du droit

to privileged information under this section and procedures to protect that information.

Application

(7) Except as provided by any other Act of Parliament that expressly refers to this section, this section, or any regulation made under subsection (6), applies despite any other Act of Parliament.

R.S., 1985, c. 8 (2nd Suppl.), s. 16; 2013, c. 18, s. 35, c. 29, s. 23.

Former judge or other individual

45.41 (1) If the Commissioner refuses access to privileged information sought by the Commission under subsection 45.4(2), the Minister shall, at the request of the Commission, appoint a former judge of a superior court of a province or the Federal Court or an individual who is a member of a prescribed category of individuals to review the information and make observations to the Commission and the Commissioner. In order to be appointed, the former judge or other individual shall obtain a security clearance from the Government of Canada and shall take the oath of secrecy referred to in paragraph 45.45(1)(a).

Notice of appointment

(2) The Minister shall provide notice to the Chairperson and the Commissioner when a former judge or other individual has been appointed in accordance with subsection (1). The Chairperson and the Commissioner shall make their representations to the former judge or other individual within 30 days after the day on which the notice is sent or within any longer period, not exceeding 60 days, that the former judge or other individual may permit.

Former judge or other individual to have access

(3) The former judge or other individual shall have access to privileged information for the purposes of the review.

Observations

(4) The former judge or other individual shall review the privileged information and provide his or her observations to the Chairperson and the Commissioner

(a) regarding the privileged nature of the information; and

(b) regarding the relevance and necessity of the information to the matter before the Commission.

d'accès de la Commission aux renseignements protégés prévu au présent article et la procédure relative à leur protection.

Application

(7) Sous réserve d'une autre loi fédérale qui y renvoie expressément, le présent article ou tout règlement pris en vertu du paragraphe (6) s'applique malgré toute autre loi fédérale.

L.R. (1985), ch. 8 (2^e suppl.), art. 16; 2013, ch. 18, art. 35, ch. 29, art. 23.

Ancien juge ou autre particulier

45.41 (1) Lorsque le commissaire refuse à la Commission l'accès aux renseignements protégés prévu au paragraphe 45.4(2), le ministre, à la demande de la Commission, nomme un ancien juge de la cour supérieure d'une province ou de la Cour fédérale ou un autre particulier appartenant à une catégorie prévue par règlement pour examiner ces renseignements et pour formuler des observations à l'intention de la Commission et du commissaire. L'ancien juge ou l'autre particulier est tenu d'obtenir une habilitation de sécurité délivrée par le gouvernement fédéral et de prêter le serment du secret mentionné à l'alinéa 45.45(1)a).

Avis de nomination

(2) Lorsqu'un ancien juge ou un autre particulier est nommé au titre du paragraphe (1), le ministre en avise le président de la Commission et le commissaire. Ceux-ci bénéficient d'un délai de trente jours suivant la transmission de l'avis pour présenter leurs observations à l'ancien juge ou à l'autre particulier ou d'un délai prolongé, d'au plus soixante jours, accordé par l'un ou l'autre de ceux-ci.

Droit d'accès de l'ancien juge ou de l'autre particulier

(3) Aux fins d'examen, l'ancien juge ou l'autre particulier a accès aux renseignements protégés.

Observations

(4) L'ancien juge ou l'autre particulier examine les renseignements et présente ses observations au président de la Commission et au commissaire :

a) quant à la nature confidentielle des renseignements;

b) quant à la pertinence et à la nécessité des renseignements relativement aux fins visées.

Prohibition

(5) The former judge or other individual shall not include information that reveals privileged information or from which it may be inferred in the observations provided under subsection (4).

Factors to consider

(6) The former judge or other individual shall, before making any observations, consider the following factors:

- (a)** the reasons for which the Commission is seeking access to the information;
- (b)** the Commissioner's reasons for refusing access to the information; and
- (c)** whether the Commission can properly exercise its powers or perform its duties and functions without access to the information.

Time limit

(7) The observations of the former judge or other individual shall be made within 30 days after the day on which the period referred to in subsection (2) expires or within any longer period, not exceeding 60 days, that the Minister permits.

Confidentiality

(8) The observations of the former judge or other individual are confidential and shall not be disclosed by the judge or other individual, the Commission or the Force, except to the Minister.

Immunity and no summons

(9) Section 45.5 applies to the former judge or other individual as if he or she were a member of the Commission.

Observations to be taken into account

(10) After receiving the observations of the former judge or other individual, the Chairperson shall review the Commission's decision to seek access and the Commissioner shall review his or her decision to refuse access, taking those observations into account.

Restriction

(11) An application for judicial review shall not be made in connection with the Commission's decision to seek access to privileged information, or the Commissioner's refusal to allow access to privileged information, until the former judge or other individual has made his or her observations.

Interdiction

(5) Lorsqu'il fait des observations en application du paragraphe (4), l'ancien juge ou l'autre particulier ne peut les formuler d'une manière qui révèle ou permettrait de découvrir un renseignement protégé.

Critères

(6) Avant de faire ses observations, l'ancien juge ou l'autre particulier tient compte des facteurs suivants :

- a)** les raisons pour lesquelles la Commission demande l'accès aux renseignements;
- b)** les raisons pour lesquelles le commissaire refuse l'accès aux renseignements;
- c)** la possibilité pour la Commission d'exercer convenablement ses pouvoirs ou fonctions sans accès à ces renseignements.

Délai

(7) L'ancien juge ou l'autre particulier présente ses observations dans les trente jours suivant l'expiration du délai de trente jours prévu au paragraphe (2) ou dans un délai prolongé, d'au plus soixante jours, accordé par le ministre.

Confidentialité

(8) Les observations sont confidentielles et l'ancien juge, l'autre particulier, la Commission et la Gendarmerie ne peuvent les communiquer qu'au ministre.

Immunité et non-assignation

(9) L'article 45.5 s'applique à l'ancien juge ou à l'autre particulier comme s'il était un membre de la Commission.

Considération des observations

(10) Après la réception des observations de l'ancien juge ou de l'autre particulier, le président de la Commission révisé la décision de celle-ci de demander l'accès et le commissaire révisé sa propre décision de refuser de communiquer des renseignements, et ce en tenant compte de ces observations.

Restriction

(11) Aucune demande de contrôle judiciaire relative à la décision de la Commission de demander l'accès ou à celle du commissaire de refuser de communiquer des renseignements protégés n'est admise avant que l'ancien juge ou l'autre particulier n'ait fait ses observations.

Regulations

(12) The Governor in Council may, by regulation, prescribe categories of individuals for the purposes of subsection (1).

R.S., 1985, c. 8 (2nd Supp.), s. 16; 2013, c. 18, s. 35.

Exceptions

45.42 (1) Despite section 45.4, the Commission shall not have access to information under the control, or in the possession, of the Force if the information reveals

(a) information relating to a request made by a member or other person appointed or employed under the authority of Part I for legal assistance or indemnification from Her Majesty in right of Canada;

(b) communications referred to in subsection 47.1(2);

(c) information that is protected by the privilege that exists between legal counsel and their client and that relates to the provision of advice to a member or other person appointed or employed under the authority of Part I when the privilege may be claimed by the member or other person and not the Force;

(d) information that is protected by the privilege that exists between legal counsel and their client when the privilege may be claimed by the Force and that relates to the Force's dealings with the Commission, including

(i) legal opinions relating to the way in which the Force should conduct itself in regard to the Commission, and

(ii) minutes of meetings held by the Force relating to the way in which the Force should conduct itself in regard to the Commission; and

(e) any report prepared for the Commissioner in respect of a meeting held or to be held between the Commission and the Force and containing analysis or advice relating to the meeting.

Exception – confidences

(2) Nothing in this Part authorizes a person to disclose to the Commission a confidence of the Queen's Privy Council for Canada in respect of which subsection 39(1) of the *Canada Evidence Act* applies, and the Commission may not use the confidence if it is disclosed.

R.S., 1985, c. 8 (2nd Supp.), s. 16; 2013, c. 18, s. 35.

Règlements

(12) Le gouverneur en conseil peut, par règlement, prévoir des catégories de particuliers pour l'application du paragraphe (1).

L.R. (1985), ch. 8 (2^e suppl.), art. 16; 2013, ch. 18, art. 35.

Exceptions

45.42 (1) Malgré l'article 45.4, la Commission n'a pas accès aux renseignements qui relèvent de la Gendarmerie ou qui sont en sa possession si ceux-ci révèlent :

a) des renseignements ayant trait à une demande de services juridiques ou d'indemnisation par Sa Majesté du chef du Canada faite par un membre ou toute autre personne nommée ou employée sous le régime de la partie I;

b) des communications visées au paragraphe 47.1(2);

c) des renseignements qui sont protégés par le privilège du secret professionnel liant le conseiller juridique à son client et qui concernent les avis à un membre ou à toute autre personne nommée ou employée sous le régime de la partie I lorsque le privilège peut être invoqué par le membre ou toute autre personne mais non par la Gendarmerie;

d) des renseignements protégés par le privilège du secret professionnel liant le conseiller juridique à son client qui concernent les rapports de la Gendarmerie avec la Commission lorsque ce privilège peut être invoqué par la Gendarmerie, notamment :

(i) des avis juridiques sur la façon d'agir de la Gendarmerie avec la Commission,

(ii) les procès-verbaux de réunions tenues par la Gendarmerie portant sur sa façon d'agir avec la Commission;

e) tout rapport qui est établi à l'intention du commissaire pour toute réunion de la Gendarmerie et de la Commission et qui contient une analyse ou des conseils concernant la réunion.

Restriction – caractère confidentiel

(2) La présente partie n'a pas pour effet d'autoriser la communication à la Commission des renseignements confidentiels du Conseil privé de la Reine pour le Canada visés au paragraphe 39(1) de la *Loi sur la preuve au Canada*. Si de tels renseignements lui sont communiqués, la Commission ne peut les utiliser.

L.R. (1985), ch. 8 (2^e suppl.), art. 16; 2013, ch. 18, art. 35.

Use of privileged information

45.43 If the Commission obtains access to privileged information in respect of a matter under subsection 45.4(2), the Commission may use that information only in respect of that matter.

R.S., 1985, c. 8 (2nd Supp.), s. 16; 2013, c. 18, s. 35.

Protection of information

45.44 (1) The Commission may, by regulation, establish measures to protect the information under its control or in its possession.

Consultation and approval

(2) Subject to subsection 45.47(2), if the Commission obtains access to information referred to in subsection 45.39(3) or to privileged information from the Force, no member, officer or employee of the Commission and no other person acting on its behalf shall distribute any report or other document that contains or discloses the information or any part of it without having first obtained the approval of the Commissioner.

Time limit

(3) The Commissioner shall indicate whether he or she approves the distribution of a report or other document under subsection (2) as soon as feasible after being consulted under that subsection.

Regulations

(4) The Governor in Council may make regulations respecting measures to protect the information under the control, or in the possession, of the Commission.

Conflict or inconsistency

(5) In the event of a conflict or inconsistency between the regulations made under subsections (1) and (4), the regulations made under subsection (4) prevail to the extent of the conflict or inconsistency.

Duty to comply with regulations

(6) Subject to subsection (5), every member, employee and officer of the Commission and every person acting on its behalf shall comply with the regulations made under subsections (1) and (4).

R.S., 1985, c. 8 (2nd Supp.), s. 16; 2013, c. 18, s. 35.

Security requirements

45.45 (1) Every member, employee and officer of the Commission and every other person acting on its behalf and every former judge or other individual appointed under subsection 45.41(1) shall

Utilisation des renseignements protégés

45.43 Lorsqu'elle a obtenu accès à des renseignements protégés à l'une des fins visées au paragraphe 45.4(2), la Commission ne peut les utiliser à d'autres fins.

L.R. (1985), ch. 8 (2^e suppl.), art. 16; 2013, ch. 18, art. 35.

Protection des renseignements

45.44 (1) La Commission peut, par règlement, établir des mesures afin de protéger tout renseignement qui relève d'elle ou qui est en sa possession.

Consultation et approbation

(2) Sous réserve du paragraphe 45.47(2), lorsque la Commission obtient l'accès à des renseignements visés au paragraphe 45.39(3) ou à des renseignements protégés de la Gendarmerie, aucun membre de la Commission ou de son personnel et aucune autre personne agissant pour son compte ne doit distribuer un document ou rapport contenant ou divulguant ces renseignements, en tout ou en partie, avant d'avoir obtenu l'approbation du commissaire.

Délai

(3) Dans les meilleurs délais après avoir été consulté en application du paragraphe (2), le commissaire indique s'il approuve le document ou le rapport pour distribution aux termes de ce paragraphe.

Règlements

(4) Le gouverneur en conseil peut prendre des règlements concernant les mesures de protection de tout renseignement qui relève de la Commission ou qu'elle a en sa possession.

Incompatibilité

(5) En cas d'incompatibilité, les dispositions des règlements pris en vertu du paragraphe (4) l'emportent sur les dispositions incompatibles des règlements pris en vertu du paragraphe (1).

Obligation de respecter les règlements

(6) Sous réserve du paragraphe (5), les membres et le personnel de la Commission et toute autre personne agissant pour son compte sont tenus de respecter les règlements pris en vertu des paragraphes (1) et (4).

L.R. (1985), ch. 8 (2^e suppl.), art. 16; 2013, ch. 18, art. 35.

Conditions de sécurité

45.45 (1) Les membres et le personnel de la Commission, toute autre personne agissant pour son compte et l'ancien juge ou l'autre particulier nommé en vertu du paragraphe 45.41(1) sont tenus :

(a) obtain and maintain the necessary security clearance from the Government of Canada and take the oath of secrecy prescribed by regulation;

(b) comply with all security requirements under this Part and the *Security of Information Act*; and

(c) follow established procedures or practices, including any requirement found in a Treasury Board policy, guideline or directive, for the secure handling, storage, transportation and transmission of information or documents.

Regulations

(2) The Governor in Council may, by regulation, prescribe the oath of secrecy referred to in paragraph (1)(a).

R.S., 1985, c. 8 (2nd Supp.), s. 16; 1996, c. 15, s. 23; 2013, c. 18, ss. 34, 35.

Safeguards – third party

45.46 (1) The Commission shall not disclose information referred to in subsection 45.39(3) that it has received from the Force to any person or entity other than a member, employee or officer of the Commission or a person acting on its behalf unless the Commissioner advises the Commission that he or she is satisfied that

(a) the person or entity will take reasonable measures to protect that information;

(b) the person or entity will require all of its members, employees, officers and other persons acting on its behalf to meet requirements that are equivalent to the requirements referred to in section 45.45; and

(c) the person or entity has agreed to any measures that would assist the Force to verify compliance with the obligations described in paragraphs (a) and (b), which may include agreeing to permit the Force to enter and inspect the premises of the person or entity and any information storage facilities and to provide any information or documents requested by the Force.

Time limit

(2) When the Commission indicates to the Commissioner that it wishes to disclose information referred to in subsection 45.39(3) to a person or entity other than a member, employee or officer of the Commission or a person acting on its behalf, the Commissioner shall, as soon as feasible, indicate to the Commission whether he or she is satisfied that the person or entity has met the requirements of paragraphs (1)(a) and (b) and has agreed to the measures referred to in paragraph (1)(c).

a) d'obtenir et de conserver l'habilitation de sécurité requise délivrée par le gouvernement fédéral et de prêter le serment du secret prévu par règlement;

b) de satisfaire aux exigences de sécurité prévues sous le régime de la présente partie et de la *Loi sur la protection de l'information*;

c) de respecter les règles et procédures relatives à la manipulation, à la conservation, au transport et à la transmission en toute sécurité de renseignements ou documents, notamment toute exigence énoncée dans une politique, ligne directrice ou directive du Conseil du Trésor.

Règlement

(2) Le gouverneur en conseil peut, par règlement, prévoir le serment du secret visé à l'alinéa (1)a).

L.R. (1985), ch. 8 (2^e suppl.), art. 16; 1996, ch. 15, art. 23; 2013, ch. 18, art. 34 et 35.

Réserve

45.46 (1) La Commission ne peut communiquer les renseignements visés au paragraphe 45.39(3) qu'elle reçoit de la Gendarmerie à une personne ou entité autre que ses membres, son personnel ou les personnes agissant pour son compte, à moins que le commissaire ne lui indique qu'il est convaincu de ce qui suit :

a) la personne ou l'entité prendra des mesures raisonnables pour protéger les renseignements;

b) la personne ou l'entité exigera de tous ses membres, employés et dirigeants et des autres personnes agissant pour son compte qu'ils se conforment à des exigences équivalentes à celles mentionnées à l'article 45.45;

c) la personne ou l'entité a convenu de toute mesure qui aiderait la Gendarmerie à vérifier qu'elle s'est acquittée des obligations visées aux alinéas a) et b), notamment en fournissant tout renseignement ou document demandé par la Gendarmerie et en permettant à celle-ci d'entrer dans ses locaux et installations d'archivage d'informations et de les inspecter.

Délai

(2) Lorsque la Commission indique au commissaire qu'elle veut communiquer les renseignements visés au paragraphe 45.39(3) à une personne ou à une entité autre que ses membres, son personnel ou les personnes agissant pour son compte, le commissaire indique à la Commission dans les meilleurs délais s'il est convaincu que la personne ou l'entité s'est acquittée des obligations visées aux alinéas (1)a) et b) et qu'elle a convenu des mesures visées à l'alinéa (1)c).

Regulations

(3) The Governor in Council may make regulations respecting the disclosure by the Commission of information referred to in subsection 45.39(3) to persons or entities other than a member, employee or officer of the Commission or a person acting on its behalf and the measures that the persons or entities receiving the information are to take to protect the information.

Duties to comply

(4) Every person who has received information under this section shall comply with the regulations made under subsection (3).

R.S., 1985, c. 8 (2nd Suppl.), s. 16; 2013, c. 18, s. 35.

Disclosure by Commission prohibited

45.47 (1) Except as authorized under subsection (2), no member, officer or employee of the Commission or other person acting on its behalf shall provide information to any person, or allow any person to have access to information, knowing that the information is privileged information to which he or she had access under subsection 45.4(2) or being reckless as to whether the information is such privileged information.

Authorized disclosure

(2) Every person who is otherwise prohibited from disclosing privileged information under subsection (1) may, if authorized by the Chairperson, disclose that information

(a) to the Attorney General of Canada or of a province if, in the opinion of the Chairperson, the information relates to the commission of an offence under federal or provincial law by a director, an officer or an employee of a government institution and there is evidence of such an offence and the information is required in criminal proceedings, either by indictment or on summary conviction, that have been commenced by the laying of an information or the preferring of an indictment, under an Act of Parliament;

(b) to the Minister other than in an annual report referred to in section 45.52;

(c) to the Commissioner if, in the opinion of the Chairperson, the information is required for the purpose of enabling the Commissioner to exercise his or her powers or perform his or her duties and functions under this Act; and

(d) to a former judge or other individual for the purposes of section 45.41.

Règlements

(3) Le gouverneur en conseil peut prendre des règlements concernant la communication par la Commission des renseignements visés au paragraphe 45.39(3) à des personnes ou entités autres que ses membres, son personnel ou les personnes agissant pour son compte et concernant les mesures que ces personnes ou entités doivent prendre pour protéger ces renseignements.

Obligations des tiers

(4) Toute personne qui a reçu des renseignements au titre du présent article est tenue de respecter les règlements pris en vertu du paragraphe (3).

L.R. (1985), ch. 8 (2^e suppl.), art. 16; 2013, ch. 18, art. 35.

Interdiction : Commission

45.47 (1) Sauf autorisation prévue au paragraphe (2), il est interdit à tout membre de la Commission ou de son personnel et à toute autre personne agissant pour son compte, sachant qu'il s'agit d'un renseignement protégé auquel il a eu accès au titre du paragraphe 45.4(2), de fournir à quiconque un tel renseignement ou de permettre à quiconque d'y avoir accès ou de ne pas se soucier de sa nature confidentielle.

Exception

(2) Avec l'autorisation du président de la Commission, toute personne visée au paragraphe (1) peut communiquer des renseignements protégés :

a) au procureur général du Canada ou d'une province si, d'une part, le président de la Commission est d'avis que les renseignements portent sur la perpétration par un administrateur, un dirigeant ou un employé d'une institution fédérale d'une infraction prévue par une loi fédérale ou provinciale et qu'il existe des éléments de preuve sur sa perpétration et, d'autre part, les renseignements sont nécessaires pour une poursuite criminelle, sur déclaration de culpabilité par procédure sommaire ou par acte d'accusation, engagée par dépôt d'une dénonciation ou d'un acte d'accusation, en vertu d'une loi fédérale;

b) au ministre, sauf dans le rapport annuel visé à l'article 45.52;

c) au commissaire, lorsque le président de la Commission est d'avis que les renseignements lui sont nécessaires pour l'exercice des pouvoirs et fonctions que lui attribue la présente loi;

d) à l'ancien juge ou à l'autre particulier pour l'application de l'article 45.41.

Disclosure of privileged information – proceedings

(3) A member, officer or employee of the Commission or other person acting on its behalf shall not be required, in connection with any criminal, civil or administrative action or proceeding, to give or produce evidence relating to privileged information to which he or she had access under subsection 45.4(2).

Application

(4) Except as provided by any other Act of Parliament that expressly refers to it, this section applies despite any other Act of Parliament other than the *Access to Information Act* and the *Privacy Act*.

Application

(5) This section applies despite subsection 13(1) of the *Auditor General Act* and subsection 79.4(1) of the *Parliament of Canada Act*.

R.S., 1985, c. 8 (2nd Supp.), s. 16; 2013, c. 18, s. 35; 2017, c. 20, s. 173.1.

Disclosure by former judge or other individual prohibited

45.48 A former judge or other individual appointed under subsection 45.41(1) shall not provide information to any person, or allow any person to have access to information, knowing that the information is privileged information to which he or she had access under subsection 45.41(3) or being reckless as to whether the information is such privileged information.

2012, c. 19, s. 369; 2013, c. 18, s. 35.

Rules

Rules

45.49 (1) Subject to the provisions of this Act and the regulations, the Commission may make rules respecting

- (a)** the sittings of the Commission;
- (b)** the fixing of the quorum for the performance of its duties and functions;
- (c)** the manner of dealing with matters and business before the Commission generally, including the practice and procedure before the Commission;
- (d)** the apportionment of the Commission's work among its members; and
- (e)** the performance of the duties and functions of the Commission under this Act generally.

Communication de renseignements – procédure judiciaire

(3) Nul membre de la Commission ou de son personnel et nulle autre personne agissant pour son compte ne peut être contraint, dans le cadre d'une procédure ou d'une action pénale, civile ou administrative, à témoigner ou à produire quoi que ce soit relativement à un renseignement protégé qu'il a obtenu au titre du paragraphe 45.4(2).

Application

(4) Sous réserve de toute autre loi fédérale qui y renvoie expressément, le présent article s'applique malgré toute autre loi fédérale, à l'exception de la *Loi sur l'accès à l'information* et de la *Loi sur la protection des renseignements personnels*.

Application

(5) Le présent article s'applique malgré le paragraphe 13(1) de la *Loi sur le vérificateur général* et le paragraphe 79.4(1) de la *Loi sur le Parlement du Canada*.

L.R. (1985), ch. 8 (2^e suppl.), art. 16; 2013, ch. 18, art. 35; 2017, ch. 20, art. 173.1.

Interdiction : ancien juge ou autre particulier

45.48 Il est interdit à l'ancien juge ou à l'autre particulier nommé en vertu du paragraphe 45.41(1), sachant qu'il s'agit d'un renseignement protégé auquel il a eu accès au titre du paragraphe 45.41(3), de fournir à quiconque un tel renseignement ou de permettre à quiconque d'y avoir accès ou de ne pas se soucier de sa nature confidentielle.

2012, ch. 19, art. 369; 2013, ch. 18, art. 35.

Règles

Règles

45.49 (1) Sous réserve des autres dispositions de la présente loi et de ses règlements, la Commission peut établir des règles concernant :

- a)** ses séances;
- b)** la fixation du quorum pour l'exercice des fonctions que la présente loi lui attribue;
- c)** de façon générale, l'expédition de ses affaires et des questions dont elle est saisie, y compris la pratique et la procédure qui lui sont applicables;
- d)** la répartition de ses travaux entre ses membres;
- e)** de façon générale, l'exercice des fonctions que la présente loi lui attribue.

Publication of proposed rules

(2) A copy of each rule that the Commission proposes to make shall be published in the *Canada Gazette* and a reasonable opportunity shall be given to interested persons to make representations with respect to it.

Exception

(3) A proposed rule need not be published more than once, whether or not it has been amended as a result of any representations.

2012, c. 19, s. 369; 2013, c. 18, s. 35.

Immunity

Protection

45.5 (1) No criminal, civil or administrative action or proceeding lies against the members, officers or employees of the Commission, or any person acting on behalf or under the direction of the Commission, for anything done, reported or said in good faith in the exercise or purported exercise of any power, or the performance or purported performance of any duty or function, of the Commission or the Chairperson under this Act.

No summons

(2) A member, officer or employee of the Commission, or any person acting on behalf or under the direction of the Commission, is not a competent or compellable witness, in respect of any matter coming to the knowledge of the Commission or that person as a result of exercising a power or performing a duty or function of the Commission or the Chairperson, in any proceeding other than a prosecution for an offence under this Act, a prosecution for an offence under the *Security of Information Act* or a prosecution for an offence under section 132 or 136 of the *Criminal Code*.

2012, c. 19, s. 369; 2013, c. 18, s. 35.

Reporting

Special reports

45.51 (1) The Commission may, on the request of the Minister or on its own initiative, provide the Minister with a special report concerning any matter that relates to its powers, duties and functions under this Act.

Exemption

(2) When the Commission provides the report to the Minister, section 45.43 and subsection 45.44(2) do not apply in respect of any information referred to in subsection 45.39(3) or to privileged information, as defined in subsection 45.4(1), set out in the report.

2012, c. 19, s. 369; 2013, c. 18, s. 35.

Publication préalable

(2) Les règles proposées sont publiées dans la *Gazette du Canada*, et il est donné aux intéressés la possibilité de présenter des observations à leur sujet.

Modification

(3) La modification des règles proposées n'entraîne cependant pas de nouvelle publication.

2012, ch. 19, art. 369; 2013, ch. 18, art. 35.

Immunité

Immunité

45.5 (1) Les membres et le personnel de la Commission et les personnes agissant pour son compte ou sous sa direction bénéficient de l'immunité en matière pénale, civile ou administrative pour les actes accomplis, les rapports ou comptes rendus établis et les paroles prononcées de bonne foi dans l'exercice effectif ou censé tel des pouvoirs et fonctions conférés à la Commission ou à son président par la présente loi.

Non-assignation

(2) En ce qui concerne les questions portées à leur connaissance ou à celle de la Commission dans l'exercice des pouvoirs et fonctions conférés à la Commission ou à son président, les membres et le personnel de la Commission et les personnes agissant pour son compte ou sous sa direction ne peuvent être contraints à témoigner et ne sont des témoins compétents que dans le cadre des poursuites intentées pour une infraction prévue par la présente loi ou par la *Loi sur la protection de l'information* ou dans celles intentées sur le fondement des articles 132 ou 136 du *Code criminel*.

2012, ch. 19, art. 369; 2013, ch. 18, art. 35.

Rapports

Rapports spéciaux

45.51 (1) La Commission peut, de sa propre initiative ou à la demande du ministre, présenter à celui-ci un rapport spécial sur toute question relevant des pouvoirs et fonctions que lui attribue la présente loi.

Exemption

(2) Lorsqu'elle présente un rapport au ministre au titre du paragraphe (1), l'article 45.43 et le paragraphe 45.44(2) ne s'appliquent pas aux renseignements visés au paragraphe 45.39(3) ou aux renseignements protégés, au sens du paragraphe 45.4(1), contenus dans le rapport.

2012, ch. 19, art. 369; 2013, ch. 18, art. 35.

Annual report

45.52 (1) The Chairperson shall, within three months after the end of each fiscal year, submit to the Minister a report of the activities of the Commission during that year and its recommendations, if any. The Minister shall cause a copy of the report to be tabled in each House of Parliament on any of the first 15 days on which that House is sitting after the day on which the Minister receives the report.

Annual report – provinces

(2) The Commission shall, for each fiscal year and in respect of each province the government of which has entered into an arrangement with the Minister under section 20, submit to the provincial minister who has the primary responsibility for policing in that province a report setting out the number and nature of complaints relating to conduct that occurred in that province and how those complaints were disposed of and identifying trends, if any. The Commission shall submit a copy of that report to the Minister and the Commissioner.

Performance in relation to time limits

(3) Every report must contain information respecting the Commission's performance in relation to the service standards established under section 45.37.

2013, c. 18, s. 35.

PART VII**Investigation, Review and Hearing of Complaints****Complaints****Complaints**

45.53 (1) Any individual may make a complaint concerning the conduct, in the performance of any duty or function under this Act or the *Witness Protection Program Act*, of any person who, at the time that the conduct is alleged to have occurred, was a member or other person appointed or employed under Part I.

Commission's discretion

(2) The Commission may refuse to deal with the complaint if, in the Commission's opinion, the complaint

- (a)** has been adequately dealt with, or could more appropriately be dealt with, according to a procedure provided for under this Act or any other Act of Parliament;

Rapport annuel

45.52 (1) Le président de la Commission présente au ministre, dans les trois premiers mois suivant la fin de chaque exercice, le rapport d'activité de la Commission pour cet exercice et y joint les recommandations de la Commission, le cas échéant. Le ministre fait déposer une copie du rapport devant chaque chambre du Parlement dans les quinze premiers jours de séance de celle-ci suivant sa réception.

Rapport annuel – provinces

(2) La Commission présente à chaque ministre provincial de qui relève au premier chef l'administration des forces de police d'une province à l'égard de laquelle le gouvernement a conclu des arrangements avec le ministre en vertu de l'article 20, un rapport indiquant, pour la province et pour chaque exercice, le nombre et le sujet des plaintes sur toute conduite survenue dans celle-ci, la manière dont les plaintes ont été réglées et toute tendance qui se dégage. La Commission présente une copie de ce rapport au ministre et au commissaire.

Normes de service concernant les délais à respecter

(3) Les renseignements concernant le rendement de la Commission relativement aux normes de service établies en vertu de l'article 45.37 sont inclus dans les rapports.

2013, ch. 18, art. 35.

PARTIE VII**Enquêtes, révisions et audiences relatives aux plaintes****Plaintes****Plaintes**

45.53 (1) Tout particulier peut déposer une plainte concernant la conduite, dans l'exercice de fonctions prévues par la présente loi ou la *Loi sur le programme de protection des témoins*, de toute personne qui, au moment de la conduite reprochée, était un membre ou une autre personne nommée ou employée sous le régime de la partie I.

Pouvoir discrétionnaire de la Commission

(2) La Commission peut refuser d'examiner toute plainte déposée en vertu du paragraphe (1) si elle est d'avis :

- a)** que la plainte a été examinée comme il se doit dans le cadre d'une procédure prévue par la présente loi ou toute autre loi fédérale ou qu'elle aurait avantage à l'être;

(b) is trivial, frivolous, vexatious or made in bad faith;
or

(c) is from an individual who

(i) is not an individual at whom the conduct was directed,

(ii) is not the guardian, tutor, curator, mandatary in case of incapacity or any other person authorized to act on behalf of the individual at whom the conduct was directed,

(iii) did not see or hear the conduct or its effects as a result of not being physically present at the time and place that the conduct or its effects occurred,

(iv) has not been given written permission to make the complaint from the individual at whom the conduct was directed, or

(v) has not suffered loss, damage, distress, danger or inconvenience as a result of the conduct.

Complaints involving decisions made under Part IV

(3) The Commission shall refuse to deal with a complaint concerning any decision under Part IV.

Complaint by members or certain other persons

(4) The Commission shall refuse to deal with a complaint made under subsection (1) by a member or other person appointed or employed under Part I if the complaint has been or could have been adequately dealt with, or could more appropriately be dealt with, according to a procedure provided for under this Act or any other Act of Parliament.

National security

(4.1) The Commission shall refuse to deal with a complaint concerning an activity that is closely related to national security and shall refer such a complaint to the National Security and Intelligence Review Agency.

Notification of referral

(4.2) The Commission shall notify the Commissioner if it refers a complaint to the National Security and Intelligence Review Agency. After doing so, it shall also notify the complainant of the referral.

b) qu'elle est futile ou vexatoire ou a été portée de mauvaise foi;

c) qu'elle est déposée par un particulier qui :

(i) n'est pas visé par cette conduite,

(ii) n'est pas le tuteur, le curateur, le mandataire en cas d'incapacité ou une autre personne autorisée à agir pour le compte du particulier visé par cette conduite,

(iii) n'a ni vu ni entendu cette conduite ou ses effets parce qu'il n'était pas présent au moment et au lieu où cette conduite ou ses effets sont survenus,

(iv) n'a pas obtenu le consentement écrit lui permettant de déposer une plainte de la part du particulier visé par cette conduite,

(v) n'a subi aucune perte, aucun dommage, aucune détresse, aucun danger ou aucun inconvénient du fait de cette conduite.

Plainte relative à une décision rendue en vertu de la partie IV

(3) La Commission doit refuser d'examiner toute plainte concernant une décision rendue sous le régime de la partie IV.

Plainte d'un membre ou de certaines autres personnes

(4) La Commission doit refuser d'examiner toute plainte déposée en vertu du paragraphe (1) par un membre ou toute autre personne nommée ou employée sous le régime de la partie I lorsqu'elle a été examinée ou aurait pu l'être comme il se doit dans le cadre d'une procédure prévue par la présente loi ou toute autre loi fédérale ou qu'elle aurait avantage à l'être.

Sécurité nationale

(4.1) La Commission doit refuser d'examiner toute plainte concernant des activités étroitement liées à la sécurité nationale et renvoyer la plainte à l'Office de surveillance des activités en matière de sécurité nationale et de renseignement.

Avis de renvoi

(4.2) La Commission avise du renvoi de la plainte à l'Office de surveillance des activités en matière de sécurité nationale et de renseignement le commissaire, puis le plaignant.

Time limit

(5) The complaint shall be made within one year after the day on which the conduct is alleged to have occurred or any longer period permitted under subsection (6).

Extension of time limit

(6) The Commission or the Commissioner may extend the time limit for making a complaint if the Commission or the Commissioner, as the case may be, is of the opinion that there are good reasons for doing so and that it is not contrary to the public interest.

Notice

(7) If a complaint is made more than one year after the day on which the conduct is alleged to have occurred and the Commissioner does not extend the time limit for the making of the complaint, the Commissioner shall so notify the complainant and the Commission.

Reception of complaint

(8) A complaint shall be made to

- (a)** the Commission;
- (b)** any member or other person appointed or employed under Part I; or
- (c)** the provincial authority that is responsible for the receipt of complaints against police in the province in which the subject matter of the complaint arose.

Assistance

(9) The Commission shall, on the request of an individual who wishes to make a complaint, arrange for the provision of assistance to that individual in making the complaint.

Acknowledgement and notification

(10) As soon as feasible after a person or entity referred to in subsection (8) receives a complaint, the person or entity shall acknowledge the complaint in writing to the complainant and shall provide written notice of the complaint to the Commissioner and to the entities referred to in paragraphs (8)(a) and (c).

Covert operations

(11) The Commission and the Force are authorized to acknowledge a complaint or otherwise deal with a complainant in a manner that does not reveal, or from which may not be inferred, information concerning

- (a)** whether a place, person, agency, group, body or other entity was, is or is intended to be the object of a

Délai

(5) La plainte est déposée dans l'année suivant la date de survenance de la conduite reprochée ou dans le délai prolongé en vertu du paragraphe (6).

Prolongation du délai

(6) La Commission ou le commissaire, selon le cas, peut prolonger le délai de dépôt si l'un ou l'autre est d'avis que la prolongation est justifiée et ne va pas à l'encontre de l'intérêt public.

Avis

(7) Si la plainte est déposée après l'expiration du délai d'un an suivant la date de survenance de la conduite reprochée et que le commissaire ne prolonge pas le délai pour son dépôt, il doit en aviser le plaignant et la Commission.

Dépôt de la plainte

(8) La plainte est déposée, selon le cas :

- a)** auprès de la Commission;
- b)** auprès d'un membre ou de toute autre personne nommée ou employée sous le régime de la partie I;
- c)** auprès de l'autorité provinciale habilitée à recevoir des plaintes contre une force de police dans la province d'origine du sujet de la plainte.

Assistance

(9) La Commission prend des mesures pour fournir de l'aide, sur demande, au particulier qui veut déposer une plainte.

Avis aux autres personnes ou à l'autorité provinciale

(10) Dans les meilleurs délais après la réception de la plainte, l'entité ou la personne visée au paragraphe (8) en accuse réception par écrit au plaignant et en avise par écrit le commissaire et les entités visées aux alinéas (8)a) et c).

Activités secrètes

(11) La Commission et la Gendarmerie sont autorisées à accuser réception de la plainte ou à prendre toute autre mesure à l'égard du plaignant qui ne révèle pas ou qui ne permettrait pas de découvrir ce qui suit :

- a)** le fait qu'un lieu, une personne, un groupe, un organisme ou une entité a fait, fait ou fera l'objet d'une

covert investigation or a covert collection of information or intelligence; or

(b) the identity of any person who is, has been or is intended to be engaged in a covert collection of information or intelligence.

2013, c. 18, s. 35; 2019, c. 13, s. 42.

Notice

45.54 As soon as feasible after being notified of a complaint, the Commissioner shall notify in writing the member or other person whose conduct is the subject matter of the complaint of the substance of the complaint unless, in the Commissioner's opinion, to do so might compromise or hinder any investigation that is being or may be carried out in respect of the complaint.

2013, c. 18, s. 35.

Withdrawal of Complaints

Withdrawal

45.55 (1) A complainant may withdraw a complaint at any time by sending a written notice to the Commission.

Assistance

(2) The Commission shall, on the request of an individual who wishes to withdraw a complaint, arrange for the provision of assistance to that individual in withdrawing the complaint.

Notice of withdrawal

(3) As soon as feasible after the Commission receives a notice that a complaint has been withdrawn, the Commission shall give written notice of the withdrawal to the Commissioner and the provincial authority that is responsible for the receipt of complaints against police in the province in which the subject matter of the complaint arose.

Notice to member or other person

(4) When the Commissioner receives a notice under subsection (3), he or she shall notify in writing the member or other person whose conduct is the subject matter of the complaint that the complaint has been withdrawn.

Investigation or hearing into withdrawn complaint

(5) Despite the withdrawal of the complaint, the complaint may be the subject of an investigation, review or hearing conducted under this Part.

enquête secrète ou d'activités secrètes de collecte d'information ou de renseignements;

b) l'identité de toute personne qui a exercé, exerce ou pourrait être appelée à exercer de telles activités.

2013, ch. 18, art. 35; 2019, ch. 13, art. 42.

Avis

45.54 Dans les meilleurs délais après avoir été avisé du dépôt d'une plainte, le commissaire avise par écrit le membre ou l'autre personne en cause de la teneur de la plainte, pour autant qu'il soit d'avis qu'une telle mesure ne risque pas de compromettre la tenue d'une enquête sur la question ou d'y nuire.

2013, ch. 18, art. 35.

Retrait de la plainte

Retrait

45.55 (1) Le plaignant peut, à tout moment, retirer sa plainte par avis écrit en ce sens à la Commission.

Assistance

(2) La Commission prend des mesures pour fournir de l'aide, sur demande, au particulier qui veut retirer sa plainte.

Avis de retrait

(3) Dans les meilleurs délais après la réception de la demande de retrait, la Commission en avise par écrit le commissaire et l'autorité provinciale habilitée à recevoir des plaintes contre une force de police dans la province d'origine du sujet de la plainte.

Avis au membre ou à l'autre personne en cause

(4) Lorsqu'il reçoit l'avis mentionné au paragraphe (3), le commissaire avise par écrit le membre ou l'autre personne en cause du retrait de la plainte.

Enquête ou audience à la suite du retrait

(5) Malgré son retrait, une plainte peut être le sujet d'une enquête, d'une révision ou d'une audience prévue par la présente partie.

Preservation of evidence

(6) The Commissioner shall ensure the protection and preservation of any evidence relating to a withdrawn complaint.

Regulations

(7) The Governor in Council may make regulations respecting the period during which the evidence is to be protected and preserved.

2013, c. 18, s. 35.

Informal Resolution**Informal resolution**

45.56 (1) As soon as feasible after being notified of a complaint, the Commissioner shall consider whether the complaint can be resolved informally and, with the consent of the complainant and the member or other person whose conduct is the subject matter of the complaint, may attempt to resolve it informally.

Inadmissibility

(2) An answer or statement made in the course of attempting to resolve a complaint informally, by the complainant or the member or other person whose conduct is the subject matter of the complaint, may be used or received against that person only in

(a) a prosecution under section 132 or 136 of the *Criminal Code*; or

(b) a civil or administrative proceeding regarding an allegation that with intent to mislead the witness gave the answer or statement knowing it to be false.

Agreement to informal resolution in writing

(3) The terms of every informal resolution of a complaint as well as the agreement of the complainant and the member or other person whose conduct is the subject matter of the complaint to those terms shall be signified in writing. A copy of everything so signified in writing is to be provided to the Commission.

Regulations

(4) The Governor in Council may make regulations prescribing the categories of complaints that are not to be resolved informally by the Commissioner.

Conservation de la preuve

(6) Le commissaire veille à ce que toute preuve liée à la plainte soit protégée et conservée.

Règlements

(7) Le gouverneur en conseil peut prendre des règlements concernant le délai de protection et de conservation de la preuve.

2013, ch. 18, art. 35.

Règlement à l'amiable des plaintes**Règlement à l'amiable**

45.56 (1) Dans les meilleurs délais après la réception de l'avis de la plainte, le commissaire examine la possibilité de régler la plainte à l'amiable et, moyennant le consentement du plaignant et du membre ou de l'autre personne en cause, il peut tenter de la régler ainsi.

Inadmissibilité

(2) La réponse ou la déclaration faite, dans le cadre d'une tentative de règlement à l'amiable, par le plaignant ou le membre ou l'autre personne en cause ne peut être utilisée ni admise contre ceux-ci, sauf dans les cas suivants :

a) une poursuite intentée sur le fondement des articles 132 ou 136 du *Code criminel*;

b) une poursuite civile ou administrative portant sur l'allégation selon laquelle l'intéressé a fait une réponse ou une déclaration qu'il savait fausse, dans l'intention de tromper.

Approbation écrite du règlement à l'amiable

(3) Les modalités de tout règlement à l'amiable sont consignées et approuvées par écrit par le plaignant et par le membre ou l'autre personne en cause. Une copie de ce règlement et de ces modalités est fournie à la Commission.

Règlements

(4) Le gouverneur en conseil peut, par règlement, prévoir les catégories de plaintes qui ne peuvent être réglées à l'amiable par le commissaire.

Clarification

(5) For greater certainty, nothing in this section prevents the Commission from informally resolving a complaint of which it is seized.

2013, c. 18, s. 35.

Representations

Right to make representations

45.57 (1) If a complaint is made under this Part with respect to the conduct of a member or other person, the following persons shall be given an opportunity to make representations with respect to that conduct's impact on the person:

- (a)** the complainant;
- (b)** the guardian, tutor, curator, mandatary in case of incapacity or any other person authorized to act on behalf of the individual at whom the conduct was directed; and
- (c)** the individual who has written permission to make the representations from the individual at whom the conduct was directed.

Disclosure and use

(2) Representations, including any personal information contained in them, received by the Commission in relation to the complaint shall be disclosed as soon as feasible to the Force and those representations shall be taken into account by a conduct authority or conduct board in determining a conduct measure to be imposed under Part IV.

Regulations

(3) The Governor in Council may make regulations respecting the making of representations under subsection (1).

2013, c. 18, ss. 35, 77.

Records of complaints

45.58 (1) The Commissioner and the Commission shall establish and maintain a record of all complaints they receive under this Part, including those that are resolved informally and those that are withdrawn by the complainant.

Making record available

(2) Subject to sections 45.4 and 45.42, the Commissioner shall, on request, make available to the Commission any information contained in a record maintained by the Commissioner under subsection (1).

2013, c. 18, s. 35.

Précision

(5) Il est entendu que le présent article n'empêche pas la Commission de régler à l'amiable toute plainte dont elle est saisie.

2013, ch. 18, art. 35.

Observations

Droit de présenter des observations

45.57 (1) Dans le cas de la plainte déposée sous le régime de la présente partie, les personnes ci-après ont la possibilité de présenter leurs observations relativement aux conséquences qu'a eu sur elles la conduite d'un membre ou d'une autre personne :

- a)** le plaignant;
- b)** le tuteur, le curateur, le mandataire en cas d'incapacité ou toute autre personne autorisée à agir pour le compte du particulier visé par cette conduite;
- c)** le particulier qui a obtenu le consentement écrit lui permettant de présenter des observations de la part de celui visé par cette conduite.

Communication et utilisation

(2) La Commission communique à la Gendarmerie dans les meilleurs délais les observations qu'elle a reçues concernant la plainte, y compris les renseignements personnels qui s'y trouvent. L'autorité disciplinaire ou le comité de déontologie prend en considération ces observations au moment de déterminer la mesure disciplinaire à prendre sous le régime de la partie IV.

Règlements

(3) Le gouverneur en conseil peut prendre des règlements concernant la présentation des observations au titre du paragraphe (1).

2013, ch. 18, art. 35 et 77.

Dossier

45.58 (1) Le commissaire et la Commission établissent et conservent un dossier pour toutes les plaintes qu'ils reçoivent en application de la présente partie, notamment pour les plaintes réglées à l'amiable et celles retirées par le plaignant.

Renseignement

(2) Sous réserve des articles 45.4 et 45.42, le commissaire fournit à la Commission, sur demande, tout renseignement contenu dans un tel dossier.

2013, ch. 18, art. 35.

Chairperson-initiated Complaints

Complaints initiated by Chairperson

45.59 (1) If the Chairperson is satisfied that there are reasonable grounds to investigate the conduct, in the performance of any duty or function under this Act or the *Witness Protection Program Act*, of any person who, at the time that the conduct is alleged to have occurred, was a member or other person appointed or employed under Part I, the Chairperson may initiate a complaint in relation to that conduct.

Chairperson is complainant

(2) Unless the context otherwise requires, a reference in this Part to a complainant is, in relation to a complaint initiated under subsection (1), a reference to the Chairperson.

Notice to Commissioner and Minister

(3) The Chairperson shall notify the Minister and the Commissioner of any complaint initiated under subsection (1).

Notice to member

(4) Immediately after being notified of a complaint under subsection (3), the Commissioner shall notify in writing the member or other person whose conduct is the subject matter of the complaint of the substance of the complaint unless, in the Commissioner's opinion, to do so might compromise or hinder any investigation that is being or may be carried out in respect of the complaint.

2013, c. 18, s. 35.

Investigation of Complaints by the Force

Investigation by the Force

45.6 (1) Subject to subsection (2) and section 45.61, the Force shall investigate, in accordance with the rules made under section 45.62, any complaint made under this Part.

Restriction on power to investigate

(2) The Force shall not commence or continue an investigation of a complaint if the Commission has notified the Commissioner that it will investigate that complaint or institute a hearing to inquire into that complaint.

2013, c. 18, s. 35.

Plaintes déposées par le président de la Commission

Plaintes déposées par le président de la Commission

45.59 (1) Le président de la Commission peut déposer une plainte s'il est convaincu qu'il existe des motifs raisonnables d'enquêter sur la conduite, dans l'exercice de fonctions prévues par la présente loi ou la *Loi sur le programme de protection des témoins*, de toute personne qui, au moment de la conduite reprochée, était un membre ou toute autre personne nommée ou employée sous le régime de la partie I.

Président : plaignant

(2) Sauf si le contexte s'y oppose, dans la présente partie, la mention du plaignant à l'égard d'une plainte déposée en vertu du paragraphe (1) vaut mention du président de la Commission.

Avis au commissaire et au ministre

(3) Le président de la Commission avise le ministre et le commissaire des plaintes qu'il dépose en vertu du paragraphe (1).

Avis au membre

(4) Dès qu'il est avisé d'une plainte conformément au paragraphe (3), le commissaire avise par écrit le membre ou l'autre personne en cause de la teneur de la plainte, pour autant qu'il soit d'avis qu'une telle mesure ne risque pas de compromettre la tenue d'une enquête sur la question ou d'y nuire.

2013, ch. 18, art. 35.

Enquête sur les plaintes par la Gendarmerie

Enquête par la Gendarmerie

45.6 (1) Sous réserve du paragraphe (2) et de l'article 45.61, la Gendarmerie enquête sur toute plainte déposée au titre de la présente partie selon les règles établies en vertu de l'article 45.62.

Interdiction d'enquêter

(2) La Gendarmerie ne peut tenir ou poursuivre une enquête sur une plainte lorsque la Commission avise le commissaire qu'elle enquêtera ou convoquera elle-même une audience sur la plainte.

2013, ch. 18, art. 35.

Right to refuse or terminate investigation

45.61 (1) The Commissioner may direct the Force to not commence or continue an investigation of a complaint, other than a complaint initiated under subsection 45.59(1), if, in the Commissioner's opinion,

- (a) any of the reasons for which the Commission may refuse to deal with a complaint under paragraph 45.53(2)(a), (b) or (c) or subsection 45.53(3) applies; or
- (b) having regard to all the circumstances, it is not necessary or reasonably practicable to commence or continue an investigation of the complaint.

Duty to refuse or terminate investigation

(2) The Commissioner shall direct the Force to not commence or continue an investigation of a complaint by a member or other person appointed or employed under Part I if the complaint has been or could have been adequately dealt with, or could more appropriately be dealt with, according to a procedure provided for under this Act or any other Act of Parliament.

Notice to complainant and member

(3) If the Commissioner directs the Force to not commence or continue an investigation of a complaint, the Commissioner shall give notice in writing to the complainant and the member or other person whose conduct is the subject matter of the complaint of the decision and the reasons for it and the complainant's right to refer the complaint to the Commission for review, within 60 days after being notified of the decision, if the complainant is not satisfied with the decision.

Notice to the Commission

(4) The Commissioner shall notify the Commission of any action he or she takes under this section.

2013, c. 18, s. 35.

Rules

45.62 The Commissioner may make rules governing the procedures to be followed by the Force in notifying persons under this Part and in investigating, disposing of or otherwise dealing with complaints under this Part.

2013, c. 18, s. 35.

Updates with respect to the investigation

45.63 The Commissioner shall notify in writing the complainant and the member or other person whose conduct is the subject matter of the complaint of the status of the investigation to date not later than 45 days after being notified of the complaint and monthly after that during the course of the investigation unless, in the

Plainte — droit de refuser ou de clore une enquête

45.61 (1) Le commissaire peut ordonner à la Gendarmerie de ne pas enquêter ou de cesser d'enquêter sur une plainte, à l'exception de celle déposée en vertu du paragraphe 45.59(1), si, à son avis :

- a) tout motif de refus de la Commission visé aux alinéas 45.53(2)a), b) ou c) ou au paragraphe 45.53(3) s'applique;
- b) compte tenu des circonstances, il n'est pas nécessaire ni possible en pratique de commencer une enquête ou de poursuivre l'enquête déjà commencée.

Plainte — obligation d'intervenir et de refuser

(2) Lorsqu'une plainte déposée par un membre ou toute autre personne nommée ou employée sous le régime de la partie I a été examinée ou aurait pu l'être comme il se doit dans le cadre d'une procédure prévue par la présente loi ou toute autre loi fédérale ou aurait avantage à l'être, le commissaire ordonne à la Gendarmerie de ne pas enquêter ou de cesser d'enquêter.

Avis au plaignant et au membre

(3) Lorsqu'il ordonne à la Gendarmerie de ne pas enquêter ou de cesser d'enquêter, le commissaire transmet par écrit au plaignant et au membre ou à l'autre personne en cause un avis motivé de la décision faisant état du droit qu'a le plaignant, dans les soixante jours suivant la réception de l'avis, en cas de désaccord, de renvoyer la plainte devant la Commission pour révision.

Avis à la Commission

(4) Le commissaire avise la Commission lorsqu'il agit en application du présent article.

2013, ch. 18, art. 35.

Règles

45.62 Le commissaire peut établir des règles de procédure à l'intention de la Gendarmerie sur la manière d'aviser les personnes, d'enquêter sur une plainte ou d'en disposer dans le cadre de la présente partie, ou, de façon générale, sur la manière de la traiter.

2013, ch. 18, art. 35.

Compte rendu

45.63 Au plus tard quarante-cinq jours après avoir été avisé d'une plainte et, par la suite, tous les mois pendant la durée de l'enquête, le commissaire avise par écrit le plaignant et le membre ou l'autre personne en cause de l'état d'avancement de l'enquête, pour autant qu'il soit d'avis qu'une telle mesure ne risque pas de compromettre

Commissioner's opinion, to do so might compromise or hinder any investigation that is being or may be carried out in respect of the complaint.

2013, c. 18, s. 35.

Report

45.64 As soon as feasible after the investigation of a complaint is completed, the Commissioner shall prepare and send to the complainant, the member or other person whose conduct is the subject matter of the complaint and the Commission a report setting out

- (a) a summary of the complaint;
- (b) the findings of the investigation;
- (c) a summary of any action that has been or will be taken with respect to the disposition of the complaint; and
- (d) the complainant's right to refer the complaint to the Commission for review, within 60 days after receiving the report, if the complainant is not satisfied with the disposition of the complaint.

2013, c. 18, s. 35.

Powers of the Commission in Relation to Complaints

Powers

45.65 (1) The Commission may, in relation to a complaint before it,

- (a) in the same manner and to the same extent as a superior court of record, summon and enforce the attendance of witnesses before the Commission and compel them to give oral or written evidence on oath and to produce any documents and things that the Commission considers relevant for the full investigation, hearing and consideration of the complaint;
- (b) administer oaths;
- (c) receive and accept any evidence and other information, whether on oath or by affidavit or otherwise, that the Commission sees fit, whether or not that evidence or information is or would be admissible in a court of law; and
- (d) make any examination of records and any inquiries that the Commission considers necessary.

No excuse

(2) No witness shall be excused from answering any question or producing any document or thing, when

la conduite de toute autre enquête sur la question ou d'y nuire.

2013, ch. 18, art. 35.

Rapport

45.64 Dans les meilleurs délais après l'enquête, le commissaire établit et transmet au plaignant, au membre ou à l'autre personne en cause et à la Commission un rapport qui comporte les éléments suivants :

- a) un résumé de la plainte;
- b) les conclusions de l'enquête;
- c) un résumé des mesures prises ou projetées pour régler la plainte;
- d) la mention du droit qu'a le plaignant, dans les soixante jours suivant la réception du rapport, en cas de désaccord avec le règlement de la plainte, de renvoyer celle-ci devant la Commission pour révision.

2013, ch. 18, art. 35.

Pouvoirs de la Commission relativement aux plaintes

Pouvoirs

45.65 (1) La Commission peut, relativement à la plainte dont elle est saisie :

- a) assigner et contraindre les témoins à comparaître devant elle, à déposer verbalement ou par écrit sous la foi du serment et à produire les documents et les choses qu'elle juge pertinents pour enquêter, instruire une audience et examiner la plainte à fond, au même titre qu'une cour supérieure d'archives;
- b) faire prêter serment;
- c) recevoir des éléments de preuve ou des renseignements, fournis sous serment, sous forme d'affidavit ou par tout autre moyen qu'elle estime indiqué, indépendamment de leur admissibilité devant un tribunal;
- d) procéder à l'examen des dossiers ou registres et aux enquêtes qu'elle juge nécessaires.

Obligation des témoins de déposer

(2) Nul n'est dispensé de répondre à une question ou de produire un document ou une chose, lorsque la

compelled to do so by the Commission, on the grounds that the answer or statement made in response to the question, or the document or thing given by the witness, may tend to criminate him or her or subject him or her to any criminal, civil or administrative action or proceeding.

Inadmissibility

(3) Evidence given, or a document or thing produced, by a witness who is compelled by the Commission to give or produce it, and any evidence derived from it, may be used or received against the witness only in

- (a)** a prosecution under section 132 or 136 of the *Criminal Code*; or
- (b)** a civil or administrative proceeding in respect of an allegation that, with intent to mislead, the witness gave the answer or statement knowing it to be false.

Restriction

(4) Despite subsection (1), the Commission shall not receive or accept

- (a)** any answer or statement made in response to a question described in subsection 24.1(7), 35(8), 40(2) or 45.1(5);
- (b)** any answer or statement made in response to a question described in subsection (2) in any investigation or hearing with respect to any other complaint; or
- (c)** any answer or statement made in the course of attempting to dispose of a complaint under section 45.56.

Restriction

(5) Despite paragraph (1)(a), the Commission shall not enforce the production of written evidence or any document or thing to which the Commission has a right of access under subsection 45.4(2).

Witness fees

(6) Any witness, other than a member, who is summoned is entitled, at the discretion of the Commission, to receive the same fees and allowances as those paid to witnesses summoned to attend before the Federal Court.

2013, c. 18, ss. 35, 77.

Investigation by the Commission

Complaints

45.66 (1) After receiving or being notified of a complaint made under this Part, the Commission shall

Commission l'exige, au motif que la réponse ou la déclaration faite à la suite de la question ou le document ou la chose peuvent tendre à l'incriminer ou à l'exposer à quelque procédure ou action pénale, civile ou administrative.

Inadmissibilité

(3) La déposition ou le document ou la chose exigés par la Commission et la preuve qu'ils établissent ne peuvent être utilisés ni admis contre le témoin, sauf dans les cas suivants :

- a)** une poursuite intentée sur le fondement des articles 132 ou 136 du *Code criminel*;
- b)** une poursuite civile ou administrative portant sur l'allégation selon laquelle l'intéressé a fait une réponse ou déclaration qu'il savait fausse, dans l'intention de tromper.

Restriction

(4) Malgré le paragraphe (1), la Commission ne peut recevoir ou accepter :

- a)** les réponses ou déclarations faites à la suite des questions visées aux paragraphes 24.1(7), 35(8), 40(2) ou 45.1(5);
- b)** les réponses ou déclarations faites à la suite des questions visées au paragraphe (2) lors de toute enquête ou audience portant sur une autre plainte;
- c)** les réponses ou déclarations faites dans le cadre d'une tentative de règlement à l'amiable prévue à l'article 45.56.

Restriction

(5) Malgré l'alinéa (1)a), la Commission ne peut contraindre la production de tout document ou de toute chose auxquels elle a accès au titre du paragraphe 45.4(2).

Indemnités : témoins

(6) À l'exception des membres, les témoins assignés à comparaître peuvent, à l'appréciation de la Commission, recevoir les indemnités accordées aux témoins assignés devant la Cour fédérale.

2013, ch. 18, art. 35 et 77.

Enquête par la Commission

Pouvoir discrétionnaire de la Commission

45.66 (1) Lorsque le président de la Commission est d'avis qu'il serait dans l'intérêt public de le faire, la

investigate the complaint or institute a hearing to inquire into the complaint if the Chairperson is of the opinion that it would be in the public interest for the Commission to do so.

Notice to Commissioner and Minister

(2) The Commission shall notify the Minister and the Commissioner of any investigation or hearing initiated under this section.

2013, c. 18, s. 35.

Right to terminate investigation

45.67 (1) The Commission may decide to discontinue an investigation of a complaint if, in the Commission's opinion,

(a) any of the reasons for which the Commission may refuse to deal with a complaint under paragraph 45.53(2)(a), (b) or (c) applies; or

(b) having regard to all the circumstances, it is not necessary or reasonably practicable to continue to investigate the complaint.

Obligation to discontinue investigation

(2) The Commission shall discontinue an investigation of a complaint if subsection 45.53(3) or (4) applies.

Referral — National security

(2.1) The Commission shall discontinue an investigation of a complaint if subsection 45.53(4.1) applies and shall refer the complaint to the National Security and Intelligence Review Agency.

Notice to the Commissioner and complainant

(3) Subject to subsection (3.1), if the Commission discontinues an investigation of a complaint, the Commission shall give notice in writing of the discontinuance and the reasons for it to the complainant and the Commissioner.

Notice — application of subsection (2.1)

(3.1) If the investigation of a complaint is discontinued under subsection (2.1), the Commission shall give to the Commissioner notice in writing of the investigation's discontinuance and the referral of the complaint to the National Security and Intelligence Review Agency. After doing so, the Commission shall give notice in writing of the discontinuance and the referral to the complainant.

Commission enquête ou convoque une audience à l'égard d'une plainte dont elle est saisie ou avisée au titre de la présente partie.

Avis au commissaire et au ministre

(2) La Commission avise le ministre et le commissaire de toute enquête ou audience convoquée au titre du présent article.

2013, ch. 18, art. 35.

Plainte — droit de refuser ou de clore une enquête

45.67 (1) La Commission peut décider de cesser d'enquêter si, à son avis :

a) l'un ou l'autre des motifs de refus qu'elle peut invoquer en vertu des alinéas 45.53(2)a), b) ou c) s'applique;

b) compte tenu des circonstances, il n'est pas nécessaire ni possible en pratique de poursuivre l'enquête.

Obligation de clore une enquête

(2) La Commission cesse d'enquêter si l'un ou l'autre des paragraphes 45.53(3) ou (4) s'applique.

Renvoi — sécurité nationale

(2.1) Si le paragraphe 45.53(4.1) s'applique, la Commission cesse d'enquêter et renvoie la plainte à l'Office de surveillance des activités en matière de sécurité nationale et de renseignement.

Avis au commissaire et au plaignant

(3) Sous réserve du paragraphe (3.1), si elle cesse d'enquêter, la Commission transmet par écrit un avis motivé de la cessation au commissaire et au plaignant.

Avis — application du paragraphe (2.1)

(3.1) Si elle cesse d'enquêter en application du paragraphe (2.1), la Commission transmet par écrit un avis de la cessation et du renvoi au commissaire, puis au plaignant.

Notice to member and other persons

(4) After receiving the notice, the Commissioner shall notify the member or other person whose conduct is the subject matter of the complaint of the discontinuance of the investigation of the complaint and, if applicable, of the referral made under subsection (2.1).

2013, c. 18, s. 35; 2019, c. 13, s. 43.

Consolidation of complaints

45.68 The Commission may, if in its opinion it is appropriate to do so, merge two or more complaints for the purposes of an investigation, review or hearing.

2013, c. 18, s. 35.

Updates with respect to investigation

45.69 The Commission shall notify in writing the complainant and the member or other person whose conduct is the subject matter of the complaint of the status of the investigation to date not later than 45 days after being notified of the complaint and monthly after that during the course of the investigation unless, in the Commission's opinion, to do so might compromise or hinder any investigation that is being or may be carried out in respect of the complaint.

2013, c. 18, s. 35.

Referral of Complaints to Commission

Referral to Commission

45.7 (1) A complainant who is not satisfied with a decision under section 45.61 or a report under section 45.64 may, within 60 days after being notified of the decision or receiving the report, refer the complaint in writing to the Commission for review.

Extension of time limit

(2) The Commission may extend the time limit for referring a complaint to the Commission for review if the Commission is of the opinion that there are good reasons for doing so and that it is not contrary to the public interest.

Material to be provided

(3) If a complainant refers a complaint to the Commission under subsection (1),

- (a)** the Commission shall notify the Commissioner that the complaint has been referred to the Commission; and

Avis au membre ou à une autre personne visée par la plainte

(4) Après avoir reçu l'avis, le commissaire avise le membre ou l'autre personne en cause de la cessation et, le cas échéant, du renvoi.

2013, ch. 18, art. 35; 2019, ch. 13, art. 43.

Réunion des plaintes

45.68 La Commission peut réunir deux ou plusieurs plaintes lorsqu'elle est d'avis que cela serait indiqué en vue de l'enquête, de la révision ou de l'audience.

2013, ch. 18, art. 35.

Compte rendu

45.69 Au plus tard quarante-cinq jours après avoir été avisée d'une plainte et, par la suite, tous les mois pendant la durée de l'enquête, la Commission avise par écrit le plaignant et le membre ou l'autre personne en cause de l'état d'avancement de l'enquête, pour autant qu'elle soit d'avis qu'une telle mesure ne risque pas de compromettre la conduite de toute autre enquête sur la question ou d'y nuire.

2013, ch. 18, art. 35.

Plaintes renvoyées à la Commission

Renvoi devant la Commission

45.7 (1) Le plaignant qui n'est pas satisfait de la décision rendue en vertu de l'article 45.61 ou du rapport visé à l'article 45.64 peut, dans les soixante jours suivant la réception de l'avis de la décision ou du rapport, renvoyer sa plainte pour révision par demande écrite à la Commission.

Prolongation du délai

(2) La Commission peut prolonger le délai pour renvoyer la plainte si elle est d'avis que la prolongation est justifiée et ne va pas à l'encontre de l'intérêt public.

Documents à transmettre

(3) En cas de renvoi devant la Commission en vertu du paragraphe (1) :

- a)** la Commission avise le commissaire du renvoi;
- b)** le commissaire transmet à la Commission une copie de l'avis visé au paragraphe 45.61(3) ou du rapport visé à l'article 45.64.

2013, ch. 18, art. 35.

(b) the Commissioner shall provide the Commission with a copy of the notice given under subsection 45.61(3) or the report sent under section 45.64.

2013, c. 18, s. 35.

Review by Commission

45.71 (1) The Commission shall review every complaint referred to it under section 45.7.

Commission satisfied

(2) If, after reviewing a complaint, the Commission is satisfied with the Commissioner's decision or report, the Commission shall prepare and send a report in writing to that effect to the Minister, the Commissioner, the complainant and the member or other person whose conduct is the subject matter of the complaint.

Commission not satisfied

(3) If, after reviewing a complaint, the Commission is not satisfied with the Commissioner's decision or report or considers that further inquiry is warranted, the Commission may

(a) prepare and send to the Minister and the Commissioner a report in writing setting out any findings it sees fit with respect to the Commissioner's decision or report and any recommendations it sees fit with respect to the complaint;

(b) request that the Commissioner direct the Force to investigate or further investigate the complaint; or

(c) investigate or further investigate the complaint or institute a hearing to inquire into the complaint.

2013, c. 18, s. 35.

Commissioner's response

45.72 (1) The Commissioner shall, as soon as feasible after receiving a report referred to in paragraph 45.71(3)(a), provide the Commission and the Minister with a written response indicating any further action that has been or will be taken with respect to the complaint. If the Commissioner decides not to act on any findings or recommendations set out in the report, the Commissioner shall include in the response the reasons for not so acting.

Commission's final report

(2) After considering the Commissioner's response under subsection (1), the Commission shall prepare a final report in writing setting out any findings and recommendations with respect to the complaint that the Commission sees fit and shall send a copy of the report to the

Révision par la Commission

45.71 (1) La Commission révisé toute plainte qui lui est renvoyée en vertu de l'article 45.7.

Commission est satisfaite

(2) Après révision de la plainte, la Commission, lorsqu'elle juge satisfaisant le rapport ou la décision du commissaire, établit et transmet par écrit un rapport à cet effet au ministre, au commissaire, au plaignant et au membre ou à l'autre personne en cause.

Commission n'est pas satisfaite

(3) Après révision de la plainte, la Commission, si elle ne juge pas satisfaisant le rapport ou la décision du commissaire, ou est d'avis qu'une enquête plus approfondie est indiquée, peut :

a) soit établir et transmettre au ministre et au commissaire un rapport écrit énonçant les conclusions qu'elle estime indiquées relativement au rapport ou à la décision et les recommandations qu'elle estime indiquées relativement à la plainte;

b) soit demander au commissaire d'ordonner à la Gendarmerie d'enquêter sur la plainte, notamment de façon plus approfondie;

c) soit enquêter sur la plainte, notamment de façon plus approfondie, ou convoquer une audience à son égard.

2013, ch. 18, art. 35.

Réponse du commissaire

45.72 (1) Dans les meilleurs délais après la réception du rapport visé à l'alinéa 45.71(3)a), le commissaire est tenu de fournir par écrit au ministre et à la Commission une réponse qui fait état de toute mesure additionnelle qui a été ou sera prise relativement à la plainte. S'il choisit de s'écarter des conclusions ou des recommandations énoncées dans le rapport, il motive sa décision dans la réponse.

Rapport final de la Commission

(2) Après examen de la réponse, la Commission établit un rapport écrit final énonçant les conclusions et les recommandations qu'elle estime indiquées relativement à la plainte et elle en transmet copie au ministre, au commissaire, au plaignant et au membre ou à l'autre

Minister, the Commissioner, the complainant and the member or other person whose conduct is the subject matter of the complaint. If there is an arrangement between the government of a province and the Minister under section 20, the Commission shall also send a copy of the report to the provincial minister who has the primary responsibility for policing in the province in which the conduct complained of occurred.

2013, c. 18, s. 35.

Hearings

Hearing

45.73 (1) If the Commission decides, under section 45.66 or paragraph 45.71(3)(c), to institute a hearing to inquire into a complaint, the Chairperson shall assign one or more members of the Commission to conduct the hearing and shall send a notice in writing of the decision to the Minister, the Commissioner, the complainant and the member or other person whose conduct is the subject matter of the complaint.

Deeming

(2) For the purposes of this section, the member or members of the Commission who are conducting the hearing are deemed to be the Commission.

Meaning of *parties*

(3) In this section, *parties* means the officer designated by the Commissioner for the purposes of this Part, the member or other person whose conduct is the subject matter of the complaint and the complainant.

Notice

(4) The Commission shall serve a notice in writing of the time and place set for the hearing on the parties.

Sittings of Commission

(5) The Commission may sit at any place in Canada and at any time that may be fixed by the Commission, taking into account the convenience of the parties who wish to appear before the Commission.

Hearings in public

(6) A hearing to inquire into a complaint shall be held in public but the Commission, on its own initiative or at the request of any party or witness, may order a hearing or any part of a hearing to be held *in camera* or *ex parte* if it is of the opinion

(a) that information that could reasonably be expected to be injurious to the defence of Canada or any state allied or associated with Canada or the detection,

personne en cause et, lorsqu'il existe un arrangement conclu en vertu de l'article 20, au ministre provincial de qui relève au premier chef l'administration des forces de police de la province partie à l'arrangement dans laquelle la conduite qui fait l'objet de la plainte est survenue.

2013, ch. 18, art. 35.

Audience

Audience

45.73 (1) Lorsque la Commission décide de convoquer une audience pour enquêter sur une plainte en vertu de l'article 45.66 ou de l'alinéa 45.71(3)c), le président de la Commission désigne un ou plusieurs membres pour tenir l'audience et transmet un avis écrit de sa décision au ministre, au commissaire, au plaignant et au membre ou à l'autre personne en cause.

Commission

(2) Pour l'application du présent article, sont réputés être la Commission le ou les membres de celle-ci qui tiennent l'audience.

Définition de *partie*

(3) Au présent article, *partie* s'entend de l'officier désigné par le commissaire au titre de la présente partie, du membre ou de l'autre personne en cause et du plaignant.

Avis

(4) La Commission signifie aux parties un avis écrit des date, heure et lieu de l'audience.

Séances de la Commission

(5) La Commission siège aux date, heure et lieu au Canada qu'elle fixe, compte tenu de ce qui pourrait convenir aux parties qui souhaitent comparaître devant elle.

Audiences publiques

(6) Les audiences sont publiques; toutefois, la Commission peut, de sa propre initiative ou sur demande de toute partie ou de tout témoin, ordonner que tout ou partie d'une audience soit tenue à huis clos ou en l'absence d'une partie, si elle estime :

a) que des renseignements risquant vraisemblablement de porter préjudice à la défense du Canada ou d'États alliés ou associés avec le Canada ou à la

prevention or suppression of subversive or hostile activities will likely be disclosed during the course of the hearing;

(b) that information that could reasonably be expected to be injurious to law enforcement will likely be disclosed during the course of the hearing;

(c) that information respecting a person's financial or personal affairs, if that person's interest or security outweighs the public's interest in the information, will likely be disclosed during the course of the hearing;

(d) that information that could reasonably be expected to reveal privileged information, as defined in subsection 45.4(1), will likely be disclosed during the course of the hearing; or

(e) that it is otherwise required by the circumstances of the case.

Rights of persons interested

(7) The parties and any other person who satisfies the Commission that the person has a substantial and direct interest in a complaint before the Commission shall be allowed an opportunity, in person or by legal counsel, to present evidence, cross-examine witnesses and make representations at the hearing.

Representation of witnesses

(8) The Commission shall permit any person who gives evidence at a hearing to be represented by legal counsel.

Designated officer

(9) The officer designated by the Commissioner for the purposes of this Part may be represented or assisted at a hearing by any other person.

Privilege

(10) If the officer referred to in subsection (9) is represented or assisted by another person, communications passing in confidence between them in relation to the hearing are, for the purposes of this Act, privileged as if they were communications passing in professional confidence between the officer and their legal counsel.

Expenses

(11) If the Commission sits at a place in Canada that is not the ordinary place of residence of the complainant, of the member or other person whose conduct is the subject matter of the complaint or of the legal counsel of any of those persons, then that person or their legal counsel is

détection, à la prévention ou à la répression d'activités hostiles ou subversives seront probablement révélés au cours de l'audience;

b) que des renseignements risquant vraisemblablement d'entraver le contrôle d'application de la loi seront probablement révélés au cours de l'audience;

c) que des renseignements concernant les ressources pécuniaires ou la vie privée d'une personne dont l'intérêt ou la sécurité l'emporte sur l'intérêt du public à l'égard de ces renseignements seront probablement révélés au cours de l'audience;

d) que des renseignements risquant vraisemblablement de révéler des renseignements protégés, au sens du paragraphe 45.4(1), seront probablement révélés au cours de l'audience;

e) par ailleurs, que les circonstances exigent une telle mesure.

Droits des intéressés

(7) Les parties et toute personne qui convainc la Commission qu'elle a un intérêt direct et réel dans la plainte dont la Commission est saisie ont la possibilité de présenter des éléments de preuve à l'audience, d'y contre-interroger les témoins et d'y faire des observations, soit personnellement, soit par l'intermédiaire d'un conseiller juridique.

Représentation des témoins

(8) La Commission permet aux témoins de se faire représenter à l'audience par un conseiller juridique.

Officier désigné

(9) L'officier désigné par le commissaire pour l'application de la présente partie peut se faire représenter ou aider à l'audience par une autre personne.

Secret professionnel

(10) Lorsque l'officier visé au paragraphe (9) se fait représenter ou assister par une autre personne, les communications confidentielles qu'ils échangent relativement à l'audience sont, pour l'application de la présente loi, protégées comme si elles étaient des communications confidentielles échangées par l'officier et son conseiller juridique.

Frais

(11) Lorsque la Commission siège, au Canada, ailleurs qu'au lieu de résidence habituel du membre ou de l'autre personne en cause, du plaignant ou de leur conseiller juridique, ce membre, cette personne, ce plaignant ou ce conseiller a droit, selon l'appréciation de la Commission

entitled, at the discretion of the Commission, to receive, in accordance with Treasury Board directives, the travel and living expenses incurred by that person or their legal counsel in appearing before the Commission.

2013, c. 18, ss. 35, 77.

Suspension and Joint Proceedings

Duty to suspend

45.74 (1) The Commission shall suspend an investigation, review or hearing with respect to a complaint if, in the Commission's opinion, continuing it would compromise or seriously hinder an ongoing criminal investigation or proceeding.

Duty to suspend

(2) The Commission shall suspend an investigation, review or hearing with respect to a complaint if it is requested to do so in writing by the Commissioner. The Commissioner may make the request only if, in the Commissioner's opinion, the investigation, review or hearing would compromise or seriously hinder an ongoing criminal investigation or proceeding, and the Commissioner shall set out the reasons for his or her opinion in the request.

Power to suspend

(3) The Commission may suspend an investigation, review or hearing with respect to a complaint if, in the Commission's opinion, continuing it would compromise or seriously hinder an ongoing civil or administrative proceeding.

2013, c. 18, s. 35.

Joint investigation, review or hearing

45.75 (1) If a complaint concerns the conduct of a member or other person appointed or employed under Part I and a law enforcement officer of any other jurisdiction, whether in or outside Canada, the Commission may conduct an investigation, review or hearing of that complaint jointly with the authority in that other jurisdiction that is responsible for investigations, reviews or hearings with respect to complaints against law enforcement officers.

Regulations

(2) The Governor in Council may make regulations respecting investigations, reviews or hearings conducted jointly under subsection (1).

2013, c. 18, s. 35.

et conformément aux directives du Conseil du Trésor, aux frais de déplacement et de séjour engagés par lui pour sa comparution devant la Commission.

2013, ch. 18, art. 35 et 77.

Suspension et procédures conjointes

Obligation de suspendre

45.74 (1) La Commission suspend l'enquête, la révision ou l'audience portant sur une plainte si elle est d'avis que sa poursuite compromettrait une enquête ou une procédure en matière pénale en cours, ou y nuirait sérieusement.

Obligation de suspendre

(2) La Commission suspend l'enquête, la révision ou l'audience portant sur une plainte si le commissaire lui indique par écrit, avec motifs à l'appui, qu'il est d'avis que sa poursuite compromettrait une enquête ou une procédure en matière pénale en cours, ou y nuirait sérieusement.

Pouvoir de suspendre

(3) La Commission peut suspendre l'enquête, la révision ou l'audience portant sur une plainte si elle est d'avis que sa poursuite compromettrait une procédure civile ou administrative en cours, ou y nuirait sérieusement.

2013, ch. 18, art. 35.

Enquête, révision ou audience tenue conjointement

45.75 (1) Lorsqu'une plainte porte à la fois sur la conduite d'un membre ou de toute autre personne nommée ou employée au titre de la partie I et sur celle d'un agent responsable du contrôle d'application de la loi de toute autre entité publique au Canada ou à l'étranger, la Commission peut tenir une enquête, une révision ou une audience sur la plainte conjointement avec l'entité publique ayant des compétences similaires en matière de plaintes à l'égard de tels agents dans le ressort concerné.

Règlements

(2) Le gouverneur en conseil peut prendre des règlements concernant les enquêtes, les révisions et les audiences conjointes.

2013, ch. 18, art. 35.

Reports Following Investigation or Hearing

Interim report

45.76 (1) On completion of an investigation or a hearing, the Commission shall prepare and send to the Minister and the Commissioner a report in writing setting out any findings and recommendations with respect to the complaint that the Commission sees fit.

Commissioner's response

(2) The Commissioner shall, as soon as feasible, provide the Chairperson and the Minister with a written response indicating any further action that has been or will be taken with respect to the complaint. If the Commissioner decides not to act on any findings or recommendations set out in the report, the Commissioner shall include in the response the reasons for not so acting.

Commission's final report

(3) After considering the Commissioner's response, the Commission shall prepare a final report in writing setting out any findings and recommendations with respect to the complaint that the Commission sees fit and shall send a copy of the report to the Minister, the Commissioner, the complainant and the member or other person whose conduct is the subject matter of the complaint. If there is an arrangement between the government of a province and the Minister under section 20, the Commission shall also send a copy of the report to the provincial minister who has the primary responsibility for policing in the province in which the conduct complained of occurred.

2013, c. 18, s. 35.

Final and conclusive

45.77 All of the findings and recommendations that are contained in the Commission's final report under subsection 45.72(2) or 45.76(3) are final and are not subject to appeal to or review by any court.

2013, c. 18, s. 35.

Return of documents and things

45.78 Any document or thing that a person produced to the Force or the Commission shall, on the request of the person, be released to that person within a reasonable time after the completion of the Commission's final report.

2013, c. 18, s. 35.

Rapports d'enquête et d'audience

Rapport provisoire

45.76 (1) Au terme de l'enquête ou de l'audience, la Commission établit et transmet au ministre et au commissaire un rapport écrit énonçant les conclusions et les recommandations qu'elle estime indiquées.

Réponse du commissaire

(2) Le commissaire est tenu, dans les meilleurs délais, de fournir par écrit au ministre et au président de la Commission une réponse qui fait état de toute mesure additionnelle qui a été ou sera prise relativement à la plainte. S'il choisit de s'écarter des conclusions ou des recommandations énoncées dans le rapport, il motive sa décision dans sa réponse.

Rapport final de la Commission

(3) Après examen de la réponse, la Commission établit un rapport écrit final énonçant les conclusions et les recommandations qu'elle estime indiquées relativement à la plainte et elle en transmet copie au ministre, au commissaire, au plaignant et au membre ou à l'autre personne en cause et, lorsqu'il existe un arrangement conclu en vertu de l'article 20, au ministre provincial de qui relève au premier chef l'administration des forces de police de la province partie à l'arrangement dans laquelle la conduite qui fait l'objet de la plainte est survenue.

2013, ch. 18, art. 35.

Conclusions et recommandations définitives

45.77 Les conclusions et les recommandations énoncées dans le rapport final de la Commission mentionné aux paragraphes 45.72(2) ou 45.76(3) sont définitives et ne sont pas susceptibles d'appel ou de révision en justice.

2013, ch. 18, art. 35.

Remise

45.78 La Commission ou la Gendarmerie remet, sur demande, les documents et autres choses à la personne qui les a produits dans un délai raisonnable après l'achèvement du rapport final de la Commission.

2013, ch. 18, art. 35.

PART VII.1

Serious Incidents

Definitions

45.79 (1) The following definitions apply in this Part.

designated authority, with respect to a province, means the person, body or authority that is designated by the lieutenant governor in council of that province under subsection (2). (*autorité désignée*)

investigative body means a provincial entity, other than a police force, whose authority includes the power to investigate a serious incident for the purpose of determining whether an offence under federal or provincial law has occurred. (*organisme d'enquête*)

serious incident means an incident in which the actions of a member or other person appointed or employed under Part I or any person assisting the Force in exercising its powers or performing its duties and functions under this Act

(a) may have resulted in serious injury to, or the death of, any person; or

(b) may have constituted an offence under federal or provincial law that any of the following persons decides would be in the public interest to be investigated by an investigative body or by a police force other than the Force:

(i) the Minister,

(ii) the provincial minister who has the primary responsibility for policing in the province in which the incident is alleged to have occurred if there is an arrangement between the government of that province and the Minister under section 20, or

(iii) the Commissioner. (*incident grave*)

serious injury means a prescribed physical or psychological injury. (*blessure grave*)

Designation

(2) The lieutenant governor in council of a province may designate any person, body or authority as the designated authority for that province for the purposes of this Part and Part VII.2.

PARTIE VII.1

Incidents graves

Définitions

45.79 (1) Les définitions qui suivent s'appliquent à la présente partie.

autorité désignée Personne, organisme ou autre autorité désignée par le lieutenant-gouverneur en conseil d'une province en vertu du paragraphe (2). (*designated authority*)

blessure grave Toute lésion psychologique ou corporelle prévue par règlement. (*serious injury*)

incident grave Tout incident qui met en cause un membre, toute autre personne qui assiste la Gendarmerie dans l'exercice de ses fonctions en vertu de la présente loi ou toute autre personne nommée ou employée au titre de la partie I, et au cours duquel les actes d'une de ces personnes :

a) peuvent avoir donné lieu à des blessures graves ou à la mort d'une personne;

b) peuvent avoir constitué une infraction à une loi fédérale ou provinciale à l'égard de laquelle il serait dans l'intérêt public qu'un organisme d'enquête ou une force de police autre que la Gendarmerie enquête, selon la décision prise par soit le ministre, soit le commissaire, soit le ministre provincial de qui relève au premier chef l'administration des forces de police d'une province avec laquelle le ministre a conclu des arrangements en vertu de l'article 20 et dans laquelle l'incident serait survenu. (*serious incident*)

organisme d'enquête Entité provinciale, autre qu'une force de police, qui peut notamment exercer les pouvoirs nécessaires pour effectuer des enquêtes sur des incidents graves afin de vérifier si une infraction à une loi fédérale ou provinciale a été commise. (*investigative body*)

Désignation

(2) Le lieutenant-gouverneur en conseil d'une province peut désigner une personne, un organisme ou toute autre autorité pour l'application de la présente partie et de la partie VII.2.

Regulations

(3) The Governor in Council may, by regulation, prescribe physical or psychological injuries for the purposes of the definition **serious injury** in subsection (1).

2013, c. 18, ss. 35, 81.

Notification

45.8 The Commissioner shall, as soon as feasible, notify the designated authority for a province of a serious incident that is alleged to have occurred in that province.

2013, c. 18, s. 35.

Duty to consider investigative body

45.81 (1) If there is an investigative body in the province in which the serious incident is alleged to have occurred, the designated authority for that province shall first consider appointing that investigative body to investigate the serious incident.

Appointment of police force

(2) If there is no investigative body or, after consideration, the designated authority does not appoint one, the designated authority may appoint a police force to investigate the serious incident.

Referral by the Force

(3) If the designated authority appoints an investigative body or police force to investigate the serious incident, the Force shall, as soon as feasible, refer the investigation of the serious incident to that investigative body or police force.

2013, c. 18, s. 35.

Request to police force

45.82 (1) If there is no designated authority for a province or the designated authority for a province notifies the Force that no investigative body or police force will be appointed to investigate the serious incident, the Force shall, as soon as feasible, request an investigative body or a police force to investigate it having taken into account the available expertise and resources of that investigative body or police force.

Investigation by the Force

(2) If the investigative body, or the police force that receives the request, notifies the Force that it will not investigate the serious incident and the Force does not consider any other investigative body or police force to be appropriate to receive such a request, the Force shall, as soon as feasible,

(a) notify the Commission that it will investigate the serious incident; and

Règlements

(3) Le gouverneur en conseil peut, pour l'application de la définition de **blessure grave** au paragraphe (1), prévoir par règlement les lésions psychologiques ou corporelles.

2013, ch. 18, art. 35 et 81.

Avis

45.8 Dans les meilleurs délais après un incident grave, le commissaire en avise l'autorité désignée de la province dans laquelle l'incident serait survenu.

2013, ch. 18, art. 35.

Obligation de considérer l'organisme d'enquête

45.81 (1) Lorsqu'il y a un organisme d'enquête dans la province dans laquelle l'incident grave serait survenu, l'autorité désignée considère celui-ci en premier pour tenir l'enquête.

Nomination d'une force de police

(2) S'il n'y a pas d'organisme d'enquête ou qu'elle n'a pas nommé l'organisme d'enquête considéré, l'autorité désignée peut nommer une force de police pour enquêter.

Renvoi par la Gendarmerie

(3) Lorsque l'autorité désignée nomme un organisme d'enquête ou une force de police pour enquêter, la Gendarmerie renvoie l'enquête à l'organisme d'enquête ou à la force de police dans les meilleurs délais.

2013, ch. 18, art. 35.

Demande à une force de police

45.82 (1) S'il n'y a pas d'autorité désignée dans la province en cause ou que l'autorité désignée avise la Gendarmerie qu'aucun organisme d'enquête ou force de police ne sera nommé pour enquêter, la Gendarmerie, dans les meilleurs délais, demande à un organisme d'enquête ou à une force de police d'enquêter sur l'incident grave après avoir considéré l'expertise et les ressources à la disposition de l'organisme ou de la force de police.

Enquête par la Gendarmerie

(2) Lorsque l'organisme d'enquête ou la force de police avise la Gendarmerie qu'il refuse d'enquêter sur l'incident grave à sa demande, et que cette dernière considère qu'il n'y a pas d'autre organisme d'enquête ou force de police indiqué pour le faire, elle avise la Commission dans les meilleurs délais de son intention d'enquêter elle-même sur l'incident grave et enquête sur cet incident.

(b) investigate the serious incident.

Reasonable efforts

(3) The Force shall make reasonable efforts under this section to identify an investigative body or police force to investigate the serious incident and shall keep a written record of the efforts made.

Report

(4) The Commissioner shall provide the Chairperson with a report outlining the efforts made by the Force under subsection (3).

2013, c. 18, s. 35.

Observer – investigation by another police force

45.83 (1) If a police force is appointed under subsection 45.81(2) — or accepts, following a request made under subsection 45.82(1) — to investigate a serious incident and no observer is appointed by a designated authority,

(a) the Commissioner shall, as soon as feasible, notify the Commission of the serious incident; and

(b) the Commission may, with the agreement of the provincial minister who has the primary responsibility for policing in the province in which the incident is alleged to have occurred, appoint an observer to assess the impartiality of the investigation.

Observer – Force

(2) If the Force investigates a serious incident, the Force shall permit an observer appointed by a designated authority or by the Commission under subsection (3) to assess the impartiality of the investigation.

Appointment of observer

(3) If the Force investigates a serious incident and no observer is appointed by a designated authority, the Commission may appoint an observer to assess the impartiality of the investigation conducted by the Force.

No observer appointed

(4) If no observer is appointed to an investigation of a serious incident under subsection (2) or (3), the Commissioner shall provide the Chairperson with a report that sets out all measures that have been or will be taken by the Force to ensure the impartiality of the investigation.

Immunity

(5) An observer appointed by a designated authority for the purposes of this Part has the same immunity that an

Obligations

(3) La Gendarmerie est tenue de prendre toute mesure raisonnable au titre du présent article pour trouver un organisme d'enquête ou une force de police pour enquêter sur l'incident grave et elle est tenue de conserver des preuves écrites de ses efforts en ce sens.

Rapport

(4) Le commissaire transmet au président de la Commission un rapport sur les mesures que la Gendarmerie a prises au titre du paragraphe (3).

2013, ch. 18, art. 35.

Observateur – enquête par une autre force de police

45.83 (1) Lorsqu'une force de police est nommée en vertu du paragraphe 45.81(2) ou accepte d'enquêter à la suite d'une demande faite en vertu du paragraphe 45.82(1) sur un incident grave et que l'autorité désignée n'a pas nommé d'observateur :

a) le commissaire avise la Commission de l'incident grave dans les meilleurs délais;

b) la Commission peut, avec l'accord du ministre provincial de qui relève au premier chef l'administration des forces de police de la province dans laquelle l'incident serait survenu, nommer un observateur afin qu'il vérifie si l'enquête se déroule avec impartialité.

Observateur – Gendarmerie

(2) Lorsqu'elle enquête sur un incident grave, la Gendarmerie permet à l'observateur nommé par l'autorité désignée ou par la Commission en vertu du paragraphe (3) de vérifier si l'enquête se déroule avec impartialité.

Nomination de l'observateur

(3) Lorsque l'autorité désignée ne nomme pas d'observateur, la Commission peut en nommer un afin qu'il vérifie si la Gendarmerie agit avec impartialité au cours de l'enquête.

Aucun observateur

(4) Lorsqu'aucun observateur n'est nommé en vertu des paragraphes (2) ou (3), le commissaire est tenu de transmettre au président de la Commission un rapport sur les mesures qui ont été ou qui seront prises par la Gendarmerie pour veiller à ce que l'enquête se déroule avec impartialité.

Immunité

(5) Lorsqu'un observateur est nommé par l'autorité désignée pour l'application de la présente partie, il bénéficie

observer appointed by the Commission has under subsection 45.5(1).

Observers are compellable

(6) Despite subsection 45.5(2) but subject to section 45.86, every observer is a compellable witness in every criminal, civil or administrative action or proceeding, or inquiry, in respect of any matter coming to the knowledge of the observer as a result of exercising a power or performing a duty or function under this Part.

2013, c. 18, s. 35.

Recommendations

45.84 If an observer has concerns with the impartiality of an investigation, the observer may inform the Force or the other police force, as the case may be, of his or her concerns and may make any recommendations to the Force or the other police force that he or she considers appropriate to address the concerns.

2013, c. 18, s. 35.

Report

45.85 (1) The observer shall, in accordance with the regulations, provide a report respecting the impartiality of the investigation of a serious incident to the Chairperson and the Commissioner and, if the investigation was carried out by a police force other than the Force, to the chief of police of that force.

Response

(2) If the observer's report identifies concerns with respect to the impartiality of an investigation, the Commissioner or, if the investigation was carried out by a police force other than the Force, the chief of police of that force, shall provide to the Chairperson a written response to the observer's report that includes a description of what actions have or will be taken by the Force or the police force, as the case may be, to address those concerns.

Report on response

(3) If the Chairperson is not satisfied with a response of the Commissioner or chief of police, the Chairperson shall issue a report to that effect to the Attorney General for the province in which the incident is alleged to have occurred and to the provincial minister who has the primary responsibility for policing in that province.

Copy of report to Minister

(4) The Chairperson shall provide a copy of any report issued under subsection (3) to the Minister.

2013, c. 18, s. 35.

de la même immunité que l'observateur nommé par la Commission sous le régime du paragraphe 45.5(1).

Observateur contraignable

(6) Malgré le paragraphe 45.5(2) et sous réserve de l'article 45.86, en ce qui concerne les questions dont il prend connaissance dans l'exercice des pouvoirs et fonctions qui lui sont conférés sous le régime de la présente partie, l'observateur peut être contraint à témoigner dans toute enquête ou procédure ou action pénale, civile ou administrative.

2013, ch. 18, art. 35.

Recommandations

45.84 Lorsqu'il a des préoccupations quant à l'impartialité de l'enquête, l'observateur peut en informer la Gendarmerie ou l'autre force de police, selon le cas, et il peut faire des recommandations quant aux mesures qu'il considère indiquées pour répondre aux préoccupations soulevées.

2013, ch. 18, art. 35.

Rapport

45.85 (1) L'observateur présente, en conformité avec les règlements, un rapport portant sur l'impartialité de l'enquête effectuée sur l'incident grave au président de la Commission, au commissaire et, si une force de police autre que la Gendarmerie a enquêté, au chef de cette force.

Réponse

(2) Lorsque le rapport fait état de préoccupations quant à l'impartialité de l'enquête, le commissaire fournit au président de la Commission une réponse par écrit comportant un énoncé des mesures qui ont été prises ou qui seront prises par la Gendarmerie pour répondre aux préoccupations énoncées dans le rapport. Lorsqu'une force de police autre que la Gendarmerie a effectué l'enquête, une telle réponse est fournie par le chef de cette force.

Rapport sur la réponse

(3) Lorsqu'il n'est pas satisfait de la réponse du commissaire ou du chef du service de police, le président de la Commission transmet un rapport à ce sujet au procureur général de la province où l'incident serait survenu et au ministre provincial de qui relève au premier chef l'administration des forces de police de cette province.

Transmission du rapport

(4) Le président de la Commission transmet le rapport établi en application du paragraphe (3) au ministre.

2013, ch. 18, art. 35.

Information subject to privilege

45.86 Nothing in this Part authorizes a person to disclose to an observer privileged information, as defined in subsection 45.4(1), and an observer shall not use or disclose that information if it is disclosed.

2013, c. 18, s. 35.

Regulations

45.87 The Governor in Council may make regulations

- (a) respecting the criteria and procedures for the appointment of an observer under subsection 45.83(1) or (3);
- (b) respecting the scope of an observer's role;
- (c) respecting an observer's reporting obligations;
- (d) respecting the access to, and use of, the notes, reports or other material prepared by an observer in relation to the investigation of a serious incident;
- (e) prescribing the period within which the Commissioner or chief of police is to provide a response under subsection 45.85(2); and
- (f) generally for carrying out the purposes and provisions of this Part.

2013, c. 18, s. 35.

PART VII.2

Review of Integrated Cross-Border Law Enforcement Operations

Interpretation

Definitions

45.88 (1) The following definitions apply in this Part.

Central Authority means the Central Authority for Canada, as designated under section 5 of the *Integrated Cross-border Law Enforcement Operations Act*. (*autorité centrale*)

designated authority has the same meaning as in subsection 45.79(1). (*autorité désignée*)

Renseignements protégés

45.86 La présente partie n'a pas pour effet d'autoriser la communication à l'observateur des renseignements protégés au sens du paragraphe 45.4(1). Si de tels renseignements lui sont communiqués, l'observateur ne peut les utiliser ou les communiquer.

2013, ch. 18, art. 35.

Règlements

45.87 Le gouverneur en conseil peut prendre des règlements :

- a) concernant les critères et modalités de nomination d'un observateur en vertu des paragraphes 45.83(1) ou (3);
- b) concernant la portée du rôle de l'observateur;
- c) concernant les obligations de l'observateur au sujet des rapports;
- d) concernant l'accès aux notes, aux rapports ou à tout autre document établi par l'observateur dans le cadre d'une enquête et l'emploi de ceux-ci;
- e) prévoyant le délai applicable à la réponse fournie par le commissaire ou le chef d'une force de police au titre du paragraphe 45.85(2);
- f) prévoyant toute autre mesure nécessaire pour l'application de la présente partie.

2013, ch. 18, art. 35.

PARTIE VII.2

Examen des opérations transfrontalières intégrées de contrôle d'application de la loi

Définitions

Définitions

45.88 (1) Les définitions qui suivent s'appliquent à la présente partie.

agent désigné S'entend au sens de l'article 2 de la *Loi sur les opérations transfrontalières intégrées de contrôle d'application de la loi*. (*designated officer*)

designated officer has the same meaning as in section 2 of the *Integrated Cross-border Law Enforcement Operations Act*. (*agent désigné*)

integrated cross-border operation has the same meaning as in section 2 of the *Integrated Cross-border Law Enforcement Operations Act*. (*opération transfrontalière intégrée*)

investigative body has the same meaning as in subsection 45.79(1). (*organisme d'enquête*)

serious incident means an incident in which the actions of a designated officer, or any person assisting a designated officer, in the performance of any duty or function in the course of an integrated cross-border operation

(a) may have resulted in serious injury to, or the death of, any person; or

(b) may have constituted an offence under federal or provincial law that any of the following persons decides would be in the public interest to be investigated:

(i) the Minister,

(ii) the Central Authority, or

(iii) the provincial minister who has the primary responsibility for policing in the province in which the incident is alleged to have occurred. (*incident grave*)

serious injury has the same meaning as in subsection 45.79(1). (*blessure grave*)

Clarification — this Part

(2) For greater certainty, for the purposes of sections 45.9 to 45.991, when, in any provision that applies in this Part as a result of section 45.9, subsection 45.94(1) or section 45.98, there is a reference to any provision that applies in this Part as a result of section 45.9, subsection 45.94(1) or section 45.98, the reference is to be read as a reference to the provision as modified by section 45.9, subsection 45.94(1) or section 45.98, as the case may be.

Clarification — sections 50.2 and 50.3

(3) For greater certainty, a reference in section 50.2 or 50.3 to any provision that applies in this Part as a result of section 45.9 or 45.98 is also to be read as a reference to that provision as modified by section 45.9 or 45.98, as the case may be.

2013, c. 18, s. 78.

autorité centrale L'autorité centrale du Canada désignée par l'article 5 de la *Loi sur les opérations transfrontalières intégrées de contrôle d'application de la loi*. (*Central Authority*)

autorité désignée S'entend au sens du paragraphe 45.79(1). (*designated authority*)

blessure grave S'entend au sens du paragraphe 45.79(1). (*serious injury*)

incident grave Tout incident qui met en cause un agent désigné dans l'exercice de ses attributions dans le cadre d'une opération intégrée transfrontalière ou toute autre personne qui l'assiste dans l'exercice de celles-ci et au cours duquel les actes d'une de ces personnes :

a) peuvent avoir donné lieu à des blessures graves ou à la mort d'une personne;

b) peuvent avoir constitué une infraction à une loi fédérale ou provinciale à l'égard de laquelle il serait dans l'intérêt public d'enquêter, selon la décision prise par soit le ministre, soit l'autorité centrale, soit le ministre de qui relève au premier chef l'administration des forces de police de la province dans laquelle l'incident serait survenu. (*serious incident*)

opération transfrontalière intégrée S'entend au sens de l'article 2 de la *Loi sur les opérations transfrontalières intégrées de contrôle d'application de la loi*. (*integrated cross-border operation*)

organisme d'enquête S'entend au sens du paragraphe 45.79(1). (*investigative body*)

Précision — présente partie

(2) Pour l'application des articles 45.9 à 45.991, il est entendu que la mention, dans toute disposition qui s'applique dans la présente partie au titre de l'article 45.9, du paragraphe 45.94(1) ou de l'article 45.98, d'une telle disposition vaut mention de cette disposition dans sa version modifiée conformément à l'article 45.9, au paragraphe 45.94(1) ou à l'article 45.98, selon le cas.

Précision — articles 50.2 et 50.3

(3) Il est entendu que la mention, aux articles 50.2 et 50.3, de toute disposition qui s'applique dans la présente partie au titre de l'article 45.9 ou 45.98 vaut aussi mention de cette disposition dans sa version modifiée conformément à l'article 45.9 ou 45.98, selon le cas.

2013, ch. 18, art. 78.

Purpose

Purpose

45.89 The purpose of this Part is

(a) to set out the role of the Commission in dealing with complaints relating to integrated cross-border operations and in reviewing those operations; and

(b) to establish certain requirements with respect to the investigation of serious incidents related to integrated cross-border operations.

2013, c. 18, s. 78.

Application of Sections 45.34 to 45.51

Application of certain provisions

45.9 Sections 45.34 to 45.51, other than subsection 45.34(5) and section 45.35, apply in this Part, with the following modifications and the modifications that the circumstances require:

(a) a reference to this Act or the *Witness Protection Program Act* in subsection 45.34(1) and paragraph 45.47(2)(c) is to be read as a reference to the *Integrated Cross-border Law Enforcement Operations Act*;

(b) a reference to the Commissioner, other than in subsection 45.4(5), is to be read as a reference to the Central Authority;

(c) a reference to the Commissioner in subsection 45.4(5) is to be read as a reference to the Commissioner acting as the Central Authority;

(d) a reference to the activities of the Force in subsection 45.34(1) is to be read as a reference to integrated cross-border operations;

(e) a reference to the operation of the Force in subsections 45.34(1) and (4) is to be read as a reference to integrated cross-border operations;

(f) a reference to section 45.35 in subsections 45.36(1) and 45.4(2) is to be read as a reference to section 45.92;

(g) a reference to the Force in subsections 45.39(1) and 45.4(2), the portion of subsection 45.42(1) before paragraph (a), subsection 45.44(2) and the portion of subsection 45.46(1) before paragraph (a) is to be read as a reference to the Force, the Central Authority or a designated officer who was appointed under subsection 7(1) of the *Integrated Cross-border Law Enforcement Operations Act*;

Objet

Objet

45.89 La présente partie a pour objet :

a) de définir le rôle de la Commission dans le traitement des plaintes liées aux opérations transfrontalières intégrées et dans l'examen de ces opérations;

b) d'établir des exigences relativement aux enquêtes sur les incidents graves liés à de telles opérations.

2013, ch. 18, art. 78.

Application des articles 45.34 à 45.51

Application de certaines dispositions

45.9 Les articles 45.34 à 45.51, à l'exception du paragraphe 45.34(5) et de l'article 45.35, s'appliquent dans la présente partie, avec les adaptations nécessaires et les modifications suivantes :

a) la mention de la présente loi ou de la *Loi sur le programme de protection des témoins*, au paragraphe 45.34(1) et à l'alinéa 45.47(2)c), vaut mention de la *Loi sur les opérations transfrontalières intégrées de contrôle d'application de la loi*;

b) sauf au paragraphe 45.4(5), la mention du commissaire vaut mention de l'autorité centrale;

c) la mention du commissaire, au paragraphe 45.4(5), vaut mention du commissaire agissant à titre d'autorité centrale;

d) la mention des activités de la Gendarmerie, au paragraphe 45.34(1), vaut mention d'opérations transfrontalières intégrées;

e) la mention des opérations de la Gendarmerie, aux paragraphes 45.34(1) et (4), vaut mention d'opérations transfrontalières intégrées;

f) la mention de l'article 45.35, aux paragraphes 45.36(1) et 45.4(2), vaut mention de l'article 45.92;

g) la mention de la Gendarmerie, aux paragraphes 45.39(1) et 45.4(2), au passage du paragraphe 45.42(1) précédant l'alinéa a), au paragraphe 45.44(2) et au passage du paragraphe 45.46(1) précédant l'alinéa a), vaut mention de la Gendarmerie, de l'autorité centrale ou de tout agent désigné qui a été nommé en vertu du paragraphe 7(1) de la *Loi sur les opérations transfrontalières intégrées de contrôle d'application de la loi*;

(h) a reference to the Force in subsection 45.41(8) and paragraphs 45.42(1)(c) and (d) and 45.46(1)(c) is to be read as a reference to the Central Authority;

(i) a reference to Parts VI and VII in subsection 45.39(1) is to be read as a reference to sections 45.91 to 45.93, subsection 45.94(2), sections 45.95 to 45.97 and the provisions that apply in Part VII.2 as a result of section 45.9 and subsection 45.94(1);

(j) a reference to a member or other person appointed or employed under the authority of Part I in paragraphs 45.4(1)(f) and 45.42(1)(a) and (c) is to be read as a reference to a designated officer who was appointed under paragraph 7(1)(a) of the *Integrated Cross-border Law Enforcement Operations Act*;

(k) a reference to a meeting held or to be held between the Commission and the Force in paragraph 45.42(1)(e) is to be read as a reference to a meeting held or to be held with the Commission;

(l) a reference to Part VII in subsection 45.4(2) is to be read as a reference to sections 45.91 to 45.93, subsection 45.94(2), sections 45.95 to 45.97 and the provisions that apply in Part VII.2 as a result of section 45.9 and subsection 45.94(1); and

(m) the reference to section 45.52 in paragraph 45.47(2)(b) is to be read as a reference to section 45.93.

2013, c. 18, s. 78.

Reporting

Copy of report to provincial ministers

45.91 The Commission may provide a copy of any report referred to in section 45.34 that is prepared under this Part to the provincial minister who has the primary responsibility for policing in any province in which integrated cross-border operations may be carried out.

2013, c. 18, s. 78.

Review for province

45.92 (1) The provincial minister who has the primary responsibility for policing in a province may ask the Minister to request that the Commission conduct a review of specified integrated cross-border operations carried out in that province.

Report

(2) If the Commission conducts a review under this section, it shall provide the Minister, the provincial minister who asked for it and the Central Authority with a report on the review. The Commission may provide a copy of

h) la mention de la Gendarmerie, au paragraphe 45.41(8) et aux alinéas 45.42(1)c) et d) et 45.46(1)c), vaut mention de l'autorité centrale;

i) la mention des parties VI et VII, au paragraphe 45.39(1), vaut mention des articles 45.91 à 45.93, du paragraphe 45.94(2) et des articles 45.95 à 45.97 ainsi que des dispositions qui s'appliquent dans la partie VII.2 au titre de l'article 45.9 ou du paragraphe 45.94(1);

j) la mention d'un membre ou de toute autre personne nommée ou employée sous le régime de la partie I, aux alinéas 45.4(1)f) et 45.42(1)a) et c), vaut mention de tout agent désigné qui a été nommé en vertu de l'alinéa 7(1)a) de la *Loi sur les opérations transfrontalières intégrées de contrôle d'application de la loi*;

k) la mention de toute réunion de la Gendarmerie et de la Commission, à l'alinéa 45.42(1)e), vaut mention de toute réunion avec la Commission;

l) la mention de la partie VII, au paragraphe 45.4(2), vaut mention des articles 45.91 à 45.93, du paragraphe 45.94(2) et des articles 45.95 à 45.97 ainsi que des dispositions qui s'appliquent dans la partie VII.2 au titre de l'article 45.9 ou du paragraphe 45.94(1);

m) la mention de l'article 45.52, à l'alinéa 45.47(2)b), vaut mention de l'article 45.93.

2013, ch. 18, art. 78.

Rapport

Copie du rapport pour les ministres provinciaux

45.91 La Commission peut fournir une copie du rapport visé à l'article 45.34, préparé au titre de la présente partie, au ministre de qui relève au premier chef l'administration des forces de police dans toute province où des opérations transfrontalières intégrées peuvent avoir lieu.

2013, ch. 18, art. 78.

Examen pour faire suite à la demande d'une province

45.92 (1) Le ministre de qui relève au premier chef l'administration des forces de police dans la province peut demander au ministre de demander à la Commission d'effectuer un examen des opérations transfrontalières intégrées qu'il précise et qui sont exercées dans sa province.

Rapport

(2) Lorsqu'elle effectue un examen sous le régime du présent article, la Commission présente un rapport au ministre, au ministre provincial qui a demandé l'examen et à l'autorité centrale, et elle peut en fournir une copie à

the report to any other provincial minister who has the primary responsibility for policing in a province.

Findings and recommendations

(3) The Commission shall include in its report any findings and recommendations that the Commission sees fit regarding

(a) whether the integrated cross-border operations are carried out in accordance with the *Integrated Cross-border Law Enforcement Operations Act*, any regulations or ministerial directions made under that Act or any policy, procedure or guideline relating to those operations; and

(b) the adequacy, appropriateness, sufficiency or clarity of any policy, procedure or guideline relating to those operations.

2013, c. 18, s. 78.

Annual report – provinces

45.93 (1) The Commission shall, for each fiscal year, if a complaint has been made or disposed of in that fiscal year under this Part in respect of integrated cross-border operations carried out in a province, submit to the provincial minister who has the primary responsibility for policing in that province a report setting out the number and nature of complaints relating to conduct that occurred in that province, how those complaints were disposed of, if applicable, and identifying trends, if any. The Commission shall submit a copy of that report to the Minister and the Commissioner.

Performance in relation to time limits

(2) Every report must contain information respecting the Commission's performance in relation to the service standards established under section 45.37.

2013, c. 18, s. 78.

Investigation, Review and Hearing of Complaints

Application of certain provisions

45.94 (1) Sections 45.53 to 45.78, other than subsection 45.57(2) and sections 45.62 and 45.75, apply in this Part with the following modifications and the modifications that the circumstances require:

(a) a reference to the Commissioner is to be read as a reference to the Central Authority;

tout autre ministre de qui relève au premier chef l'administration des forces de police d'une province.

Conclusions et recommandations

(3) La Commission inclut dans son rapport les conclusions et les recommandations qu'elle estime indiquées relativement :

a) à la question de savoir si les opérations transfrontalières intégrées sont conformes à la *Loi sur les opérations transfrontalières intégrées de contrôle d'application de la loi*, à ses règlements, à toute directive donnée par le ministre en vertu de cette loi ou aux politiques, procédures ou lignes directrices régissant ces opérations;

b) au bien-fondé, à la pertinence, à l'adéquation ou à la clarté de ces politiques, procédures ou lignes directrices.

2013, ch. 18, art. 78.

Rapport annuel – provinces

45.93 (1) Pour chaque exercice durant lequel a été déposée sous le régime de la présente partie une plainte liée à une opération transfrontalière intégrée qui s'est déroulée dans une province donnée ou durant lequel une telle plainte a été réglée, la Commission présente au ministre de qui relève au premier chef l'administration des forces de police de la province, un rapport indiquant, pour la province, le nombre et le sujet des plaintes sur toute conduite survenue dans celle-ci, la manière dont les plaintes ont été réglées, le cas échéant, et toute tendance qui se dégage. La Commission présente une copie de ce rapport au ministre et au commissaire.

Normes de service concernant les délais à respecter

(2) Les renseignements concernant le rendement de la Commission relativement aux normes de service établies en application de l'article 45.37 sont inclus dans les rapports.

2013, ch. 18, art. 78.

Enquêtes, révisions et audiences relatives aux plaintes

Application de certaines dispositions

45.94 (1) Les articles 45.53 à 45.78, à l'exception du paragraphe 45.57(2) et des articles 45.62 et 45.75, s'appliquent dans la présente partie, avec les adaptations nécessaires et les modifications suivantes :

a) la mention du commissaire vaut mention de l'autorité centrale;

(b) a reference to a member or other person whose conduct is the subject matter of the complaint is to be read as a reference to a designated officer whose conduct is the subject matter of the complaint;

(c) a reference to a member or other person appointed or employed under Part I, other than in paragraph 45.53(8)(b), is to be read as a reference to a designated officer;

(d) a reference to Part IV in subsection 45.53(3) is to be read as a reference to Part IV or to the law of a province, of the United States or of a state of the United States that is comparable to Part IV;

(e) a reference to the Force, other than in subsection 45.53(11), section 45.6, subsections 45.61(1) to (3), paragraph 45.71(3)(b) and section 45.78, is to be read as a reference to the Central Authority;

(f) a reference to the Force in section 45.6, subsections 45.61(1) to (3) and paragraph 45.71(3)(b) is to be read as a reference to the person or persons designated by the Central Authority to deal with a complaint;

(g) a reference to the Force in subsection 45.53(11) and section 45.78 is to be read as a reference to the Central Authority and to the person or persons designated by the Central Authority to deal with a complaint;

(h) a reference to a member or other person in subsection 45.57(1) or to a member in subsection 45.65(6) is to be read as a reference to a designated officer; and

(i) a reference to this Act or the *Witness Protection Program Act* in subsections 45.53(1) and 45.59(1) is to be read as a reference to the *Integrated Cross-border Law Enforcement Operations Act*.

Disclosure and use for disciplinary purposes

(2) Representations referred to in subsection 45.57(1), including any personal information contained in them, that are received by the Commission under this Part in relation to the complaint shall be disclosed as soon as feasible to the Central Authority. The Central Authority may share those representations with the following persons, but only for the purpose of any disciplinary action that may be taken against the designated officer whose conduct is the subject matter of the complaint:

(a) any person who the Central Authority considers to be an appropriate person to take that disciplinary action, if that designated officer was appointed under subsection 7(1) of the *Integrated Cross-border Law Enforcement Operations Act*; or

b) la mention du membre ou de l'autre personne en cause dans la plainte vaut mention de l'agent désigné en cause dans celle-ci;

c) sauf à l'alinéa 45.53(8)b), la mention d'un membre ou de toute autre personne nommée ou employée sous le régime de la partie I vaut mention de l'agent désigné;

d) la mention de la partie IV, au paragraphe 45.53(3), vaut mention de la partie IV ou de dispositions comparables des lois d'une province, des États-Unis ou de l'un de ses États;

e) sauf au paragraphe 45.53(11), à l'article 45.6, aux paragraphes 45.61(1) à (3), à l'alinéa 45.71(3)b) et à l'article 45.78, la mention de la Gendarmerie vaut mention de l'autorité centrale;

f) la mention de la Gendarmerie, à l'article 45.6, aux paragraphes 45.61(1) à (3) et à l'alinéa 45.71(3)b), vaut mention de la ou des personnes chargées, par l'autorité centrale, du traitement de la plainte;

g) la mention de la Gendarmerie, au paragraphe 45.53(11) et à l'article 45.78, vaut mention de l'autorité centrale et de la ou des personnes chargées, par l'autorité centrale, du traitement de la plainte;

h) la mention d'un membre ou d'une autre personne, au paragraphe 45.57(1), et la mention d'un membre, au paragraphe 45.65(6), valent mention de l'agent désigné;

i) la mention de la présente loi ou de la *Loi sur le programme de protection des témoins*, aux paragraphes 45.53(1) et 45.59(1), vaut mention de la *Loi sur les opérations transfrontalières intégrées de contrôle d'application de la loi*.

Communication et utilisation à des fins disciplinaires

(2) La Commission communique à l'autorité centrale dans les meilleurs délais les observations visées au paragraphe 45.57(1) qu'elle a reçues en application de la présente partie au sujet de la plainte, y compris les renseignements personnels qui s'y trouvent. L'autorité centrale peut à son tour les communiquer aux personnes ci-après, mais seulement dans le but de permettre la prise d'éventuelles mesures disciplinaires à l'encontre de l'agent désigné en cause :

a) toute personne qu'elle estime en mesure de prendre de telles mesures, si l'agent désigné en cause a été nommé en vertu du paragraphe 7(1) de la *Loi sur les opérations transfrontalières intégrées de contrôle d'application de la loi*;

(b) the person designated as the Central Authority for the United States for the purpose of implementing the Agreement as defined in section 2 of that Act, if that designated officer was appointed under subsection 8(1) of that Act.

2013, c. 18, s. 78.

Joint investigations, etc.

45.95 (1) If a complaint concerns the conduct of a designated officer, the Commission may conduct an investigation, review or hearing of that complaint jointly with an authority that is responsible for investigations, reviews or hearings with respect to complaints from the public against law enforcement officers in any relevant jurisdiction, whether in or outside Canada.

Regulations

(2) The Governor in Council may make regulations respecting investigations, reviews or hearings conducted jointly under subsection (1).

2013, c. 18, s. 78.

Rules

45.96 The Central Authority may make rules respecting the procedures to be followed by the Central Authority, or by any person or persons designated by the Central Authority to deal with a complaint, in investigating, disposing of or otherwise dealing with complaints made under this Part.

2013, c. 18, s. 78.

Final reports

45.97 The Chairperson of the Commission shall send any report referred to in subsection 45.72(2) or 45.76(3) that is prepared under this Part to the provincial minister who has the primary responsibility for policing in any province in which the integrated cross-border operation was carried out.

2013, c. 18, s. 78.

Serious Incidents

Application of certain provisions

45.98 Sections 45.8 to 45.87 apply in this Part, with a modification in section 45.8 to read the reference to the Commissioner as a reference to the Central Authority, and with the modifications that the circumstances require.

2013, c. 18, s. 78.

b) la personne désignée comme autorité centrale des États-Unis chargée de la mise en œuvre de l'accord au sens de l'article 2 de cette loi, si l'agent désigné en cause a été nommé en vertu du paragraphe 8(1) de la même loi.

2013, ch. 18, art. 78.

Enquêtes conjointes

45.95 (1) Lorsqu'une plainte porte sur la conduite d'un agent désigné, la Commission peut tenir une enquête, une révision ou une audience sur la plainte conjointement avec l'entité publique ayant des compétences similaires en matière de plaintes du public contre les agents responsables du contrôle d'application de la loi dans tout ressort concerné, au Canada ou à l'étranger.

Règlements

(2) Le gouverneur en conseil peut prendre des règlements concernant les enquêtes, révisions et audiences conjointes.

2013, ch. 18, art. 78.

Règles

45.96 L'autorité centrale peut établir des règles de procédure concernant le traitement des plaintes dans le cadre de la présente partie, notamment à l'égard des enquêtes et du règlement des plaintes. Ces règles s'appliquent à elle et aux personnes qu'elle charge du traitement des plaintes.

2013, ch. 18, art. 78.

Rapport final

45.97 Le président de la Commission transmet le rapport visé aux paragraphes 45.72(2) ou 45.76(3) et préparé au titre de la présente partie au ministre de qui relève au premier chef l'administration des forces de police de chacune des provinces où l'opération transfrontalière intégrée a eu lieu.

2013, ch. 18, art. 78.

Incident grave

Application de certaines dispositions

45.98 Les articles 45.8 à 45.87 s'appliquent dans la présente partie, avec les adaptations nécessaires et la modification suivante : la mention du commissaire, à l'article 45.8, vaut mention de l'autorité centrale.

2013, ch. 18, art. 78.

Notification

45.99 When the Central Authority notifies a designated authority under section 45.8 of a serious incident, the Central Authority shall also notify the Commissioner of it.

2013, c. 18, s. 78.

Notification – investigative body

45.991 (1) If an investigation is commenced in respect of a serious incident, the Commissioner shall, as soon as feasible after that commencement, advise the Central Authority of the investigative body or the police force responsible for the investigation.

Notification – observer

(2) If the Commissioner becomes aware that an observer has been appointed by a designated authority or the Commission to assess the impartiality of an investigation of a serious incident, the Commissioner shall, as soon as feasible after becoming aware of it, advise the Central Authority of the appointment.

Notification – recommendations, etc.

(3) The Commissioner shall send to the Central Authority, as soon as feasible,

(a) any recommendations referred to in section 45.84 that the Force receives from an observer under this Part;

(b) any report referred to in subsection 45.85(1) that is provided to the Commissioner by an observer under this Part; and

(c) any response referred to in subsection 45.85(2) that the Commissioner provides under this Part.

2013, c. 18, s. 78.

PART VIII

General

Miscellaneous Provisions having
General Application

Definition of board

46 (1) In this section and sections 47 to 47.3, **board** means

(a) a board of inquiry appointed under section 24.1;

Avis

45.99 Lorsque l'autorité centrale avise, en application de l'article 45.8, l'autorité désignée de l'incident grave, elle en avise aussi le commissaire.

2013, ch. 18, art. 78.

Avis – organisme d'enquête

45.991 (1) Dès que possible après le début d'une enquête à l'égard d'un incident grave, le commissaire avise l'autorité centrale du nom de la force de police ou de l'organisme d'enquête chargé de l'enquête.

Avis – observateur

(2) Si le commissaire apprend qu'un observateur a été nommé par l'autorité désignée ou par la Commission afin de vérifier si l'enquête portant sur un incident grave se déroule avec impartialité, il en avise l'autorité centrale dès que possible.

Avis – recommandations, etc.

(3) Le commissaire envoie, le plus tôt possible, à l'autorité centrale :

a) les recommandations visées à l'article 45.84 que la Gendarmerie reçoit de l'observateur en application de la présente partie;

b) le rapport visé au paragraphe 45.85(1) que l'observateur lui présente en application de la présente partie;

c) la réponse visée au paragraphe 45.85(2) qu'il fournit en application de la présente partie.

2013, ch. 18, art. 78.

PARTIE VIII

Dispositions générales

Dispositions diverses d'application
générale

Définition de commission

46 (1) Au présent article et aux articles 47 à 47.3, **commission** s'entend :

a) d'une commission d'enquête constituée en vertu de l'article 24.1;

(b) a conduct board appointed under section 43 or 44; and

(c) the Committee, except for the purposes of subsection (4).

Definition of board — sections 47.1 to 47.3

(1.1) In sections 47.1 to 47.3, **board** includes the Commission.

Proceedings

(2) All proceedings before a board shall be dealt with by the board as informally and expeditiously as the circumstances and considerations of fairness permit.

Witness fees

(3) Any person, other than a member, summoned to attend at any proceeding before a board is entitled, in the discretion of the board, to receive the like fees and allowances for so attending as if summoned to attend before the Federal Court.

Rules

(4) Subject to subsection (5), the Commissioner may make rules governing the proceedings, practice and procedure before a board, other than the Commission, and the performance of the duties and functions of a board, other than the Commission, under this Act.

Idem

(5) The Minister may make rules governing the proceedings, practice and procedure before a board of inquiry appointed by the Minister under section 24.1 and the performance of the duties and functions of such a board under this Act or the Minister may adopt as such rules the rules or any part of the rules made under subsection (4).

R.S., 1985, c. R-10, s. 46; R.S., 1985, c. 8 (2nd Supp.), s. 18; 2013, c. 18, ss. 36, 77.

Immunity

47 No criminal or civil proceedings lie against any person for anything done, reported or said in good faith in any proceedings before a board.

R.S., 1985, c. R-10, s. 47; R.S., 1985, c. 8 (2nd Supp.), s. 18.

Immunity

47.01 No criminal, civil or administrative action or proceeding lies against a conduct authority, or any person appointed as a member of a conduct board, for anything done, reported or said in good faith in the course of the

b) d'un comité de déontologie nommé en vertu des articles 43 ou 44;

c) sauf pour l'application du paragraphe (4), du Comité.

Définition de commission — articles 47.1 à 47.3

(1.1) Aux articles 47.1 à 47.3, **commission** s'entend notamment de la Commission.

Procédures

(2) La commission donne suite aux procédures engagées devant elle d'une façon aussi simple et rapide que le permettent les circonstances et l'équité.

Frais des témoins

(3) À l'exception d'un membre, quiconque est assigné devant une commission peut recevoir, selon l'appréciation de la commission, les frais et indemnités accordés aux témoins assignés devant la Cour fédérale.

Règles

(4) Sous réserve du paragraphe (5), le commissaire peut établir des règles pour régir la procédure et la pratique à suivre devant une commission — autre que la Commission —, la conduite de ses travaux et l'exercice des fonctions que lui attribue la présente loi.

Idem

(5) Le ministre peut établir des règles pour régir la procédure et la pratique à suivre devant une commission d'enquête qu'il nomme conformément à l'article 24.1, la conduite des travaux de celle-ci, de même que l'exercice des pouvoirs et fonctions que lui attribue la présente loi. Il peut toutefois, au lieu de ces règles, adopter en tout ou en partie, celles qui sont établies conformément au paragraphe (4).

L.R. (1985), ch. R-10, art. 46; L.R. (1985), ch. 8 (2^e suppl.), art. 18; 2013, ch. 18, art. 36 et 77.

Immunité judiciaire

47 Personne ne peut être poursuivi en raison de ce qu'il a fait, dit ou rapporté de bonne foi au cours des procédures tenues devant la commission.

L.R. (1985), ch. R-10, art. 47; L.R. (1985), ch. 8 (2^e suppl.), art. 18.

Immunité

47.01 Toute autorité disciplinaire ou toute personne nommée à titre de membre d'un comité de déontologie bénéficie de l'immunité en matière pénale, civile ou administrative pour les actes accomplis, les rapports ou comptes rendus établis et les paroles prononcées de

exercise or performance or purported exercise or performance of any power, duty or function under Part IV.

2013, c. 18, s. 37.

Representation

47.1 (1) Subject to any rules made under subsection (3) a member or a conduct authority may be represented or assisted by any person in any

- (a) presentation of a grievance under Part III;
- (b) proceeding before a board; or
- (c) appeal under subsection 45.11(1) or (3).

Privilege

(2) If a member or conduct authority is represented or assisted by another person, communications passing in confidence between them in relation to the grievance, proceeding or appeal are, for the purposes of this Act, privileged as if they were communications passing in professional confidence between the member or the conduct authority and their legal counsel.

Rules

(3) The Commissioner may make rules prescribing

- (a) the persons or classes of person who may not represent or assist a member or conduct authority; and
- (b) the circumstances in which a person may not represent or assist a member or conduct authority.

R.S., 1985, c. 8 (2nd Supp.), s. 18; 2013, c. 18, s. 37.

47.2 [Repealed, 2013, c. 18, s. 37]

Legal proceedings

47.3 Section 16 of the *Canada Evidence Act* applies in respect of any proceedings before a board as though

- (a) the proceeding were a legal proceeding; and
- (b) the board were a judge, justice or other presiding officer.

R.S., 1985, c. 8 (2nd Supp.), s. 18.

bonne foi dans l'exercice effectif ou censé tel de ses attributions sous le régime de la partie IV.

2013, ch. 18, art. 37.

Représentation

47.1 (1) Sous réserve des règles établies conformément au paragraphe (3), toute personne peut représenter ou assister un membre ou une autorité disciplinaire :

- a) lors de la présentation d'un grief sous le régime de la partie III;
- b) lors des procédures tenues devant une commission;
- c) lors d'un appel interjeté en vertu des paragraphes 45.11(1) ou (3).

Secret professionnel

(2) Lorsqu'un membre ou une autorité disciplinaire se fait représenter ou assister par une autre personne, les communications confidentielles qu'ils échangent relativement au grief, aux procédures ou à l'appel sont, pour l'application de la présente loi, protégées comme si elles étaient des communications confidentielles échangées entre le membre ou l'autorité disciplinaire et son conseiller juridique.

Règles

(3) Le commissaire peut établir des règles pour prescrire :

- a) quelles sont les personnes ou catégories de personnes qui ne peuvent représenter ou assister un membre ou une autorité disciplinaire;
- b) quelles sont les circonstances dans lesquelles une personne ne peut représenter ou assister un membre ou une autorité disciplinaire.

L.R. (1985), ch. 8 (2^e suppl.), art. 18; 2013, ch. 18, art. 37.

47.2 [Abrogé, 2013, ch. 18, art. 37]

Assimilation à procédures judiciaires

47.3 L'article 16 de la *Loi sur la preuve au Canada* s'applique à une procédure devant une commission comme si :

- a) cette procédure était une procédure judiciaire;
- b) la commission était un juge, juge de paix ou autre fonctionnaire président.

L.R. (1985), ch. 8 (2^e suppl.), art. 18.

Extensions of time limitations

47.4 (1) If the Commissioner is satisfied that the circumstances justify an extension, the Commissioner may, on motion by the Commissioner or on application, and after giving due notice to any member affected by the extension, extend the time limited by any of subsections 31(2), 41(2), 42(2) and 44(1), for the doing of any act described in that subsection and specify terms and conditions in connection with the extension.

Exception

(1.1) The notice shall not be given if, in the Commissioner's opinion, giving it might compromise or hinder any investigation of an offence under an Act of Parliament.

Reference to time

(2) Where a time is extended under this section, any reference in this Act to the time shall be construed as a reference to the time as so extended.

R.S., 1985, c. 8 (2nd Supp.), s. 18; 2013, c. 18, s. 38.

Evidence not admissible

47.5 No evidence that a conduct measure has been imposed under Part IV against a member shall be used or receivable against the member in any criminal proceedings.

R.S., 1985, c. 8 (2nd Supp.), s. 18; 2013, c. 18, s. 39.

Offences

Bribes, etc.

48 (1) Every person who

- (a)** [Repealed, R.S., 1985, c. 8 (2nd Supp.), s. 19]
- (b)** makes any agreement with any member to induce the member in any way to forego the member's duty, or
- (c)** concert or connives at any act whereby any rule, order or regulation made under Part I may be evaded,

is guilty of an offence punishable on summary conviction.

(2) [Repealed, R.S., 1985, c. 8 (2nd Supp.), s. 19]

R.S., 1985, c. R-10, s. 48; R.S., 1985, c. 8 (2nd Supp.), ss. 19, 24(E).

Unlawful use of name of Force

49 (1) Every person is guilty of an offence punishable on summary conviction who, without the authority of the Commissioner, uses

Prorogation des délais

47.4 (1) Le commissaire, s'il est convaincu que les circonstances le justifient, peut, de sa propre initiative ou sur demande à cet effet, après en avoir dûment avisé les membres intéressés, proroger les délais prévus aux paragraphes 31(2), 41(2), 42(2) et 44(1) pour l'accomplissement d'un acte; il peut également spécifier les conditions applicables à cet égard.

Exception

(1.1) Le commissaire n'avise pas les membres intéressés s'il estime que l'avis risque de compromettre la tenue d'une enquête relativement à une infraction à une loi fédérale ou d'y nuire.

Mention du délai

(2) Lorsqu'il y a prorogation d'un délai en vertu du présent article, toute mention du délai dans la présente loi s'interprète comme désignant le délai prorogé.

L.R. (1985), ch. 8 (2^e suppl.), art. 18; 2013, ch. 18, art. 38.

Preuve irrecevable

47.5 Aucune preuve établissant que des mesures disciplinaires visées à la partie IV ont été imposées contre un membre ne peut être utilisée ni n'est recevable contre ce dernier dans des poursuites pénales.

L.R. (1985), ch. 8 (2^e suppl.), art. 18; 2013, ch. 18, art. 39.

Infractions

Corruption, etc.

48 (1) Commet une infraction punissable par procédure sommaire quiconque, selon le cas :

- a)** [Abrogé, L.R. (1985), ch. 8 (2^e suppl.), art. 19]
- b)** conclut avec un membre une entente l'incitant de quelque manière que ce soit à faillir à son devoir;
- c)** concert ou tolère une action permettant de se soustraire à l'un des règlements, règles, décrets, ordonnances ou arrêtés pris aux termes de la partie I.

(2) [Abrogé, L.R. (1985), ch. 8 (2^e suppl.), art. 19]

L.R. (1985), ch. R-10, art. 48; L.R. (1985), ch. 8 (2^e suppl.), art. 19 et 24(A).

Emploi illégal du nom de la Gendarmerie

49 (1) Commet une infraction punissable par procédure sommaire quiconque, sans l'autorisation du commissaire, emploie, pour composer, en tout ou en partie, la dénomination sociale d'une personne morale, d'une

(a) the name of the Force or any abbreviation thereof or any words or letters likely to be mistaken therefor,

(b) any picture or other representation of a member of the Force, or

(c) any mark, badge or insignia of the Force,

as all or any part of the name of any corporation, company, partnership or unincorporated association, in any advertising, for any business or trade purpose, or in such a way as to represent or imply that the Force uses or approves or endorses the use of any goods or services.

Personation of former member

(2) Every person not being a former member who, without the authority of the Commissioner, uses any clothing, equipment, badge, medal, ribbon, document or other thing in such a manner as to lead to a reasonable belief that the person was a member of the Force is guilty of an offence punishable on summary conviction.

Consent to prosecution

(3) No proceedings in respect of an offence under this section shall be instituted without the consent of the Minister.

R.S., 1985, c. R-10, s. 49; R.S., 1985, c. 8 (2nd Suppl.), s. 20.

Attendance of witnesses, etc.

50 (1) Every person commits an offence punishable on summary conviction who

(a) on being duly summoned as a witness or otherwise under this Act, makes default in attending;

(b) being in attendance as a witness in any proceeding under this Act,

(i) refuses to take an oath or solemn affirmation required of that person,

(ii) refuses to produce any document or thing under that person's control or in that person's possession and required to be produced by that person, or

(iii) refuses to answer any question;

(c) at any proceeding under this Act uses insulting or threatening language or causes any interference or disturbance;

(d) without lawful justification or excuse, prints observations or uses words in relation to an ongoing

compagnie, d'une société de personnes ou d'une association non personnalisée, dans une annonce ou à quelque fin commerciale, ou encore de manière à donner ou laisser entendre que la Gendarmerie utilise certains services ou marchandises ou en approuve ou sanctionne l'utilisation :

a) le nom de la Gendarmerie ou toute abréviation de ce nom, ou tous mots ou lettres susceptibles d'être confondus avec celui-ci;

b) toute image ou autre représentation d'un membre;

c) tout insigne, symbole ou écusson de la Gendarmerie.

Usurpation d'identité

(2) Commet une infraction punissable par procédure sommaire quiconque, sans l'autorisation du commissaire, utilise quelque vêtement, équipement, insigne, médaille, ruban, document ou autre objet de manière à faire penser qu'il est ancien membre, alors qu'il ne l'est pas.

Consentement aux poursuites

(3) Les poursuites des infractions visées au présent article sont subordonnées au consentement du ministre.

L.R. (1985), ch. R-10, art. 49; L.R. (1985), ch. 8 (2^e suppl.), art. 20.

Comparution des témoins, etc.

50 (1) Commet une infraction punissable par procédure sommaire quiconque :

a) étant régulièrement convoqué comme témoin ou à un autre titre sous le régime de la présente loi, ne se présente pas;

b) comparaisant comme témoin lors de toute procédure visée par la présente loi, refuse, alors qu'on le lui demande :

(i) de prêter serment ou de faire une affirmation solennelle,

(ii) de produire un document ou une chose qui relève de lui ou qu'il a en sa possession,

(iii) de répondre à une question;

c) lors de toute procédure visée par la présente loi, profère des propos insultants ou menaçants ou fait obstruction d'une manière ou d'une autre;

d) sans justification ni excuse légitime, imprime sciemment des remarques ou tient sciemment des

criminal, civil or administrative action or proceeding with intent

(i) to injure the reputation of a member of a board of inquiry under Part I, the Committee under Part III, IV or V, an adjudication board under Part IV, a discharge and demotion board under Part V or the Commission under Part VII or VII.2 or a witness before any of those entities by exposing that member or witness to contempt, insult or ridicule, or

(ii) to dissuade a witness in any proceedings before an entity referred to in subparagraph (i) from testifying; or

(e) fails to comply with an order made under subsection 45.1(7).

Exception

(1.1) Paragraph (1)(a) and subparagraphs (1)(b)(ii) and (iii) do not apply to a designated officer as defined in subsection 45.88(1) who was appointed under subsection 8(1) of the *Integrated Cross-border Law Enforcement Operations Act*.

Punishment

(2) Every person who is convicted of an offence under subsection (1) is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than six months or to both.

R.S., 1985, c. R-10, s. 50; R.S., 1985, c. 8 (2nd Supp.), s. 21; 2013, c. 18, ss. 40, 77, 78, 83, 84.

Offences — harassment, obstruction, destroying documents etc.

50.1 (1) No person shall

(a) harass, intimidate or threaten any person with the intent to compel that other person to abstain from making a complaint under Part VII or VII.2;

(b) harass, intimidate or threaten

(i) an individual who makes a complaint under Part VII or VII.2,

(ii) an individual at whom the conduct that is the subject of a complaint made under any of those Parts was directed,

(iii) a person whom the person has reasonable grounds to believe will be questioned or summoned by the Commission when it deals with a complaint made under any of those Parts, or

propos relativement à une procédure ou une action pénale, civile ou administrative en cours :

(i) de nature à nuire à la réputation d'un membre d'une commission d'enquête visée à la partie I, du Comité visé aux parties III, IV ou V, d'un comité d'arbitrage visé à la partie IV, d'une commission de licenciement et de rétrogradation visée à la partie V, de la Commission visée aux parties VII ou VII.2 ou à celle des témoins comparissant devant ceux-ci et exposant ces membres et témoins au mépris ou au ridicule, ou destinés à leur faire outrage,

(ii) dans le but de convaincre un témoin de ne pas participer à une telle procédure;

e) ne se conforme pas à l'ordonnance de publication visée au paragraphe 45.1(7).

Exception

(1.1) L'alinéa (1)a) et les sous-alinéas (1)b)(ii) et (iii) ne s'appliquent pas à l'agent désigné, au sens du paragraphe 45.88(1), qui a été nommé en vertu du paragraphe 8(1) de la *Loi sur les opérations transfrontalières intégrées de contrôle d'application de la loi*.

Peine

(2) Quiconque est déclaré coupable d'une infraction prévue au paragraphe (1) encourt une amende maximale de 5 000 \$ et un emprisonnement maximal de six mois, ou l'une de ces peines.

L.R. (1985), ch. R-10, art. 50; L.R. (1985), ch. 8 (2^e suppl.), art. 21; 2013, ch. 18, art. 40, 77, 78, 83 et 84.

Infractions — harceler, gêner, détruire des documents, etc.

50.1 (1) Il est interdit à toute personne :

a) de harceler, d'intimider ou de menacer une autre personne dans le dessein de la forcer à s'abstenir de déposer une plainte sous le régime des parties VII ou VII.2;

b) de harceler, d'intimider ou de menacer les personnes suivantes :

(i) le particulier qui dépose une plainte sous le régime des parties VII ou VII.2,

(ii) le particulier affecté par la conduite visée par la plainte déposée sous le régime de l'une ou l'autre de ces parties,

(iii) la personne dont elle croit raisonnablement qu'elle sera assignée à témoigner ou questionnée par la Commission lorsque celle-ci examine une

(iv) a person who is carrying out any power, duty or function under any of Parts VI to VII.2;

(c) wilfully obstruct a person who is carrying out any power, duty or function under any of Parts VI to VII.2, or knowingly make any false or misleading statement or knowingly provide false or misleading information to that person;

(d) destroy, mutilate, alter, falsify or conceal a document or thing, or make a false document or thing, knowing that the document or thing is likely to be relevant to an investigation of, or hearing to inquire into, a complaint made under Part VII or VII.2 or to a review under any of those Parts; or

(e) direct, counsel or cause, in any manner, any person to do anything mentioned in any of paragraphs (a) to (d), or propose, in any manner, to any person that they do anything mentioned in any of those paragraphs.

Punishment

(2) Every person who contravenes subsection (1) commits an offence and is guilty of

(a) an indictable offence and liable to imprisonment for a term of not more than five years; or

(b) an offence punishable on summary conviction and liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than six months, or to both.

2012, c. 19, s. 370; 2013, c. 18, ss. 40, 77, 83, 84.

Offence – failure to comply

50.2 (1) Every person who fails to comply with subsection 45.44(2) or (6) or 45.46(4) is guilty of an offence punishable on summary conviction and liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than six months, or to both.

Defence

(2) No person who establishes that they exercised all due diligence to prevent the commission of an offence under subsection (1) may be convicted of that offence.

2013, c. 18, ss. 40, 77.

plainte déposée sous le régime de l'une ou l'autre de ces parties,

(iv) la personne qui exerce des pouvoirs ou fonctions que lui attribue l'une ou l'autre des parties VI à VII.2;

c) de gêner sciemment une personne dans l'exercice des pouvoirs et fonctions que lui attribue l'une ou l'autre des parties VI à VII.2, ou de lui faire sciemment une déclaration fausse ou trompeuse ou de lui communiquer sciemment des renseignements faux ou trompeurs;

d) de détruire, de tronquer ou de modifier un document ou une chose, de les cacher, de les falsifier ou de les contrefaire sachant qu'ils seront vraisemblablement pertinents dans le cadre d'une enquête ou d'une audience tenue sur la plainte au titre des parties VII ou VII.2 ou d'une révision sous le régime de l'une ou l'autre de ces parties;

e) d'ordonner, de proposer ou de conseiller à une personne de commettre un acte visé à l'un des alinéas a) à d), ou de l'amener de n'importe quelle façon à le faire.

Peine

(2) Quiconque contrevient au paragraphe (1) commet une infraction et encourt, sur déclaration de culpabilité :

a) par mise en accusation, un emprisonnement maximal de cinq ans;

b) par procédure sommaire, une amende maximale de 5 000 \$ et un emprisonnement maximal de six mois, ou l'une de ces peines.

2012, ch. 19, art. 370; 2013, ch. 18, art. 40, 77, 83 et 84.

Infraction – non-respect d'obligations

50.2 (1) Quiconque omet de s'acquitter de toute obligation prévue aux paragraphes 45.44(2) ou (6) ou 45.46(4) commet une infraction et encourt, sur déclaration de culpabilité par procédure sommaire, une amende maximale de 5 000 \$ et un emprisonnement maximal de six mois, ou l'une de ces peines.

Disculpation

(2) Nul ne peut être déclaré coupable d'une infraction prévue au paragraphe (1) s'il établit qu'il a pris toutes les précautions voulues pour la prévenir.

2013, ch. 18, art. 40 et 77.

Offence to disclose certain information

50.3 Every person who contravenes subsection 45.47(1) or section 45.48 or 45.86 is guilty of

- (a) an indictable offence and liable to imprisonment for a term of not more than five years; or
- (b) an offence punishable on summary conviction and liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than six months, or to both.

2013, c. 18, ss. 40, 77.

Punishment

51 Every person who is convicted of an offence under this Part, except under sections 50 to 50.3, is liable to a fine of not more than \$500 or to imprisonment for a term of not more than six months or to both.

R.S., 1985, c. R-10, s. 51; 2013, c. 18, ss. 40, 77.

Limitation period

52 Summary conviction proceedings in respect of an offence under this Part may be instituted at any time within but not later than two years after the time when the subject matter of the proceedings arose.

R.S., 1985, c. R-10, s. 52; 2013, c. 18, ss. 40, 77.

53 [Repealed, R.S., 1985, c. 8 (2nd Supp.), s. 22]

Infraction – fourniture de renseignements

50.3 Quiconque contrevient au paragraphe 45.47(1) ou aux articles 45.48 ou 45.86 commet une infraction et encourt, sur déclaration de culpabilité :

- a) par mise en accusation, un emprisonnement maximal de cinq ans;
- b) par procédure sommaire, une amende maximale de 5 000 \$ et un emprisonnement maximal de six mois, ou l'une de ces peines.

2013, ch. 18, art. 40 et 77.

Peine

51 Quiconque est déclaré coupable d'une des infractions visées dans la présente partie, à l'exception des infractions visées aux articles 50 à 50.3, encourt une amende maximale de 500 \$ et un emprisonnement maximal de six mois, ou l'une de ces peines.

L.R. (1985), ch. R-10, art. 51; 2013, ch. 18, art. 40 et 77.

Prescription

52 Les poursuites par procédure sommaire des infractions tombant sous le coup de la présente partie se prescrivent par deux ans à compter de leur perpétration.

L.R. (1985), ch. R-10, art. 52; 2013, ch. 18, art. 40 et 77.

53 [Abrogé, L.R. (1985), ch. 8 (2^e suppl.), art. 22]

SCHEDULE

(Section 14)

Oath of Office

I, , solemnly swear that I will faithfully, diligently and impartially execute and perform the duties required of me as a member of the Royal Canadian Mounted Police, and will well and truly obey and perform all lawful orders and instructions that I receive as such, without fear, favour or affection of or toward any person. So help me God.

Oath of Secrecy

I, , solemnly swear that I will not disclose or make known to any person not legally entitled thereto any knowledge or information obtained by me in the course of my employment with the Royal Canadian Mounted Police. So help me God.

R.S., 1985, c. 8 (2nd Supp.), s. 23.

ANNEXE

(article 14)

Serment professionnel

Je, , jure de bien et fidèlement m'acquitter des devoirs qui m'incombent en ma qualité de membre de la Gendarmerie royale du Canada et d'exécuter, sans craindre ni favoriser qui que ce soit, tous les ordres légitimes reçus à ce titre. Ainsi Dieu me soit en aide.

Serment du secret

Je, , jure de ne révéler ni communiquer à quiconque n'y a pas légitimement droit ce qui est parvenu à ma connaissance ou les renseignements que j'ai obtenus en raison de mon emploi dans la Gendarmerie royale du Canada. Ainsi Dieu me soit en aide.

L.R. (1985), ch. 8 (2^e suppl.), art. 23.

RELATED PROVISIONS

— R.S., 1985, c. 8 (2nd Supp.), s. 25

Transfer of Funds

25 The amount standing to the credit of the fund established by section 45 of the said Act immediately before the commencement of this Act shall be credited to the Benefit Trust Fund referred to in section 23 of the said Act as amended by this Act and shall be used in the manner and for the purposes established by or pursuant to section 23 as so amended.

— 2013, c. 18, s. 67

Officers

67 Every person who was an officer of the Royal Canadian Mounted Police immediately before the coming into force of section 5, other than the Commissioner or a Deputy Commissioner of the Royal Canadian Mounted Police, is deemed to have been appointed as an officer by the Commissioner of the Royal Canadian Mounted Police.

— 2013, c. 18, s. 68

Grievances

68 The provisions of Part III of the *Royal Canadian Mounted Police Act*, and any rules and regulations made under that Act, as they read immediately before the coming into force of sections 20 to 25, continue to apply in respect of any grievance presented under that Part before that coming into force.

— 2013, c. 18, s. 69

Informal disciplinary action

69 (1) If informal disciplinary action has been taken under section 41 of the *Royal Canadian Mounted Police Act* before the coming into force of section 29, sections 41 and 42 of the *Royal Canadian Mounted Police Act*, and any rules and regulations made under that Act, as they read before that coming into force, continue to apply in respect of an appeal of that action.

Clarification

(2) Subsection (1) applies even if the person who is subject of the informal disciplinary action has ceased to be a member by reason of subsection 86(2).

DISPOSITIONS CONNEXES

— L.R. (1985), ch. 8 (2^e suppl.), art. 25

Transfert de fonds

25 Le montant inscrit, lors de l'entrée en vigueur de la présente loi, au crédit de la caisse établie en vertu de l'article 45 de la *Loi sur la Gendarmerie royale du Canada*, en sa version avant cette date, est porté au crédit de la Caisse fiduciaire de bienfaisance visée à l'article 23 de cette loi, en sa version depuis cette date, et doit être utilisé conformément à cet article et aux règlements pris sous son régime.

— 2013, ch. 18, art. 67

Officier

67 Quiconque était un officier de la Gendarmerie royale du Canada à l'entrée en vigueur de l'article 5, à l'exception du commissaire ou d'un sous-commissaire de la Gendarmerie royale du Canada, est réputé avoir été nommé à ce grade par le commissaire de la Gendarmerie royale du Canada.

— 2013, ch. 18, art. 68

Griefs

68 Les dispositions de la partie III de la *Loi sur la Gendarmerie royale du Canada* ainsi que toute règle établie et tout règlement pris en vertu de cette loi, dans leur version antérieure à l'entrée en vigueur des articles 20 à 25, continuent de s'appliquer à tout grief présenté sous le régime de cette partie avant cette entrée en vigueur.

— 2013, ch. 18, art. 69

Mesure disciplinaire simple

69 (1) Si une mesure disciplinaire simple a été prise en vertu de l'article 41 de la *Loi sur la Gendarmerie royale du Canada* avant l'entrée en vigueur de l'article 29, les articles 41 et 42 de la *Loi sur la Gendarmerie royale du Canada* ainsi que toute règle établie et tout règlement pris en vertu de cette loi, dans leur version antérieure à cette entrée en vigueur, continuent de s'appliquer à l'égard de tout appel de la mesure.

Précision

(2) Le paragraphe (1) s'applique même si la personne contre qui la mesure disciplinaire a été prise est une personne qui a cessé d'être un membre en application du paragraphe 86(2).

— 2013, c. 18, s. 70

Formal disciplinary action

70 (1) A hearing initiated under subsection 43(1) of the *Royal Canadian Mounted Police Act* before the coming into force of section 29 may be continued as though that section had not come into force and the provisions of that Act, as they read immediately before that coming into force, continue to apply in respect of any decision made in respect of the matter to which the hearing relates, including any appeal of that decision, except that paragraphs 45.12(3)(a) to (c) are to be read as follows:

- (a) recommendation for dismissal from the Force, if the member is a Deputy Commissioner, or dismissal from the Force, if the member is not a Deputy Commissioner;
- (b) direction to resign from the Force and, in default of resigning within 14 days after being directed to do so, recommendation for dismissal from the Force, if the member is a Deputy Commissioner, or dismissal from the Force, if the member is not a Deputy Commissioner;
- (c) demotion if the member is not a Deputy Commissioner; or

Application of rules and regulations

(2) Rules and regulations made under the *Royal Canadian Mounted Police Act*, as they read immediately before the coming into force of section 29, continue to apply in respect of any decision made in respect of the matter to which a hearing referred to in subsection (1) relates, including any appeal of that decision.

Suspension

(3) If, before the coming into force of section 29, a hearing was initiated under subsection 43(1) of the *Royal Canadian Mounted Police Act* in respect of a member of the Royal Canadian Mounted Police who was suspended under section 12.1 of that Act, the member continues to be suspended.

Application of Act and rules and regulations

(4) The provisions of the *Royal Canadian Mounted Police Act*, and any rules and regulations made under it, as they read immediately before the coming into force of section 29, continue to apply in respect of any suspension to which subsection (3) applies.

— 2013, ch. 18, art. 70

Mesures disciplinaires graves

70 (1) Toute audience convoquée au titre du paragraphe 43(1) de la *Loi sur la Gendarmerie royale du Canada* avant l'entrée en vigueur de l'article 29 se poursuit sans égard à cette entrée en vigueur, et les dispositions de cette loi, dans leur version antérieure à cette entrée en vigueur, continuent de s'appliquer à l'égard de toute décision relative à l'affaire faisant l'objet de l'audience, ainsi qu'à l'égard de tout appel de cette décision, sauf que les alinéas 45.12(3)a) à c) sont réputés avoir le libellé suivant :

- a) recommander que le membre soit congédié de la Gendarmerie, s'il est un sous-commissaire, ou, s'il ne l'est pas, le congédier de la Gendarmerie;
- b) ordonner au membre de démissionner de la Gendarmerie, et si ce dernier ne s'exécute pas dans les quatorze jours suivants, prendre à son égard la mesure visée à l'alinéa a);
- c) rétrograder le membre, s'il n'est pas un sous-commissaire;

Application des règlements et des règles

(2) Les règlements pris et les règles établies en vertu de la *Loi sur la Gendarmerie royale du Canada*, dans leur version antérieure à l'entrée en vigueur de l'article 29, continuent de s'appliquer à l'égard de toute décision relative à l'affaire faisant l'objet de l'audience visée au paragraphe (1), ainsi qu'à l'égard de tout appel de cette décision.

Suspension

(3) Si, avant l'entrée en vigueur de l'article 29, une audience a été convoquée au titre du paragraphe 43(1) de la *Loi sur la Gendarmerie royale du Canada* à l'égard d'un membre de la Gendarmerie royale du Canada ayant été suspendu au titre de l'article 12.1 de cette loi, la suspension de ce membre se poursuit malgré cette entrée en vigueur.

Application de la loi, des règlements et des règles

(4) Les dispositions de la *Loi sur la Gendarmerie royale du Canada* ainsi que les règlements pris et les règles établies en vertu de cette loi, dans leur version antérieure à l'entrée en vigueur de l'article 29, continuent de s'appliquer à l'égard de la suspension visée au paragraphe (3).

Clarification

(5) Subsections (1) to (4) apply even if the person who is alleged to have committed the contravention to which the hearing relates has ceased to be a member by reason of subsection 86(2).

— 2013, c. 18, s. 71

Application of subsection 40(1)

71 (1) Subsection 40(1) of the *Royal Canadian Mounted Police Act*, as enacted by section 29, also applies in respect of a contravention of a provision of the Code of Conduct committed or alleged to have been committed before the coming into force of that section 29 unless

(a) informal disciplinary action has been taken under section 41 of that Act in respect of the contravention before that coming into force; or

(b) a hearing has been initiated under subsection 43(1) of that Act in respect of the contravention before that coming into force.

Clarification

(2) Subsection (1) applies even if the person who committed or is alleged to have committed the contravention has ceased to be a member by reason of subsection 86(2).

— 2013, c. 18, s. 72

Discharge on grounds of unsuitability

72 (1) No decision is to be made after the coming into force of section 33 in respect of a notice served under subsection 45.19(1) of the *Royal Canadian Mounted Police Act* before that coming into force.

Application of existing provisions

(2) If a decision under section 45.23 of the *Royal Canadian Mounted Police Act* was made before the coming into force of section 33, the provisions of the *Royal Canadian Mounted Police Act*, and any rules and regulations made under that Act, as they read immediately before that coming into force, continue to apply in respect of that decision and any appeal of that decision, except that subsection 45.26(2) of the *Royal Canadian Mounted Police Act* is to be read as follows:

Decision on appeal

(2) The Commissioner may dispose of an appeal under section 45.24 by

(a) dismissing the appeal and confirming the decision being appealed; or

Précision

(5) Les paragraphes (1) à (4) s'appliquent même si la personne qui aurait commis la contravention faisant l'objet de l'audience est une personne qui a cessé d'être un membre en application du paragraphe 86(2).

— 2013, ch. 18, art. 71

Application du paragraphe 40(1)

71 (1) Le paragraphe 40(1) de la *Loi sur la Gendarmerie royale du Canada*, édicté par l'article 29, s'applique également à l'égard d'une contravention à l'une des dispositions du code de déontologie qui a été ou aurait été commise avant l'entrée en vigueur de cet article 29, à moins que, avant cette entrée en vigueur, selon le cas :

a) une mesure disciplinaire simple ait été prise à l'égard de la contravention en vertu de l'article 41 de cette loi;

b) une audience ait été convoquée au titre du paragraphe 43(1) de la même loi à l'égard de la contravention.

Précision

(2) Le paragraphe (1) s'applique même si la personne qui a commis ou aurait commis la contravention est une personne qui a cessé d'être un membre en application du paragraphe 86(2).

— 2013, ch. 18, art. 72

Renvoi pour motif d'inaptitude

72 (1) Aucune décision ne peut être prise après l'entrée en vigueur de l'article 33 à l'égard d'un avis d'intention signifié en application du paragraphe 45.19(1) de la *Loi sur la Gendarmerie royale du Canada* dans sa version antérieure à cette entrée en vigueur.

Application des dispositions existantes

(2) Si une décision a été prise en vertu de l'article 45.23 de la *Loi sur la Gendarmerie royale du Canada* avant l'entrée en vigueur de l'article 33, les dispositions de la *Loi sur la Gendarmerie royale du Canada* et les règlements pris et les règles établies en vertu de cette loi, dans leur version antérieure à cette entrée en vigueur, continuent de s'appliquer à l'égard de cette décision, ainsi qu'à l'égard de tout appel de cette décision, sauf que le paragraphe 45.26(2) de la *Loi sur la Gendarmerie royale du Canada* est réputé avoir le libellé suivant :

Décisions rendues en appel

(2) Le commissaire peut prendre l'une des mesures suivantes :

a) soit rejeter l'appel et confirmer la décision portée en appel;

(b) allowing the appeal and either ordering a new review of the case by a discharge and demotion board or making the finding that, in the Commissioner's opinion, the discharge and demotion board should have made.

— 2013, c. 18, s. 73

Administrative discharge

73 (1) No decision is to be made after the coming into force of section 13 in respect of a notice served under subsection 20(1) of the *Royal Canadian Mounted Police Regulations, 1988* before the coming into force of that section 13.

Application of rules and regulations

(2) If a decision under subsection 20(9) or section 21 of the *Royal Canadian Mounted Police Regulations, 1988* was made before the coming into force of section 13, the provisions of the *Royal Canadian Mounted Police Act*, and any rules and regulations made under that Act, as they read immediately before that coming into force, continue to apply in respect of that decision and any grievance in respect of, or appeal of, that decision.

Clarification

(3) Subsection (2) applies even if the person to whom the decision relates has ceased to be a member by reason of subsection 86(2).

— 2013, c. 18, s. 74

Voluntary resignation

74 The voluntary resignation of any member of the Royal Canadian Mounted Police that had not been accepted before the coming into force of section 10 may be accepted by the Commissioner of the Royal Canadian Mounted Police or any person designated by the Commissioner and, if it is accepted, the resignation of the member is final and irrevocable on that acceptance.

— 2013, c. 18, s. 75

Discharge of deceased member

75 A member of the Royal Canadian Mounted Police who died before the coming into force of section 11 and who had not been discharged from the Royal Canadian Mounted Police before that coming into force is deemed to have been so discharged immediately before that coming into force.

b) soit accueillir l'appel et ordonner la tenue d'une nouvelle révision de la cause par une commission de licenciement et de rétrogradation ou rendre la conclusion que, selon lui, la commission de licenciement et de rétrogradation aurait dû rendre.

— 2013, ch. 18, art. 73

Renvoi par mesure administrative

73 (1) Aucune décision ne peut être prise après l'entrée en vigueur de l'article 13 à l'égard d'un avis d'intention signifié en application du paragraphe 20(1) du *Règlement de la Gendarmerie royale du Canada (1988)* avant l'entrée en vigueur de cet article 13.

Application des règlements et des règles

(2) Si une décision a été prise en vertu du paragraphe 20(9) ou de l'article 21 du *Règlement de la Gendarmerie royale du Canada (1988)* avant l'entrée en vigueur de l'article 13, les dispositions de la *Loi sur la Gendarmerie royale du Canada* et les règlements pris et les règles établies en vertu de cette loi, dans leur version antérieure à cette entrée en vigueur, continuent de s'appliquer à l'égard de cette décision ainsi qu'à l'égard de tout appel ou grief relatif à cette décision.

Précision

(3) Le paragraphe (2) s'applique même si la personne visée par la décision a cessé d'être un membre en application du paragraphe 86(2).

— 2013, ch. 18, art. 74

Démission

74 La démission d'un membre de la Gendarmerie royale du Canada qui n'a pas été acceptée avant l'entrée en vigueur de l'article 10 peut être acceptée par le commissaire de la Gendarmerie royale du Canada ou son délégué, auquel cas elle devient définitive et irrévocable dès cette acceptation.

— 2013, ch. 18, art. 75

Licenciement du membre décédé

75 Le membre de la Gendarmerie royale du Canada qui, avant l'entrée en vigueur de l'article 11, décède sans avoir été renvoyé de la Gendarmerie royale du Canada est réputé avoir été ainsi renvoyé immédiatement avant cette entrée en vigueur.

— 2013, c. 18, s. 76

Definitions

76 (1) The following definitions apply in this section.

former commission means the Royal Canadian Mounted Police Public Complaints Commission established by subsection 45.29(1) of the *Royal Canadian Mounted Police Act*, as it read immediately before the coming into force of section 35. (*ancienne commission*)

new commission means the Civilian Review and Complaints Commission for the Royal Canadian Mounted Police established by subsection 45.29(1) of the *Royal Canadian Mounted Police Act*, as enacted by section 35. (*nouvelle commission*)

Members of former commission

(2) All persons who hold office as Chairman, Vice-Chairman or member of the former commission immediately before the coming into force of section 35 cease to hold office on the day on which that section comes into force.

Employees

(3) Nothing in this Act is to be construed as affecting the status of an employee who, immediately before the coming into force of this section, occupied a position in the former commission, except that the employee shall, on that coming into force, occupy his or her position in the new commission.

Definition of employee

(4) In subsection (3), **employee** has the same meaning as in subsection 2(1) of the *Public Service Employment Act*.

Transfer of appropriations

(5) Any amount appropriated, for the fiscal year in which this section comes into force, by an appropriation Act based on the Estimates for that year for defraying the charges and expenses of the former commission that, on that coming into force, is unexpended is deemed, on that coming into force, to be an amount appropriated for defraying the charges and expenses of the new commission.

Rights and obligations transferred

(6) All rights and property held by or in the name of or in trust for the former commission and all obligations and liabilities of the former commission are deemed to be rights, property, obligations and liabilities of the new Commission.

— 2013, ch. 18, art. 76

Définitions

76 (1) Les définitions qui suivent s'appliquent au présent article.

ancienne commission La Commission des plaintes du public contre la Gendarmerie royale du Canada constituée aux termes du paragraphe 45.29(1) de la *Loi sur la Gendarmerie royale du Canada* dans sa version antérieure à l'entrée en vigueur de l'article 35. (*former commission*)

nouvelle commission La Commission civile d'examen et de traitement des plaintes relatives à la Gendarmerie royale du Canada constituée aux termes du paragraphe 45.29(1) de la *Loi sur la Gendarmerie royale du Canada*, édicté par l'article 35. (*new commission*)

Membres de l'ancienne commission

(2) Les personnes qui occupent les postes de président, de vice-président et de membre de l'ancienne commission à l'entrée en vigueur de l'article 35 cessent d'occuper ces postes à la date de cette entrée en vigueur.

Personnel

(3) La présente loi ne change rien à la situation des fonctionnaires qui, à l'entrée en vigueur du présent article, occupaient un poste à l'ancienne commission, à cette différence près que, à compter de cette date, ils l'occupent à la nouvelle commission.

Définition de fonctionnaire

(4) Au paragraphe (3), **fonctionnaire** s'entend au sens du paragraphe 2(1) de la *Loi sur l'emploi dans la fonction publique*.

Transfert de crédits

(5) Les sommes affectées — mais non engagées — pour l'exercice en cours à la date d'entrée en vigueur du présent article par toute loi de crédits consécutive aux prévisions budgétaires de cet exercice, aux frais et dépenses à l'égard de l'ancienne commission sont réputées être affectées aux frais et dépenses de celle-ci à l'égard de la nouvelle commission.

Transfert des droits et obligations

(6) Les droits et biens de l'ancienne commission, ceux qui sont détenus en son nom ou en fiducie pour elle, ainsi que ses obligations et engagements, sont réputés être ceux de la nouvelle commission.

References

(7) Every reference to the former commission in a deed, contract or other document executed by the former commission in its own name is to be read as a reference to the new commission, unless the context requires otherwise.

Continuation of proceedings

(8) Any action, suit or other legal or administrative proceeding to which the former commission is a party that is pending on the coming into force of this section may be continued by or against the new commission in a similar manner and to the same extent as it would have been continued by or against the former commission.

Complaints under section 45.35 or 45.37

(9) Any complaint made under 45.35 or 45.37 of the *Royal Canadian Mounted Police Act* that has not been disposed of or resolved by the former commission before the coming into force of section 35 may be disposed of or resolved by the new commission in accordance with the provisions of Part VII of that Act, as enacted by that section 35.

Complaints under section 45.49

(10) If Bill C-38, introduced in the 1st session of the 41st Parliament and entitled the *Jobs, Growth and Long-term Prosperity Act* (in this subsection referred to as the “other Act”) receives royal assent and section 369 of the other Act comes into force before section 35 of this Act, any complaint made under section 45.49 of the *Royal Canadian Mounted Police Act* that has not been disposed of or resolved by the former commission before the coming into force of that section 35 may be disposed of or resolved by the new commission in accordance with the provisions of Part VII.2 of the *Royal Canadian Mounted Police Act*.

— 2013, c. 18, s. 86

Publication of date

86 (1) The Treasury Board may publish in the *Canada Gazette* a date on which every member, as defined in subsection 2(1) of the *Royal Canadian Mounted Police Act*, as that definition reads on that date, who does not form part of any category determined under section 20.1 of that Act is deemed, as of that date, to be a person appointed under the *Public Service Employment Act*.

Effect of publication

(2) Every person who is a member, as defined in subsection 2(1) of the *Royal Canadian Mounted Police Act*, who does not form part of any category determined under section 20.1 of that Act ceases to be a member, as defined in that subsection 2(1), on the date published in the *Canada Gazette* under subsection (1).

Renvois

(7) Sauf indication contraire du contexte, dans tous les contrats, actes et documents signés par l'ancienne commission sous son nom, la mention de celle-ci vaut mention de la nouvelle commission.

Procédures en cours

(8) La nouvelle commission succède, au même titre et dans les mêmes conditions, à l'ancienne commission comme partie aux procédures judiciaires ou administratives en cours à l'entrée en vigueur du présent article et auxquelles celle-ci est partie.

Plainte déposée au titre des articles 45.35 ou 45.37

(9) Toute plainte déposée au titre des articles 45.35 ou 45.37 de la *Loi sur la Gendarmerie royale du Canada* qui n'a pas été réglée par l'ancienne commission avant l'entrée en vigueur de l'article 35 peut être réglée par la nouvelle commission conformément aux dispositions de la partie VII de cette loi édictées par cet article 35.

Plainte déposée au titre de l'article 45.49

(10) En cas de sanction du projet de loi C-38, déposé au cours de la 1^{re} session de la 41^e législature et intitulé *Loi sur l'emploi, la croissance et la prospérité durable* (appelé « autre loi » au présent paragraphe), si l'article 369 de l'autre loi entre en vigueur avant l'article 35 de la présente loi, toute plainte déposée au titre de l'article 45.49 de la *Loi sur la Gendarmerie royale du Canada* qui n'a pas été réglée par l'ancienne commission avant l'entrée en vigueur de cet article 35 peut être réglée par la nouvelle commission conformément aux dispositions de la partie VII.2 de la *Loi sur la Gendarmerie royale du Canada*.

— 2013, ch. 18, art. 86

Nominations réputées

86 (1) Le Conseil du Trésor peut publier dans la *Gazette du Canada* une date à laquelle tout membre, au sens du paragraphe 2(1) de la *Loi sur la Gendarmerie royale du Canada*, tel que défini à cette date, qui ne fait partie d'aucune catégorie déterminée par le Conseil du Trésor en vertu de l'article 20.1 de cette loi est, à compter de cette date, réputé avoir été nommé en vertu de la *Loi sur l'emploi dans la fonction publique*.

Effet de la publication

(2) Toute personne qui est membre, au sens du paragraphe 2(1) de la *Loi sur la Gendarmerie royale du Canada*, qui ne fait partie d'aucune catégorie déterminée par le Conseil du Trésor en vertu de l'article 20.1 de cette loi, cesse d'être un membre au sens de ce paragraphe 2(1) à la date publiée dans la *Gazette du Canada* en vertu du paragraphe (1).

Person not on probation

(3) Section 61 of the *Public Service Employment Act* does not apply to a person to whom subsection (2) applies if the person was not on probation under the *Royal Canadian Mounted Police Act* immediately before the date published in the *Canada Gazette* under subsection (1).

Person on probation

(4) Section 61 of the *Public Service Employment Act* applies to a person to whom subsection (2) applies if the person was on probation under the *Royal Canadian Mounted Police Act* immediately before the date published in the *Canada Gazette* under subsection (1), except that time the person is on probation under that section 61 is the time the person would be on probation under that section less any amount of time the person was on probation under the *Royal Canadian Mounted Police Act* immediately before that date.

— 2017, c. 9, s. 61

Definitions

61 (1) The following definitions apply in this section and sections 62 to 64.

former Act means the *Public Service Labour Relations Act*, as it read immediately before the coming into force of section 2. (*ancienne loi*)

member has the same meaning as in subsection 2(1) of the *Royal Canadian Mounted Police Act*. (*membre*)

reservist means a person who is appointed as a reservist under regulations made under subsection 11(1) of the *Royal Canadian Mounted Police Act*. (*réserviste*)

Same meaning

(2) Unless the context requires otherwise, words and expressions used in sections 62 to 64 have the same meaning as in subsection 2(1) of the former Act.

— 2017, c. 9, s. 62

Individual grievances

62 (1) Any individual grievance presented by a member under subsection 208(1) of the former Act, before the day on which section 238.24 of the *Federal Public Sector Labour Relations Act*, as enacted by section 33, comes into force, that is not related to the interpretation or application, in respect of the member, of a provision of a collective agreement or arbitral award, is deemed never to have been presented, and any decision made in respect of such a grievance or any decision made on a review of the decision is deemed never to have had effect.

Période de stage

(3) Si la personne visée par le paragraphe (2) n'était pas stagiaire au titre de la *Loi sur la Gendarmerie royale du Canada* à la date publiée dans la *Gazette du Canada* en vertu du paragraphe (1), l'article 61 de la *Loi sur l'emploi dans la fonction publique* ne s'applique pas à son égard.

Période de stage

(4) Si la personne visée par le paragraphe (2) était stagiaire au titre de la *Loi sur la Gendarmerie royale du Canada* à la date publiée dans la *Gazette du Canada* en vertu du paragraphe (1), la période pendant laquelle elle est considérée comme stagiaire en vertu de l'article 61 de la *Loi sur l'emploi dans la fonction publique* est la période excédant la période de stage qu'elle a terminée au titre de la *Loi sur la Gendarmerie royale du Canada*.

— 2017, ch. 9, art. 61

Définitions

61 (1) Les définitions qui suivent s'appliquent aux articles 62 à 64.

ancienne loi La *Loi sur les relations de travail dans la fonction publique* dans sa version avant l'entrée en vigueur de l'article 2. (*former Act*)

membre Membre au sens du paragraphe 2(1) de la *Loi sur la Gendarmerie royale du Canada*. (*member*)

réserviste Personne nommée à titre de réserviste en application des règlements pris en vertu du paragraphe 11(1) de la *Loi sur la Gendarmerie royale du Canada*. (*reservist*)

Interprétation

(2) Sauf indication contraire du contexte, les termes figurant aux articles 62 à 64 s'entendent au sens du paragraphe 2(1) de l'ancienne loi.

— 2017, ch. 9, art. 62

Griefs individuels

62 (1) Tout grief individuel présenté par un membre au titre du paragraphe 208(1) de l'ancienne loi, avant la date d'entrée en vigueur de l'article 238.24 de la *Loi sur les relations de travail dans le secteur public fédéral*, édicté par l'article 33, qui ne vise pas l'interprétation ou l'application à l'égard de ce membre de toute disposition d'une convention collective ou d'une décision arbitrale, est réputé n'avoir jamais été présenté, et toute décision qui en découle ou qui découle de sa révision est réputée n'avoir jamais pris effet.

Extension of limitation period

(2) For the purpose of presenting a grievance or taking any other process of redress under the *Royal Canadian Mounted Police Act*, and despite any provision of that Act, if an individual grievance has been deemed under subsection (1) never to have been presented, or if any decision on such a grievance has been deemed under that subsection never to have had effect, the member who presented the individual grievance has, if the subject matter of the grievance or other redress is the same as the subject matter of the individual grievance, 30 days from the day on which section 33 comes into force to present that grievance or to take that other process of redress.

Limitation

(3) Subsection (2) applies only in the case of an individual grievance that, if it had been presented under the *Royal Canadian Mounted Police Act* or if another process of redress under that Act had been taken, would have been presented within the time established under that Act to present the grievance or take the other process of redress.

— 2017, c. 9, s. 63

Existing applications for certification

63 (1) If, before the day on which section 238.13 of the *Federal Public Sector Labour Relations Act*, as enacted by section 33, comes into force, an employee organization makes an application under section 54 of the former Act to be certified as bargaining agent for a group of employees that includes employees who are members appointed to a rank, or employees who are reservists, the employee organization must not be certified as bargaining agent for the group, unless

(a) the group consists exclusively of all the employees who are members appointed to a rank, other than *officers* as defined in subsection 2(1) of the *Royal Canadian Mounted Police Act*, and all the employees who are reservists; and

(b) the employee organization — and, in the case of a council of employee organizations, each employee organization forming the council — meets the following requirements:

(i) it has as its primary mandate the representation of employees who are members appointed to a rank, other than *officers* as defined in subsection 2(1) of the *Royal Canadian Mounted Police Act*,

(ii) it is not affiliated with a bargaining agent or other association that does not have as its primary mandate the representation of police officers, and

Délai de présentation prorogé

(2) Si, aux termes du paragraphe (1), un grief individuel est réputé n'avoir jamais été présenté ou une décision qui découle de ce grief est réputée n'avoir jamais pris effet, le membre qui a présenté le grief individuel a, malgré toute disposition contraire de la *Loi sur la Gendarmerie royale du Canada*, trente jours à compter de la date d'entrée en vigueur de l'article 33 pour présenter le grief ou engager toute autre procédure pour réparer le préjudice sous le régime de cette loi, à la condition que le grief ou la procédure porte sur les mêmes faits que le grief individuel.

Réserve

(3) Le paragraphe (2) s'applique dans le seul cas où le grief individuel aurait, s'il avait été présenté ou si une autre procédure pour réparer le préjudice avait été engagée sous le régime de la *Loi sur la Gendarmerie royale du Canada*, été présenté dans le délai établi sous le régime de cette loi pour présenter le grief ou pour engager la procédure en cause.

— 2017, ch. 9, art. 63

Demande d'accréditation en cours

63 (1) Lorsqu'avant la date d'entrée en vigueur de l'article 238.13 de la *Loi sur les relations de travail dans le secteur public fédéral*, édicté par l'article 33, une organisation syndicale sollicite son accréditation en vertu de l'article 54 de l'ancienne loi comme agent négociateur pour un groupe composé notamment de fonctionnaires qui sont des membres nommés à un grade ou qui sont des réservistes, l'accréditation de l'organisation ne peut être accordée sauf si, à la fois :

a) le groupe est composé exclusivement de l'ensemble des fonctionnaires qui sont des membres nommés à un grade, à l'exclusion des *officiers* au sens du paragraphe 2(1) de la *Loi sur la Gendarmerie royale du Canada*, et des fonctionnaires qui sont des réservistes;

b) cette organisation syndicale — et, dans le cas d'un regroupement d'organisations syndicales, chacune de celles-ci — remplit les conditions suivantes :

(i) avoir pour mission principale de représenter les fonctionnaires qui sont des membres nommés à un grade, à l'exclusion des *officiers*, au sens du paragraphe 2(1) de la *Loi sur la Gendarmerie royale du Canada*,

(ii) ne pas être affiliée à un agent négociateur ou à une autre association n'ayant pas pour mission principale de représenter des policiers,

(iii) it is not certified as the bargaining agent for any other group of employees.

Clarification

(2) For greater certainty, for the purposes of subsection (1), participation by an employee organization in the National Joint Council is not considered to be an affiliation with a bargaining agent or other association that does not have as its primary mandate the representation of police officers.

Certification of no effect

(3) If an employee organization is certified as the bargaining agent for a bargaining unit contrary to subsection (1), that decision or any decision made on a review of the decision is deemed never to have had effect.

Certification in respect of any other group

(4) If, before the day on which section 33 comes into force, an employee organization that meets the requirements set out in paragraph (1)(b) is certified as the bargaining agent for the group described in paragraph (1)(a), any decision made before that day in respect of an application made by that employee organization to be certified as bargaining agent for any other group of employees is deemed never to have had effect.

Existing application for certification

(5) If, before the day on which section 33 comes into force, an employee organization that meets the requirements set out in paragraph (1)(b) is certified as the bargaining agent for the bargaining unit composed of the group described in paragraph (1)(a), on that day, the employee organization's application for certification made under section 54 of the former Act is deemed to have been an application for certification made under subsection 238.13(1) of the *Federal Public Sector Labour Relations Act*, as enacted by section 33, instead of under that section 54, and that bargaining unit is deemed to have been determined under section 238.14 of the *Federal Public Sector Labour Relations Act*.

Existing application for certification

(6) If, on or after the day on which section 33 comes into force, an employee organization that meets the requirements set out in paragraph (1)(b) is certified as the bargaining agent for the bargaining unit composed of the group described in paragraph (1)(a), and the employee organization made the application for certification under section 54 of the former Act, on being so certified the employee organization's application for certification is deemed to have been an application for certification made under subsection 238.13(1) of the *Federal Public Sector Labour Relations Act*, as enacted by section 33, instead of under that section 54, and that bargaining unit is

(iii) n'être accréditée comme agent négociateur pour aucun autre groupe de fonctionnaires.

Précision

(2) Il est entendu que, pour l'application du paragraphe (1), la participation d'une organisation syndicale au Conseil national mixte n'est pas considérée comme une affiliation à un agent négociateur ou à une autre association n'ayant pas pour mission principale de représenter des policiers.

Accréditation sans effet

(3) Dans le cas où l'organisation syndicale a été accréditée comme agent négociateur d'une unité de négociation contrairement au paragraphe (1), cette décision ou celle qui découle de sa révision est réputée n'avoir jamais pris effet.

Accréditation de tout autre groupe

(4) Si, avant la date d'entrée en vigueur de l'article 33, une organisation syndicale qui remplit les conditions énumérées à l'alinéa (1)b) est accréditée comme agent négociateur pour le groupe visé à l'alinéa (1)a), toute décision rendue avant cette date à l'égard d'une demande d'accréditation comme agent négociateur pour tout autre groupe de fonctionnaires de la part de cette organisation est réputée n'avoir jamais pris effet.

Demande d'accréditation en cours

(5) Si, avant la date d'entrée en vigueur de l'article 33, une organisation syndicale qui remplit les conditions énumérées à l'alinéa (1)b) est accréditée comme agent négociateur pour l'unité de négociation composée du groupe visé à l'alinéa (1)a), la demande d'accréditation de l'organisation syndicale faite en vertu de l'article 54 de l'ancienne loi est, à cette date, réputée avoir été faite en vertu du paragraphe 238.13(1) de la *Loi sur les relations de travail dans le secteur public fédéral*, édicté par l'article 33, plutôt qu'en vertu de cet article 54 et l'unité de négociation est réputée avoir été définie au titre de l'article 238.14 de cette dernière loi.

Demande d'accréditation en cours

(6) Si, à compter de la date d'entrée en vigueur de l'article 33, une organisation syndicale qui remplit les conditions prévues à l'alinéa (1)b) est accréditée comme agent négociateur pour l'unité de négociation composée du groupe visé à l'alinéa (1)a), la demande d'accréditation de l'organisation syndicale faite en vertu de l'article 54 de l'ancienne loi est, lorsqu'elle est accordée, réputée avoir été faite en vertu du paragraphe 238.13(1) de la *Loi sur les relations de travail dans le secteur public fédéral*, édicté par l'article 33, plutôt qu'en vertu de cet article 54 et l'unité de négociation est réputée avoir été définie au titre de l'article 238.14 de cette dernière loi.

deemed to have been determined under section 238.14 of the *Federal Public Sector Labour Relations Act*.

— 2017, c. 9, s. 64

Membership in bargaining unit — members and reservists

64 (1) Any application that is made under section 58 of the former Act before the day on which section 238.16 of the *Federal Public Sector Labour Relations Act*, as enacted by section 33, comes into force, in regards to whether members appointed to a rank or reservists are included in a bargaining unit, other than a bargaining unit composed of the group described in paragraph 63(1)(a), is deemed never to have been made, and any decision made in respect of the application or on any review of the decision is deemed never to have had effect.

Membership in bargaining unit — other employees

(2) Any application that is made under section 58 of the former Act before the day on which section 238.16 of the *Federal Public Sector Labour Relations Act*, as enacted by section 33, comes into force, in regards to whether any employee other than a member appointed to a rank or a reservist is included in a bargaining unit composed of the group described in paragraph 63(1)(a) for which an employee organization that meets the requirements set out in paragraph 63(1)(b) is certified as the bargaining agent, is deemed never to have been made, and any decision made in respect of the application or on any review of the decision is deemed never to have had effect.

— 2017, c. 9, s. 65

Published date

65 As of the date published by the Treasury Board in the *Canada Gazette* under subsection 86(1) of the *Enhancing Royal Canadian Mounted Police Accountability Act*, a reference in subsections 63(1) and 64(1) and (2) to a member appointed to a rank is to be read as a reference to a member.

— 2019, c. 29, s. 223

Continuation of members

223 If an Order entitled *Order in Council Establishing the Interim Management Advisory Board for the Royal Canadian Mounted Police and Setting Out Its Mandate* is made before the day on which section 45.19 of the *Royal Canadian Mounted Police Act*, as enacted by section 222 of this Act, comes into force, each member of the Interim Management Advisory Board for the Royal Canadian Mounted Police established by that Order who holds office immediately before the day on which that section 45.19 comes into force continues in office, as if they had been appointed under that section 45.19, for the

— 2017, ch. 9, art. 64

Appartenance à une unité de négociation — membre et réserviste

64 (1) Toute demande présentée en vertu de l'article 58 de l'ancienne loi, avant la date d'entrée en vigueur de l'article 238.16 de la *Loi sur les relations de travail dans le secteur public fédéral*, édicté par l'article 33, portant sur l'appartenance de tout membre nommé à un grade ou de tout réserviste à une unité de négociation autre qu'une unité de négociation composée du groupe visé à l'alinéa 63(1)a) est réputée n'avoir jamais été présentée et toute décision qui découle de la demande ou qui découle de sa révision est réputée n'avoir jamais pris effet.

Appartenance à une unité de négociation — autre fonctionnaire

(2) Toute demande présentée en vertu de l'article 58 de l'ancienne loi, avant la date d'entrée en vigueur de l'article 238.16 de la *Loi sur les relations de travail dans le secteur public fédéral*, édicté par l'article 33, portant sur l'appartenance de tout fonctionnaire, autre qu'un membre nommé à un grade ou qu'un réserviste, à une unité de négociation composée du groupe visé à l'alinéa 63(1)a) pour lequel est accréditée l'organisation syndicale qui remplit les conditions énumérées à l'alinéa 63(1)b) est réputée n'avoir jamais été présentée et toute décision qui découle de la demande ou qui découle de sa révision est réputée n'avoir jamais pris effet.

— 2017, ch. 9, art. 65

Date publiée

65 À compter de la date publiée par le Conseil du Trésor dans la *Gazette du Canada* en vertu du paragraphe 86(1) de la *Loi visant à accroître la responsabilité de la Gendarmerie royale du Canada*, la mention de membre nommé à un grade aux paragraphes 63(1) ou 64(1) ou (2) vaut mention de membre.

— 2019, ch. 29, art. 223

Maintien en poste

223 Si le décret intitulé *Décret constituant le Conseil consultatif intérimaire de gestion de la Gendarmerie royale du Canada et précisant son mandat* est pris avant la date d'entrée en vigueur de l'article 45.19 de la *Loi sur la Gendarmerie royale du Canada*, édicté par l'article 222 de la présente loi, les membres du Conseil consultatif intérimaire de gestion de la Gendarmerie royale du Canada, constitué par ce décret, qui sont en fonction à l'entrée en vigueur de cet article 45.19, continuent d'exercer leur charge jusqu'à l'expiration de leur mandat

Royal Canadian Mounted Police

RELATED PROVISIONS

Gendarmerie royale du Canada

DISPOSITIONS CONNEXES

remainder of the term for which they had been appointed.

comme s'ils avaient été nommés en vertu de cet article 45.19.

AMENDMENTS NOT IN FORCE

— 2013, c. 18, ss. 8(2), (3)

8 (2) Subsection 7(1) of the Act is replaced by the following:

Appointment and designation

7 (1) The Commissioner may

- (a)** appoint members of the Force other than officers;
- (b)** by way of promotion appoint a member other than an officer to a higher rank for which there is a vacancy in the establishment of the Force;
- (c)** where the Commissioner is requested by any department of the Government of Canada or considers it necessary or in the public interest, appoint for a period not exceeding twelve months at any one time special constables supernumerary to the strength of the Force for the purpose of maintaining law and order; and
- (d)** designate any member, any supernumerary special constable appointed under this subsection or any temporary employee employed under subsection 10(2) as a peace officer.

R.S., c. 8 (2nd Suppl.), s. 4.

(3) Subsection 7(2) of the Act is replaced by the following:

Ranks

(2) The ranks of members other than officers and the maximum numbers of persons that may be appointed to each rank shall be as prescribed by the Treasury Board.

— 2013, c. 18, s. 15(1)

R.S., c. 8 (2nd Suppl.), s. 13.

15 (1) Subsection 22(1.1) of the Act is replaced by the following:

Reduction in pay if demotion

(1.1) If a member is demoted under this Act, the member's rate of pay shall be reduced to the highest rate of pay for the rank to which the member is demoted that does not exceed the member's rate of pay at the time of the demotion.

MODIFICATIONS NON EN VIGUEUR

— 2013, ch. 18, par. 8(2) et (3)

8 (2) Le paragraphe 7(1) de la même loi est remplacé par ce qui suit :

Nomination et désignation

7 (1) Le commissaire peut :

- a)** nommer les membres qui ne sont pas officiers;
- b)** par voie de promotion, nommer un membre qui n'est pas officier à un grade supérieur pour lequel il existe une vacance;
- c)** à la demande d'un ministère ou dans les cas où il le juge nécessaire ou dans l'intérêt public, nommer des gendarmes spéciaux, à titre surnuméraire, pour des périodes maximales de douze mois, en vue d'assurer l'ordre public;
- d)** désigner comme agent de la paix tout membre, gendarme spécial nommé en vertu du présent paragraphe ou préposé temporaire employé en vertu du paragraphe 10(2).

L.R., ch. 8 (2^e suppl.), art. 4.

(3) Le paragraphe 7(2) de la même loi est remplacé par ce qui suit :

Grades

(2) Les grades des membres qui ne sont pas officiers ainsi que le nombre maximal de postes à pourvoir dans chaque grade sont fixés par le Conseil du Trésor.

— 2013, ch. 18, par. 15(1)

L.R., ch. 8 (2^e suppl.), art. 13.

15 (1) Le paragraphe 22(1.1) de la même loi est remplacé par ce qui suit :

Cas de rétrogradation

(1.1) En cas de rétrogradation d'un membre conformément à la présente loi, le taux de sa solde est réduit au taux du grade ou échelon auquel il est rétrogradé qui se rapproche le plus du taux de sa solde au moment de sa rétrogradation sans toutefois le dépasser.

– 2013, c. 18, ss. 77(1), (3), (4), (7) to (12), (14), (15), (19), (20)

R.S., c. R-10.

77 (1) In this section, “the other Act” means the *Royal Canadian Mounted Police Act*.

(3) On the first day on which both subsections 8(1) and (2) of this Act are in force, subsection 7(1) of the other Act is replaced by the following:

Appointment and designation

7 (1) The Commissioner may appoint members of the Force other than officers and, by way of promotion, appoint a member, other than a Deputy Commissioner, to a higher rank, other than to the rank of Deputy Commissioner, for which there is a vacancy.

(4) On the first day on which section 9.2 of the other Act, as enacted by section 10 of this Act, and subsections 8(2) and (3) and 15(1) of this Act are all in force, that section 9.2 is replaced by the following:

Revocation of appointment

9.2 The Commissioner’s power to appoint a person as a member or to appoint a member, by way of promotion, to a higher rank, includes the power to revoke the appointment and to take corrective action whenever the Commissioner is satisfied that an error, an omission or improper conduct affected the selection of the person or member for appointment.

(7) On the first day on which subsections 8(2) and (3) and 15(1) and section 35 of this Act are all in force, paragraph 45.4(1)(f) of the other Act is replaced by the following:

(f) medical information about a member or other person appointed under the authority of Part I.

(8) On the first day on which subsections 8(2) and (3) and 15(1) and section 35 of this Act are all in force, paragraph 45.42(1)(a) of the other Act is replaced by the following:

(a) information relating to a request made by a member or other person appointed under the authority of Part I for legal assistance or indemnification from Her Majesty in right of Canada;

(9) On the first day on which subsections 8(2) and (3) and 15(1) and section 35 of this Act are all in force, paragraph 45.42(1)(c) of the other Act is replaced by the following:

– 2013, ch. 18, par. 77(1), (3), (4), (7) à (12), (14), (15), (19) et (20)

L.R., ch. R-10.

77 (1) Au présent article, « autre loi » s’entend de la *Loi sur la Gendarmerie royale du Canada*.

(3) Dès le premier jour où les paragraphes 8(1) et (2) de la présente loi sont tous deux en vigueur, le paragraphe 7(1) de l’autre loi est remplacé par ce qui suit :

Nomination et désignation

7 (1) Le commissaire peut nommer les membres qui ne sont pas officiers et, par voie de promotion, nommer un membre qui n’est pas sous-commissaire à un grade supérieur, autre qu’au grade de sous-commissaire, pour lequel il existe une vacance.

(4) Dès le premier jour où l’article 9.2 de l’autre loi, édicté par l’article 10 de la présente loi, et les paragraphes 8(2) et (3) et 15(1) de la présente loi sont tous en vigueur, cet article 9.2 est remplacé par ce qui suit :

Révocation de nomination

9.2 Le pouvoir du commissaire de nommer une personne à titre de membre ou de nommer un membre par voie de promotion à un grade supérieur lui confère le pouvoir de révoquer la nomination et de prendre des mesures correctives dans le cas où il est convaincu qu’une erreur, une omission ou une conduite irrégulière a influé sur le choix de la personne ou du membre nommé.

(7) Dès le premier jour où les paragraphes 8(2) et (3) et 15(1) et l’article 35 de la présente loi sont tous en vigueur, l’alinéa 45.4(1)(f) de l’autre loi est remplacé par ce qui suit :

f) tout renseignement médical qui a trait à un membre ou à toute autre personne nommée sous le régime de la partie I.

(8) Dès le premier jour où les paragraphes 8(2) et (3) et 15(1) et l’article 35 de la présente loi sont tous en vigueur, l’alinéa 45.42(1)(a) de l’autre loi est remplacé par ce qui suit :

a) des renseignements ayant trait à une demande de services juridiques ou d’indemnisation par Sa Majesté du chef du Canada faite par un membre ou toute autre personne nommée sous le régime de la partie I;

(9) Dès le premier jour où les paragraphes 8(2) et (3) et 15(1) et l’article 35 de la présente loi sont tous en vigueur, l’alinéa 45.42(1)(c) de l’autre loi est remplacé par ce qui suit :

(c) information that is protected by the privilege that exists between legal counsel and their client and that relates to the provision of advice to a member or other person appointed under the authority of Part I when the privilege may be claimed by the member or other person and not the Force;

(10) On the first day on which subsections 8(2) and (3) and 15(1) and section 35 of this Act are all in force, subsection 45.53(1) of the other Act is replaced by the following:

Complaints

45.53 (1) Any individual may make a complaint concerning the conduct, in the performance of any duty or function under this Act or the *Witness Protection Program Act*, of any person who, at the time that the conduct is alleged to have occurred, was a member or other person appointed under Part I.

(11) On the first day on which subsections 8(2) and (3) and 15(1) and section 35 of this Act are all in force, subsection 45.53(4) of the other Act is replaced by the following:

Complaint by members or certain other persons

(4) The Commission shall refuse to deal with a complaint made under subsection (1) by a member or other person appointed under Part I if the complaint has been or could have been adequately dealt with, or could more appropriately be dealt with, according to a procedure provided for under this Act or any other Act of Parliament.

(12) On the first day on which subsections 8(2) and (3) and 15(1) and section 35 of this Act are all in force, paragraph 45.53(8)(b) of the other Act is replaced by the following:

(b) any member or other person appointed under Part I; or

(14) On the first day on which subsections 8(2) and (3) and 15(1) and section 35 of this Act are all in force, subsection 45.59(1) of the other Act is replaced by the following:

Complaints initiated by Chairperson

45.59 (1) If the Chairperson is satisfied that there are reasonable grounds to investigate the conduct, in the performance of any duty or function under this Act or the *Witness Protection Program Act*, of any person who, at the time that the conduct is alleged to have occurred, was a member or other person appointed under Part I, the Chairperson may initiate a complaint in relation to that conduct.

(c) des renseignements qui sont protégés par le privilège du secret professionnel liant le conseiller juridique à son client et qui concernent les avis à un membre ou à toute autre personne nommée sous le régime de la partie I lorsque le privilège peut être invoqué par le membre ou toute autre personne mais non par la Gendarmerie;

(10) Dès le premier jour où les paragraphes 8(2) et (3) et 15(1) et l'article 35 de la présente loi sont tous en vigueur, le paragraphe 45.53(1) de l'autre loi est remplacé par ce qui suit :

Plaintes

45.53 (1) Tout particulier peut déposer une plainte concernant la conduite, dans l'exercice de fonctions prévues par la présente loi ou la *Loi sur le programme de protection des témoins*, de toute personne qui, au moment de la conduite reprochée, était un membre ou une autre personne nommée sous le régime de la partie I.

(11) Dès le premier jour où les paragraphes 8(2) et (3) et 15(1) et l'article 35 de la présente loi sont tous en vigueur, le paragraphe 45.53(4) de l'autre loi est remplacé par ce qui suit :

Plainte d'un membre ou de certaines autres personnes

(4) La Commission doit refuser d'examiner toute plainte déposée en vertu du paragraphe (1) par un membre ou toute autre personne nommée sous le régime de la partie I lorsqu'elle a été examinée ou aurait pu l'être comme il se doit dans le cadre d'une procédure prévue par la présente loi ou toute autre loi fédérale ou qu'elle aurait avantage à l'être.

(12) Dès le premier jour où les paragraphes 8(2) et (3) et 15(1) et l'article 35 de la présente loi sont tous en vigueur, l'alinéa 45.53(8)(b) de l'autre loi est remplacé par ce qui suit :

(b) auprès d'un membre ou de toute autre personne nommée sous le régime de la partie I;

(14) Dès le premier jour où les paragraphes 8(2) et (3) et 15(1) et l'article 35 de la présente loi sont tous en vigueur, le paragraphe 45.59(1) de l'autre loi est remplacé par ce qui suit :

Plaintes déposées par le président de la Commission

45.59 (1) Le président de la Commission peut déposer une plainte s'il est fondé à croire qu'il faudrait enquêter sur la conduite, dans l'exercice de fonctions prévues par la présente loi ou la *Loi sur le programme de protection des témoins*, de toute personne qui, au moment de la conduite reprochée, était un membre ou toute autre personne nommée sous le régime de la partie I.

(15) On the first day on which subsections 8(2) and (3) and 15(1) and section 35 of this Act are all in force, subsection 45.61(2) of the other Act is replaced by the following:

Duty to refuse or terminate investigation

(2) The Commissioner shall direct the Force to not commence or continue an investigation of a complaint by a member or other person appointed under Part I if the complaint has been or could have been adequately dealt with, or could more appropriately be dealt with according to a procedure provided for under this Act or any other Act of Parliament.

(19) On the first day on which subsections 8(2) and (3) and 15(1) and section 35 of this Act are all in force, subsection 45.75(1) of the other Act is replaced by the following:

Joint investigation, review or hearing

45.75 (1) If a complaint concerns the conduct of a member or other person appointed under Part I and a law enforcement officer of any other jurisdiction, whether in or outside Canada, the Commission may conduct an investigation, review or hearing of that complaint jointly with the authority in that other jurisdiction that is responsible for investigations, reviews or hearings with respect to complaints against law enforcement officers.

(20) On the first day on which subsections 8(2) and (3) and 15(1) and section 35 of this Act are all in force, the portion of the definition *serious incident* in subsection 45.79(1) of the other Act before paragraph (a) is replaced by the following:

serious incident means an incident in which the actions of a member or other person appointed under Part I or any person assisting the Force in exercising its powers or performing its duties and functions under this Act (*incident grave*)

— 2013, c. 18, s. 82

82 On the first day on which both subsections 8(2) and (3) and 15(1) of this Act are all in force and subsection 78(2) or (3) of this Act has produced its effects,

(a) paragraph 45.9(j) of the *Royal Canadian Mounted Police Act* is replaced by the following:

(j) a reference to a member or other person appointed under the authority of Part I in paragraphs 45.4(1)(f) and 45.42(1)(a) and (c) is to be read as a reference to a

(15) Dès le premier jour où les paragraphes 8(2) et (3) et 15(1) et l'article 35 de la présente loi sont tous en vigueur, le paragraphe 45.61(2) de l'autre loi est remplacé par ce qui suit :

Plainte — obligation d'intervenir et de refuser

(2) Lorsqu'une plainte déposée par un membre ou toute autre personne nommée sous le régime de la partie I a été examinée ou aurait pu l'être comme il se doit dans le cadre d'une procédure prévue par la présente loi ou toute autre loi fédérale ou aurait avantage à l'être, le commissaire ordonne à la Gendarmerie de ne pas enquêter ou de cesser d'enquêter.

(19) Dès le premier jour où les paragraphes 8(2) et (3) et 15(1) et l'article 35 de la présente loi sont tous en vigueur, le paragraphe 45.75(1) de l'autre loi est remplacé par ce qui suit :

Enquête, révision ou audience tenue conjointement

45.75 (1) Lorsqu'une plainte porte à la fois sur la conduite d'un membre ou de toute autre personne nommée au titre de la partie I et sur celle d'un agent responsable du contrôle d'application de la loi de toute autre entité publique au Canada ou à l'étranger, la Commission peut tenir une enquête, une révision ou une audience sur la plainte conjointement avec l'entité publique ayant des compétences similaires en matière de plaintes à l'égard de tels agents dans le ressort concerné.

(20) Dès le premier jour où les paragraphes 8(2) et (3) et 15(1) et l'article 35 de la présente loi sont tous en vigueur, le passage de la définition de *incident grave* au paragraphe 45.79(1) de l'autre loi précédant l'alinéa a) est remplacé par ce qui suit :

incident grave Tout incident qui met en cause un membre, toute autre personne qui assiste la Gendarmerie dans l'exercice de ses fonctions en vertu de la présente loi ou toute autre personne nommée au titre de la partie I, et au cours duquel les actes d'une de ces personnes : (*serious incident*)

— 2013, ch. 18, art. 82

82 Dès le premier jour où, à la fois, les paragraphes 8(2) et (3) et 15(1) de la présente loi sont tous en vigueur et les effets de l'un des paragraphes 78(2) ou (3) de la présente loi ont été produits :

a) l'alinéa 45.9j) de la *Loi sur la Gendarmerie royale du Canada* est remplacé par ce qui suit :

j) la mention d'un membre ou de toute autre personne nommée sous le régime de la partie I, aux alinéas 45.4(1)(f) et 45.42(1)(a) et c), vaut mention de tout agent

designated officer who was appointed under paragraph 7(1)(a) of the *Integrated Cross-border Law Enforcement Operations Act*;

(b) paragraph 45.94(1)(c) of the *Royal Canadian Mounted Police Act* is replaced by the following:

(c) a reference to a member or other person appointed under Part I, other than in paragraph 45.53(8)(b), is to be read as a reference to a designated officer;

désigné qui a été nommé en vertu de l'alinéa 7(1)a) de la *Loi sur les opérations transfrontalières intégrées de contrôle d'application de la loi*;

b) l'alinéa 45.94(1)c) de la *Loi sur la Gendarmerie royale du Canada* est remplacé par ce qui suit :

c) sauf à l'alinéa 45.53(8)b), la mention d'un membre ou de toute autre personne nommée sous le régime de la partie I vaut mention de l'agent désigné;



CANADA

CONSOLIDATION

CODIFICATION

**Royal Canadian Mounted Police
Regulations, 2014**

**Règlement de la Gendarmerie
royale du Canada (2014)**

SOR/2014-281

DORS/2014-281

Current to September 11, 2021

À jour au 11 septembre 2021

Last amended on March 29, 2021

Dernière modification le 29 mars 2021

**OFFICIAL STATUS
OF CONSOLIDATIONS**

Subsections 31(1) and (3) of the *Legislation Revision and Consolidation Act*, in force on June 1, 2009, provide as follows:

Published consolidation is evidence

31 (1) Every copy of a consolidated statute or consolidated regulation published by the Minister under this Act in either print or electronic form is evidence of that statute or regulation and of its contents and every copy purporting to be published by the Minister is deemed to be so published, unless the contrary is shown.

...

Inconsistencies in regulations

(3) In the event of an inconsistency between a consolidated regulation published by the Minister under this Act and the original regulation or a subsequent amendment as registered by the Clerk of the Privy Council under the *Statutory Instruments Act*, the original regulation or amendment prevails to the extent of the inconsistency.

LAYOUT

The notes that appeared in the left or right margins are now in boldface text directly above the provisions to which they relate. They form no part of the enactment, but are inserted for convenience of reference only.

NOTE

This consolidation is current to September 11, 2021. The last amendments came into force on March 29, 2021. Any amendments that were not in force as of September 11, 2021 are set out at the end of this document under the heading "Amendments Not in Force".

**CARACTÈRE OFFICIEL
DES CODIFICATIONS**

Les paragraphes 31(1) et (3) de la *Loi sur la révision et la codification des textes législatifs*, en vigueur le 1^{er} juin 2009, prévoient ce qui suit :

Codifications comme élément de preuve

31 (1) Tout exemplaire d'une loi codifiée ou d'un règlement codifié, publié par le ministre en vertu de la présente loi sur support papier ou sur support électronique, fait foi de cette loi ou de ce règlement et de son contenu. Tout exemplaire donné comme publié par le ministre est réputé avoir été ainsi publié, sauf preuve contraire.

[...]

Incompatibilité – règlements

(3) Les dispositions du règlement d'origine avec ses modifications subséquentes enregistrées par le greffier du Conseil privé en vertu de la *Loi sur les textes réglementaires* l'emportent sur les dispositions incompatibles du règlement codifié publié par le ministre en vertu de la présente loi.

MISE EN PAGE

Les notes apparaissant auparavant dans les marges de droite ou de gauche se retrouvent maintenant en caractères gras juste au-dessus de la disposition à laquelle elles se rattachent. Elles ne font pas partie du texte, n'y figurant qu'à titre de repère ou d'information.

NOTE

Cette codification est à jour au 11 septembre 2021. Les dernières modifications sont entrées en vigueur le 29 mars 2021. Toutes modifications qui n'étaient pas en vigueur au 11 septembre 2021 sont énoncées à la fin de ce document sous le titre « Modifications non en vigueur ».

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Coming into Force

59 Registration

SCHEDULE

Code of Conduct of the Royal
Canadian Mounted Police

Entrée en vigueur

59 Enregistrement

ANNEXE

Code de déontologie de la
Gendarmerie royale du Canada

Registration

SOR/2014-281 November 28, 2014

ROYAL CANADIAN MOUNTED POLICE ACT

Royal Canadian Mounted Police Regulations, 2014

P.C. 2014-1302 November 27, 2014

His Excellency the Governor General in Council, on the recommendation of the Minister of Public Safety and Emergency Preparedness, pursuant to subsections 11(1)^a, 21(1)^b, 23(4)^c, 31(7)^d and 33(4)^d and section 38^d of the *Royal Canadian Mounted Police Act*^e, makes the annexed *Royal Canadian Mounted Police Regulations, 2014*.

Enregistrement

DORS/2014-281 Le 28 novembre 2014

LOI SUR LA GENDARMERIE ROYALE DU CANADA

Règlement de la Gendarmerie royale du Canada (2014)

C.P. 2014-1302 Le 27 novembre 2014

Sur recommandation du ministre de la Sécurité publique et de la Protection civile et en vertu des paragraphes 11(1)^a, 21(1)^b, 23(4)^c, 31(7)^d et 33(4)^d et de l'article 38^d de la *Loi sur la Gendarmerie royale du Canada*^e, Son Excellence le Gouverneur général en conseil prend le *Règlement de la Gendarmerie royale du Canada (2014)*, ci-après.

^a S.C. 2013, c. 18, s. 11

^b S.C. 2013, c. 18, s. 14(1)

^c R.S., c. 8 (2nd Supp.), s. 14

^d R.S., c. 8 (2nd Supp.), s. 16

^e R.S., c. R-10

^a L.C. 2013, ch. 18, art. 11

^b L.C. 2013, ch. 18, par. 14(1)

^c L.R., ch. 8 (2^e suppl.), art. 14

^d L.R., ch. 8 (2^e suppl.), art. 16

^e L.R., ch. R-10

Royal Canadian Mounted Police Regulations, 2014

Interpretation

Definitions

1 The following definitions apply in these Regulations.

Act means the *Royal Canadian Mounted Police Act*. (*Loi*)

civilian member means a person who is appointed to a level in the Force under subsection 7(1) of the Act. (*membre civil*)

common-law partner, in relation to an individual, means a person who is cohabiting with the individual in a conjugal relationship, having so cohabited for a period of at least one year. (*conjoint de fait*)

post means a place where a member is assigned, either permanently or temporarily. (*poste*)

regular member means a person who is appointed to a rank in the Force and includes a special constable. (*membre régulier*)

Reserve means the Royal Canadian Mounted Police Reserve established under subsection 11(1) of the Act. (*réserve*)

reservist means a person who is appointed to the Reserve under subsection 7(2). (*réserviste*)

special constable means a person who was appointed before June 30, 1988 to the rank of special constable. (*gendarme spécial*)

special constable member means a person who is appointed, on or after June 30, 1988, to the rank of special constable member. (*membre spécial*)

Règlement de la Gendarmerie royale du Canada (2014)

Définitions

Définitions

1 Les définitions qui suivent s'appliquent au présent règlement.

conjoint de fait La personne qui vit avec la personne en cause dans une relation conjugale depuis au moins un an. (*common-law partner*)

gendarme spécial La personne nommée au grade de gendarme spécial avant le 30 juin 1988. (*special constable*)

Loi La *Loi sur la Gendarmerie royale du Canada*. (*Act*)

membre civil La personne nommée à un échelon dans la Gendarmerie aux termes du paragraphe 7(1) de la Loi. (*civilian member*)

membre régulier La personne nommée à un grade dans la Gendarmerie, y compris le gendarme spécial. (*regular member*)

membre spécial La personne nommée au grade de membre spécial le 30 juin 1988 ou après cette date. (*special constable member*)

poste Le lieu où le membre est affecté de façon permanente ou non. (*post*)

réserve La réserve de la Gendarmerie royale du Canada, constituée en vertu du paragraphe 11(1) de la Loi. (*reserve*)

réserviste La personne nommée à la réserve en vertu du paragraphe 7(2). (*reservist*)

PART 1**Organization and Administration****Divisions****Composition of divisions**

2 (1) The Force is to be divided by the Minister into divisions. In addition to the Commanding Officer, who may be designated by the Governor in Council, each division is composed of members and personnel as the Commissioner directs.

Division headquarters

(2) The headquarters of a division is to be located where the Minister directs.

Force headquarters

3 For the purposes of administration, the headquarters of the Force and of the divisions are to be organized as the Commissioner directs.

Organizational components

4 The Commissioner may

- (a)** direct that a division be divided into organizational components consisting of the members and personnel that are necessary;
- (b)** establish the name of each organizational component and direct where its headquarters is to be located; and
- (c)** direct that divisions or any of their organizational components be grouped together.

Command**Designation of Commanding Officer**

5 Standards and procedures for the Commissioner's recommendation to the Minister for the designation of a Commanding Officer are subject to approval by the Commissioner.

Command precedence

6 In the absence of the person in command or in charge of a post, the command or charge of a post is, unless the Commissioner directs otherwise, to be determined in accordance with the order of precedence set out in section 12.

PARTIE 1**Organisation et administration****Divisions****Composition d'une division**

2 (1) Le ministre organise la Gendarmerie en divisions. En plus d'un officier commandant, qui peut être désigné par le gouverneur en conseil, chaque division comprend tout autre membre et le personnel qu'ordonne le commissaire.

Quartier général de division

(2) Le ministre fixe le lieu où est situé le quartier général de chaque division.

Quartier général de la Gendarmerie

3 Le commissaire décide de l'organisation administrative du quartier général de la Gendarmerie et du quartier général de chaque division.

Composantes organisationnelles

4 Le commissaire peut :

- a)** ordonner le fractionnement d'une division en différentes composantes organisationnelles comprenant les membres et le personnel nécessaires;
- b)** déterminer le nom de chaque composante et fixer le lieu où est situé son quartier général;
- c)** ordonner le regroupement des divisions ou de leurs composantes.

Commandement**Désignation d'un officier commandant**

5 Les normes et le processus applicables aux recommandations du commissaire au ministre en vue de la désignation d'un officier commandant sont soumis à l'approbation du commissaire.

Préséance de commandement

6 En l'absence de la personne qui a le commandement ou la direction d'un poste, le commandement ou la direction en est assuré selon l'ordre de préséance établi à l'article 12, à moins que le commissaire n'en ordonne autrement.

Royal Canadian Mounted Police Reserve

Establishment

7 (1) The Royal Canadian Mounted Police Reserve is established.

Organization of Reserve

(2) The Reserve is to be organized as the Commissioner directs and is to consist of those persons that the Commissioner appoints, up to a maximum number as determined by Treasury Board.

Appointment

(3) The Commissioner may appoint reservists for a period of not more than three years and may revoke their appointment at any time.

Qualifications

8 A person may be appointed as a reservist only if they are of good character and meet any other qualifications for appointment to the Reserve as determined by the Commissioner.

Training or duty

9 (1) The Commissioner may call up a reservist for training or duty when the Commissioner considers it to be necessary.

Pay and allowances

(2) A reservist who is called up for training or duty is to be paid the pay and allowances determined by Treasury Board.

Duties of reservist

10 A reservist who has been designated as a peace officer when called up for duty has the duties set out under section 18 of the Act and section 14.

Resignation

11 (1) A reservist may resign by giving the Commissioner notice in writing of their resignation, and they cease to be a reservist on the date specified by the Commissioner in writing on accepting the resignation.

Refusal

(2) The Commissioner may refuse to permit a reservist to resign and must notify them, in writing, of the reasons for refusing to permit the resignation.

Réserve de la Gendarmerie royale du Canada

Constitution

7 (1) Est constituée la réserve de la Gendarmerie royale du Canada.

Organisation de la réserve

(2) Le commissaire décide de l'organisation de la réserve; celle-ci se compose des personnes qu'il nomme, jusqu'à concurrence du nombre fixé par le Conseil du Trésor.

Nomination

(3) Il peut nommer les réservistes pour une période d'au plus trois ans et révoquer leur nomination en tout temps.

Conditions d'admissibilité

8 Seule la personne qui possède une bonne réputation et remplit toute autre condition d'admissibilité fixée par le commissaire peut être nommée réserviste.

Entraînement ou mobilisation

9 (1) Le commissaire peut appeler le réserviste à l'entraînement ou le mobiliser lorsqu'il le juge nécessaire.

Solde et indemnités

(2) Le réserviste appelé à l'entraînement ou mobilisé touche la solde et les indemnités fixées par le Conseil du Trésor.

Fonctions du réserviste

10 Le réserviste désigné comme agent de la paix, lorsqu'il est mobilisé, remplit les fonctions énoncées à l'article 18 de la Loi et à l'article 14.

Démission

11 (1) Le réserviste peut démissionner en donnant un avis écrit au commissaire; il perd sa qualité de réserviste à la date précisée par écrit par le commissaire au moment de l'acceptation de la démission.

Refus

(2) Le commissaire peut refuser la démission, auquel cas il avise par écrit le réserviste des motifs de son refus.

Ranks and Levels

Precedence of ranks and levels

12 (1) Unless the Commissioner directs otherwise, precedence for regular members, other than special constables, is to be taken in the following order of rank:

- (a) Commissioner;
- (b) Deputy Commissioner;
- (c) Assistant Commissioner;
- (d) Chief Superintendent;
- (e) Superintendent;
- (f) Inspector;
- (g) Corps Sergeant-Major;
- (h) Sergeant-Major;
- (i) Staff Sergeant-Major;
- (j) Staff Sergeant;
- (k) Sergeant;
- (l) Corporal;
- (m) Constable.

Precedence within ranks and levels

(2) Precedence within the ranks and levels for members is to be determined by the date on which a member is appointed or promoted to a rank or level.

Order of precedence

(3) The Commissioner must determine the order of precedence between the ranks of special constables, between the ranks of special constable members and between the levels of civilian members.

Change of rank, level or category

13 If a member, other than a Deputy Commissioner, requests a reversion to a lower rank or level or a change from the member's present category to that of regular member, special constable member or civilian member, the Commissioner may approve that request if there is an appropriate vacancy.

Grades et échelons

Préséance de grade

12 (1) À moins que le commissaire n'en ordonne autrement, l'ordre de préséance des grades des membres réguliers, autres que les gendarmes spéciaux, est le suivant :

- a) commissaire;
- b) sous-commissaire;
- c) commissaire adjoint;
- d) surintendant principal;
- e) surintendant;
- f) inspecteur;
- g) sergent-major du corps;
- h) sergent-major;
- i) sergent-major d'état-major;
- j) sergent d'état-major;
- k) sergent;
- l) caporal;
- m) gendarme.

Préséance à l'intérieur des grades et des échelons

(2) L'ordre de préséance à l'intérieur des grades et des échelons est déterminé selon la date à laquelle le membre a été nommé ou promu au grade ou à l'échelon.

Ordre de préséance

(3) Le commissaire prévoit l'ordre de préséance entre les grades des gendarmes spéciaux, entre les grades de membres spéciaux et entre les échelons des membres civils.

Changement de grade, d'échelon ou de catégorie

13 Le commissaire peut approuver la demande d'un membre autre qu'un sous-commissaire d'être rétrogradé ou de passer à la catégorie de membre régulier, de membre spécial ou de membre civil s'il y a une vacance appropriée à combler.

Duties

Duties

14 (1) In addition to the duties set out in the Act, it is the duty of members who are peace officers to

(a) enforce all Acts of Parliament and regulations and render assistance to departments of the Government of Canada as the Minister directs;

(b) maintain law and order in Yukon, the Northwest Territories, Nunavut, national parks and other areas that the Minister designates;

(c) maintain law and order in those provinces and municipalities with which the Minister has entered into an arrangement under section 20 of the Act and carry out the other duties that are specified in those arrangements;

(d) guard and protect any property of Her Majesty in right of Canada or under Her Majesty's control or custody that the Minister designates;

(e) protect, inside or outside Canada, whether or not there is an imminent threat to their security,

(i) the Governor General,

(ii) the Prime Minister of Canada,

(iii) judges of the Supreme Court of Canada,

(iv) ministers of the Crown in right of Canada, and

(v) any other Canadian citizen or permanent resident, as defined in subsection 2(1) of the *Immigration and Refugee Protection Act*, who is designated by the Minister for the period designated by the Minister;

(f) protect, inside Canada, whether or not there is an imminent threat to their security,

(i) any person who qualifies as an **internationally protected person**, as defined in section 2 of the *Criminal Code*, and

(ii) any other foreign national who is designated by the Minister for the period designated by the Minister; and

(g) ensure, in accordance with any agreement between the Commissioner and the Clerk of the Privy Council, the security for the proper functioning of

Fonctions

Fonctions

14 (1) En plus de remplir les fonctions prévues par la Loi, les membres qui sont agents de la paix sont tenus :

a) de faire respecter les lois fédérales et leurs règlements et de prêter aux ministères fédéraux l'aide qu'ordonne le ministre;

b) d'assurer l'ordre public au Yukon, dans les Territoires du Nord-Ouest, au Nunavut, dans les parcs nationaux ainsi que dans les autres régions désignées par le ministre;

c) d'assurer l'ordre public dans les provinces et les municipalités avec lesquelles le ministre a conclu des arrangements en vertu de l'article 20 de la Loi et de remplir les autres fonctions que ceux-ci prévoient;

d) d'assurer la surveillance et la protection des biens de Sa Majesté du chef du Canada ou des biens dont elle a la garde ou la gestion, désignés par le ministre;

e) de protéger les personnes ci-après, au Canada ou à l'étranger, qu'il y ait ou non une menace imminente à leur sécurité :

(i) le gouverneur général,

(ii) le premier ministre du Canada,

(iii) les juges de la Cour suprême du Canada,

(iv) les ministres fédéraux,

(v) tout citoyen canadien ou tout résident permanent au sens du paragraphe 2(1) de la *Loi sur l'immigration et la protection des réfugiés* désigné par le ministre, pendant la période que celui-ci fixe;

f) de protéger, au Canada, qu'il y ait ou non une menace imminente à leur sécurité :

(i) toute personne visée à la définition de **personne jouissant d'une protection internationale** à l'article 2 du *Code criminel*,

(ii) tout étranger désigné par le ministre, pendant la période que celui-ci fixe;

g) d'assurer, conformément à tout accord entre le commissaire et le greffier du Conseil privé, la sécurité pour le déroulement sans heurt :

(i) any meeting of the first ministers of the provinces and the Prime Minister of Canada that is convened by the Prime Minister of Canada, and

(ii) any meeting of Cabinet that is not held on Parliament Hill.

Assessment by Force

(2) The duties described in paragraphs (1)(e) and (f) are to be carried out in accordance with the Force's assessment of the threat or risk to the security of the person.

Service of Documents

Methods of service

15 (1) A document that is required to be served under the Act must be served as soon as feasible. It may be served personally, by mail, by courier or by electronic means.

Personal service

(2) Personal service of a document on an individual is effected by delivering it by hand

(a) to the individual or to a person who has attained the age of majority, who is not under a legal disability and who is residing at the individual's place of residence; or

(b) if the individual is a minor or under a legal disability, to a person who has attained the age of majority, who is not under a legal disability and who is residing at the individual's place of residence, or to the person who is acting on the individual's behalf.

Service by mail or courier

(3) Service of a document on an individual by mail or a courier is effected

(a) by sending it by ordinary mail to the individual's last known address, accompanied by an acknowledgment of receipt card;

(b) by sending it by registered mail to the individual's last known address;

(c) by delivering the document by courier to the individual's last known address; or

(d) if the individual is a minor or under a legal disability, by sending it by registered mail or delivering the document by courier to the last known address of the person who is acting on the individual's behalf.

(i) de toute réunion des premiers ministres provinciaux et du premier ministre du Canada qui est convoquée par ce dernier,

(ii) de toute réunion du Cabinet qui n'est pas tenue sur la Colline parlementaire.

Évaluation par la Gendarmerie

(2) Les fonctions prévues aux alinéas (1)e) et f) sont exercées d'après l'évaluation, par la Gendarmerie, de la menace ou du risque à la sécurité de la personne.

Signification de documents

Modes de signification

15 (1) La signification d'un document, exigée sous le régime de la Loi, est faite dès que possible. Elle peut être effectuée à personne, par courrier, par messenger ou par voie électronique.

Signification à personne

(2) La signification à personne s'effectue :

a) par la remise du document en mains propres au destinataire ou à une personne majeure qui n'est pas frappée d'une incapacité légale et qui réside au lieu de résidence du destinataire;

b) si le destinataire est mineur ou frappé d'une incapacité légale, par la remise du document en mains propres à une personne majeure qui n'est pas frappée d'une telle incapacité et qui réside au lieu de résidence du destinataire, ou à la personne qui agit pour le compte de celui-ci.

Signification par courrier ou par messenger

(3) La signification par courrier ou par messenger s'effectue :

a) par l'envoi du document par courrier ordinaire à la dernière adresse connue du destinataire, accompagné d'une carte d'accusé de réception;

b) par l'envoi du document par courrier recommandé à la dernière adresse connue du destinataire;

c) par la livraison du document par messenger à la dernière adresse connue du destinataire;

d) si le destinataire est mineur ou frappé d'une incapacité légale, par l'envoi du document par courrier recommandé ou par la livraison par messenger à la dernière adresse connue de la personne qui agit pour son compte.

Service by electronic means

(4) Service of a document on an individual by electronic means is effected by sending it to the individual's last known email address or, if the individual is a minor or under a legal disability, by sending it to the last known email address of the person who is acting on the individual's behalf.

Proof of service

(5) Proof of service of a document on an individual is demonstrated by

(a) in the case of service by ordinary mail, an acknowledgement of receipt card signed by the individual or by a person who has attained the age of majority, who is not under a legal disability and who is acting on the individual's behalf;

(b) in the case of service by registered mail, a post office receipt signed by the individual or by a person who has attained the age of majority, who is not under a legal disability and who is acting on the individual's behalf;

(c) in the case of service by courier, an acknowledgement of receipt card signed by the individual or by a person who has attained the age of majority, who is not under a legal disability and who is acting on the individual's behalf;

(d) in the case referred to in paragraph (3)(d), a post office receipt or an acknowledgement of receipt card signed by the person who is acting on the individual's behalf;

(e) in the case of service by electronic means, an electronic acknowledgement of receipt from the individual or from a person who is acting on the individual's behalf; and

(f) in all cases, an affidavit of service.

Deemed service

(6) In the absence of proof of service, the document is deemed to have been served on the seventh day after the day on which

(a) it was mailed;

(b) the party sending the document gave it to the courier to deliver; or

(c) it was electronically transmitted.

Signification par voie électronique

(4) La signification par voie électronique s'effectue par l'envoi du document à la dernière adresse électronique connue du destinataire ou, si le destinataire est mineur ou frappé d'une incapacité légale, par l'envoi du document à la dernière adresse électronique connue de la personne qui agit pour son compte.

Preuve de la signification

(5) La preuve de la signification d'un document à un destinataire est établie :

a) dans le cas de la signification par courrier ordinaire, par la carte d'accusé de réception signée par le destinataire ou une personne majeure qui n'est pas frappée d'une incapacité légale et qui agit pour le compte de celui-ci;

b) dans le cas de la signification par courrier recommandé, par le récépissé du bureau de poste signé par le destinataire ou une personne majeure qui n'est pas frappée d'une incapacité légale et qui agit pour le compte de celui-ci;

c) dans le cas de la signification par messenger, par la carte d'accusé de réception signée par le destinataire ou une personne majeure qui n'est pas frappée d'une incapacité légale et qui agit pour le compte de celui-ci;

d) dans le cas visé à l'alinéa (3)d), par un récépissé du bureau de poste ou une carte d'accusé de réception signée par la personne qui agit pour le compte du destinataire;

e) dans le cas de la signification par voie électronique, par un accusé de réception électronique envoyé par le destinataire ou par la personne qui agit pour le compte de celui-ci;

f) dans tous les cas, par un affidavit de signification.

Présomption de signification

(6) En l'absence d'une preuve de signification, un document est réputé avoir été signifié le septième jour suivant :

a) la date de sa mise à la poste;

b) la date où il est remis par l'expéditeur à un messenger pour livraison;

c) la date de sa transmission par voie électronique.

Refusal to accept service

(7) If the individual refuses to accept a document required to be served personally, personal service is deemed to have been effected at the time of the refusal, if the person attempting service

- (a)** records the refusal on the document; and
- (b)** leaves a copy of the document with the individual by any reasonable means.

Late service

(8) If the individual establishes that they were acting in good faith but, for reasons beyond their control, did not receive the document on the date on which it was served, a person required under the Act to make a decision may determine a different date for service or extend the time for service of the document.

Alternative service

(9) The Commissioner may permit alternate methods of service when a document is required to be served personally but personal service cannot feasibly be effected.

PART 2**Grievances and Appeals****Prescription for subsection 31(3) of Act**

16 For the purposes of subsection 31(3) of the Act, each position that reports to the Commissioner either directly or through one other person is prescribed.

Reference to Committee

17 Before an adjudicator, as defined in section 36 of the *Commissioner's Standing Orders (Grievances and Appeals)*, who is seized of any of the following appeals considers the appeal, the adjudicator must, subject to section 50 of those Standing Orders, refer it to the Committee:

- (a)** an appeal by a complainant of a written decision referred to in subsection 6(1) and paragraph 6(2)(b) of the *Commissioner's Standing Orders (Investigation and Resolution of Harassment Complaints)*;
- (b)** an appeal of a written decision revoking the appointment of a member under section 9.2 of the Act;
- (c)** an appeal of a written decision discharging or demoting a member under paragraph 20.2(1)(e) of the Act;

Refus de recevoir une signification

(7) Si le destinataire refuse de recevoir un document qui doit être signifié à personne, la signification est réputée avoir été effectuée au moment du refus si la personne qui en est chargée :

- a)** d'une part, inscrit le refus sur le document;
- b)** d'autre part, laisse une copie du document au destinataire par tout moyen convenable.

Date ultérieure

(8) Si le destinataire établit qu'il était de bonne foi et que, pour des raisons indépendantes de sa volonté, il n'a pas reçu le document à la date de sa signification, toute personne chargée de prendre une décision en vertu de la Loi peut fixer une date de signification différente ou prolonger le délai de signification.

Autre mode de signification

(9) Le commissaire peut permettre le recours à un autre mode de signification lorsque la signification à personne est requise mais est en pratique impossible.

PARTIE 2**Griefs et appels****Postes visés au paragraphe 31(3) de la Loi**

16 Pour l'application du paragraphe 31(3) de la Loi, sont visés chacun des postes dont le titulaire relève du commissaire, directement ou par l'intermédiaire d'une autre personne.

Renvoi devant le Comité

17 Sous réserve de l'article 50 des *Consignes du commissaire (griefs et appels)*, avant que l'arbitre, au sens de l'article 36 de ces consignes, saisi de l'un des appels ci-après étudie cet appel, il le renvoie devant le Comité :

- a)** dans le cas d'un plaignant, l'appel d'une décision écrite visée au paragraphe 6(1) et à l'alinéa 6(2)(b) des *Consignes du commissaire (enquête et règlement des plaintes de harcèlement)*;
- b)** l'appel d'une décision écrite révoquant la nomination d'un membre faite en vertu de l'article 9.2 de la Loi;
- c)** l'appel d'une décision écrite faite en vertu de l'alinéa 20.2(1)(e) de la Loi de licenciement ou de rétrograder un membre;

(d) an appeal of a written decision discharging or demoting a member under paragraph 20.2(1)(g) of the Act on the following grounds:

(i) disability, as defined in the *Canadian Human Rights Act*,

(ii) being absent from duty without authorization or having left an assigned duty without authorization, or

(iii) conflict of interest;

(e) an appeal of a written decision ordering the stoppage of a member's pay and allowances under paragraph 22(2)(b) of the Act.

PART 3

Code of Conduct

Code of Conduct

18 All members must conduct themselves in accordance with the Code of Conduct set out in the schedule.

PART 4

Deputy Commissioner

Resignation

19 If a Deputy Commissioner has signified an intention to resign, the Commissioner may forward a recommendation to accept the resignation to the Governor in Council and the resignation is irrevocable once accepted by the Governor in Council.

Recommendation for discharge

20 A recommendation for the discharge of a Deputy Commissioner under paragraph 20.2(1)(d), (f) or (j) of the Act must be forwarded to the Governor in Council for decision.

Recommendation for dismissal

21 A recommendation for the dismissal of a Deputy Commissioner made under subsection 45(4) of the Act in respect of which there has been no appeal under subsection 45.11(1) of the Act — or the appeal decision is to uphold the recommendation for the dismissal — must be forwarded to the Governor in Council for decision.

d) l'appel d'une décision écrite faite en vertu de l'alinéa 20.2(1)g) de la Loi de licenciement ou de rétrograder un membre pour l'un des motifs suivants :

(i) avoir une déficience, au sens de la *Loi canadienne sur les droits de la personne*,

(ii) s'être absenté sans autorisation de ses fonctions ou avoir abandonné sans autorisation une fonction qui lui a été assignée,

(iii) être en conflit d'intérêts;

e) l'appel d'une décision écrite ordonnant la cessation du versement de la solde et des indemnités d'un membre en vertu de l'alinéa 22(2)b) de la Loi.

PARTIE 3

Code de déontologie

Code de déontologie

18 Le membre se conduit conformément au code de déontologie figurant à l'annexe.

PARTIE 4

Sous-commissaires

Démission

19 Si un sous-commissaire indique son intention de démissionner, le commissaire peut transmettre au gouverneur en conseil une recommandation appuyant la démission et celle-ci devient irrévocable dès son acceptation par ce dernier.

Recommandation de licenciement

20 La recommandation du licenciement d'un sous-commissaire visée aux alinéas 20.2(1)d), f) ou j) de la Loi est transmise au gouverneur en conseil pour la prise d'une décision.

Recommandation de congédiement

21 La recommandation du congédiement d'un sous-commissaire faite conformément au paragraphe 45(4) de la Loi, si elle ne fait pas l'objet d'un appel en vertu du paragraphe 45.11(1) de la Loi ou se trouve confirmée en appel, est transmise au gouverneur en conseil pour la prise d'une décision.

PART 5

Miscellaneous

Resignation by Member

Resignation is irrevocable

22 The resignation of a member, other than a Deputy Commissioner, is irrevocable once accepted by the Commissioner.

Reinstatement of Member

Reinstatement

23 (1) Subject to subsection (4), a member who is suspended from duty under section 12 of the Act must be reinstated if

(a) the conduct authority in respect of the member finds that the member

(i) did not contravene the Code of Conduct set out in the schedule; or

(ii) did contravene the Code of Conduct and a conduct measure has been imposed under subsection 42(1) of the Act; or

(b) the conduct board established in respect of the member finds that the member

(i) did not contravene the Code of Conduct, or

(ii) did contravene the Code of Conduct and the conduct measure imposed is not one set out in paragraph 45(4)(a) or (b) of the Act.

Retroactive reinstatement

(2) The reinstatement is retroactive to the date of the member's original suspension from duty.

Notice of reinstatement

(3) The conduct authority must inform the member, in writing, of the reinstatement.

Determination of Commissioner

(4) The Commissioner must determine whether to reinstate a member if the conditions of any of paragraphs (1)(a) or (b) are met and the member remains the subject of another proceeding under Part IV of the Act or is the subject of a charge for an offence under an Act of Parliament or of the legislature of a province.

PARTIE 5

Dispositions diverses

Démission d'un membre

Démission irrévocable

22 La démission d'un membre, à l'exception d'un sous-commissaire, est irrévocable à la suite de son acceptation par le commissaire.

Réintégration d'un membre

Réintégration

23 (1) Sous réserve du paragraphe (4), le membre suspendu en vertu de l'article 12 de la Loi est réintégré si, selon le cas :

a) l'autorité disciplinaire du membre conclut qu'il

(i) n'a pas contrevenu au code de déontologie figurant à l'annexe,

(ii) a contrevenu au code de déontologie figurant à l'annexe et une mesure disciplinaire est imposée en vertu du paragraphe 42(1) de la Loi;

b) le comité de déontologie établi à l'égard du membre conclut qu'il

(i) n'a pas contrevenu au code de déontologie figurant à l'annexe,

(ii) a contrevenu au code de déontologie figurant à l'annexe mais la mesure disciplinaire imposée n'est pas celle prévue aux alinéas 45(4)a) ou b) de la Loi.

Effet rétroactif

(2) La réintégration prend effet rétroactivement à compter de la date de la suspension initiale du membre.

Avis de réintégration

(3) L'autorité disciplinaire avise par écrit le membre de sa réintégration.

Décision du commissaire

(4) Le commissaire décide de réintégrer ou non le membre si les conditions visées aux alinéas (1)a) ou b) sont remplies et si le membre fait l'objet d'une autre instance sous le régime de la partie IV de la Loi ou d'une autre inculpation pour une infraction à une loi fédérale ou provinciale.

Educational Courses

Undertaking

24 (1) Every member selected to undertake at government expense a course of studies offered through a university, school, college or other place of study, of more than six months' duration, with the exception of official languages training, must, before commencing the course, sign an undertaking agreeing to continue to serve in the Force for the duration of the course and for a period after that of two months of service for each month of the course.

Reimbursement

(2) If a member defaults on the undertaking, or otherwise induces discharge or dismissal from the Force, the member may be required to pay all, or the portion that the Commissioner directs, of any amount paid to enable the member to attend the course.

Certificate of Service

Issuance

25 A Certificate of Service in the Force must be issued by the Commissioner, in a form approved by the Commissioner, to each former member who ceased to be a member as a result of the application of section 9.5 or any of paragraphs 20.2(1)(d) to (k) of the Act or of his or her death.

Uniforms, Equipment and Medals

Badge

26 The badge of the Force is a bison's head in natural colours facing forward on a blue background surrounded by a blue band with a gold border inscribed with the motto "Maintiens le Droit" in gold, and further surrounded by 12 green maple leaves; under the device is a gold-edged blue scroll bearing the name of the Force in gold; above the device is the St. Edward's Crown in the authorized colours and metals and under the Crown, on a blue scroll, is the inscription "Canada".

Significant uniform

27 (1) The significant uniform of the Force, the design of which is subject to approval by the Minister, consists of a felt hat, scarlet tunic, blue breeches with a yellow cavalry stripe on each side, brown Strathcona boots and jack spurs, as well as other items of uniform that the Minister approves.

Cours de formation

Engagement

24 (1) Le membre qui a été sélectionné pour suivre, aux frais de l'État, un cours d'une durée de plus de six mois, autre qu'un cours portant sur les langues officielles, dans une université, un collège, une école ou tout autre établissement d'enseignement, s'engage par écrit, avant d'entreprendre le cours, à demeurer au service de la Gendarmerie pendant toute la durée du cours et, par la suite, pendant une période équivalant à deux mois de service pour chaque mois de cours.

Remboursement

(2) S'il manque à son engagement ou provoque de quelque façon son licenciement ou son congédiement de la Gendarmerie, il peut être tenu de rembourser la totalité, ou la fraction qu'ordonne le commissaire, des sommes payées pour lui permettre de suivre le cours.

Certificat de service

Délivrance

25 Le commissaire délivre un certificat de service, en la forme qu'il approuve, à chaque ancien membre qui perd sa qualité de membre en application de l'article 9.5 ou de l'un ou l'autre des alinéas 20.2(1)d) à k) de la Loi, ou par suite de son décès.

Uniformes, équipement et médailles

Insigne

26 L'insigne de la Gendarmerie consiste en une tête de bison de couleur naturelle, vue de face sur fond bleu, entourée d'un cercle bleu bordé d'or et accompagnée de la devise « Maintiens le Droit » inscrite en lettres dorées, le tout entouré de douze feuilles d'érable vertes. Sous l'emblème se trouve un listel bleu bordé d'or portant en lettres dorées le nom de la Gendarmerie et au-dessus de l'emblème, un listel bleu avec l'inscription « Canada », surmonté de la couronne de saint Édouard dans les couleurs et métaux autorisés.

Uniforme distinctif

27 (1) L'uniforme distinctif de la Gendarmerie, dont le modèle est soumis à l'approbation du ministre, est composé, en plus de tout autre article approuvé par celui-ci, du feutre, de la tunique rouge, de la culotte d'équitation bleue garnie d'une bande jaune sur chaque côté, des bottes brunes Strathcona et des éperons droits.

Exemption

(2) The Commissioner must determine the occasions on which members are required to wear the significant uniform and may exempt any member from wearing any item on the basis of the member's religious beliefs.

Former member

28 The Commissioner may authorize a member who has resigned or been discharged to wear the significant uniform and may specify the conditions and circumstances under which it may be worn.

Insignia for officers

29 (1) The insignia of rank for officers must be worn on the shoulder straps of the uniform and be

- (a)** in the case of the Commissioner, a crossed sword and baton beneath a star, under a crown;
- (b)** in the case of a Deputy Commissioner, a crossed sword and baton under a crown;
- (c)** in the case of an Assistant Commissioner, three stars in a cluster under a crown;
- (d)** in the case of a Chief Superintendent, two stars under a crown;
- (e)** in the case of a Superintendent, one star under a crown; and
- (f)** in the case of an Inspector, a crown.

Insignia for non-commissioned officers

(2) The insignia of rank for non-commissioned officers must be worn in the manner approved by the Commissioner and be

- (a)** in the case of a Corps Sergeant-Major, the coat of arms of Canada;
- (b)** in the case of a Sergeant-Major, four chevrons, points down, under a crown;
- (c)** in the case of a Staff Sergeant-Major, a crown supported by maple leaves;
- (d)** in the case of a Staff Sergeant, four chevrons, points up;
- (e)** in the case of a Sergeant, three chevrons, points down, under a crown; and
- (f)** in the case of a Corporal, two chevrons, points down.

Exemption

(2) Le commissaire détermine les occasions dans lesquelles les membres doivent porter l'uniforme distinctif et peut exempter tout membre du port de tout article de l'uniforme distinctif pour des motifs ayant trait aux croyances religieuses du membre.

Ancien membre

28 Le commissaire peut autoriser le membre qui a démissionné ou qui a été licencié à porter l'uniforme distinctif et préciser les circonstances dans lesquelles il peut être porté et à quelles conditions.

Insignes de grade des officiers

29 (1) Les insignes de grade des officiers se portent sur les pattes d'épaule de l'uniforme et se présentent ainsi :

- a)** pour le commissaire : épée et bâton croisés sous une étoile, surmontés d'une couronne;
- b)** pour un sous-commissaire : épée et bâton croisés, surmontés d'une couronne;
- c)** pour un commissaire adjoint : trois étoiles groupées, surmontées d'une couronne;
- d)** pour un surintendant principal : deux étoiles surmontées d'une couronne;
- e)** pour un surintendant : une étoile surmontée d'une couronne;
- f)** pour un inspecteur : une couronne.

Insignes de grade des sous-officiers

(2) Les insignes de grade des sous-officiers se portent de la façon approuvée par le commissaire et se présentent ainsi :

- a)** pour un sergent-major du corps, les armoiries du Canada;
- b)** pour un sergent-major, quatre chevrons avec la pointe au bas, surmontés d'une couronne;
- c)** pour un sergent-major d'état-major, une couronne bordée de feuilles d'érable;
- d)** pour un sergent d'état-major, quatre chevrons avec la pointe en haut;
- e)** pour un sergent, trois chevrons avec la pointe au bas, surmontés d'une couronne;
- f)** pour un caporal, deux chevrons avec la pointe au bas.

Other uniforms

30 (1) All uniforms for members, other than the significant uniform described in section 27, are subject to approval by the Commissioner.

Orders of dress

(2) Orders of dress are subject to approval by the Commissioner.

Medals and decorations

31 Medals and decorations must be worn by members in the manner approved by the Commissioner.

Issuance free of charge

32 (1) Members are to be issued, free of charge, articles of clothing, kit and other materiel as the Commissioner considers necessary.

Issue and manner of care

(2) The issue and the manner of care of articles of clothing, kit and other materiel are subject to approval by the Commissioner.

Return of clothing and kit

(3) Every member must, upon release from special duty or special assignment or upon ceasing to be a member of the Force, or as otherwise directed by the Commissioner, return to the Force all articles of clothing and kit, other than articles of clothing and kit condemned in accordance with the Force's policy, or articles of clothing and kit purchased by the member.

Commissioner's power to designate

(4) The Commissioner may designate classes of members who are to be paid an allowance as fixed by Treasury Board for the purchase and care of any articles of clothing, kit and other materiel approved by the Commissioner.

Service Badge

Award of service badge

33 A service badge of a design approved by the Commissioner may be awarded to any regular member, other than an officer, for every period of five years' service.

Autres uniformes

30 (1) Les uniformes des membres, sauf l'uniforme distinctif décrit à l'article 27, sont soumis à l'approbation du commissaire.

Code vestimentaire

(2) Le code vestimentaire est soumis à l'approbation du commissaire.

Médailles et décorations

31 Les membres portent les médailles et les décorations de la manière approuvée par le commissaire.

Gratuité

32 (1) Le membre reçoit gratuitement les articles d'habillement, les accessoires et tout autre matériel jugés nécessaires par le commissaire.

Distribution et entretien

(2) La distribution et le mode d'entretien des articles d'habillement, des accessoires et de tout autre matériel sont soumis à l'approbation du commissaire.

Remise des articles d'habillement et accessoires

(3) Au retour d'une mission ou d'une affectation spéciale, lorsqu'il cesse d'être membre de la Gendarmerie ou à tout autre moment lorsque le commissaire l'ordonne, le membre remet à la Gendarmerie tous les articles d'habillement et accessoires, sauf ceux réformés selon la politique de la Gendarmerie ou ceux achetés par le membre.

Pouvoir de désignation du commissaire

(4) Le commissaire peut désigner des catégories de membres qui reçoivent une indemnité, fixée par le Conseil du Trésor, pour l'achat et l'entretien des articles d'habillement, des accessoires et de tout autre matériel approuvés par le commissaire.

Insigne de service

Remise de l'insigne de service

33 Un insigne de service — dont le dessin artistique est approuvé par le commissaire — peut être remis à tout membre régulier, autre qu'un officier, pour chaque période de service de cinq ans.

Living Accommodation

Definition of *living accommodation*

34 (1) In this section and sections 35 and 36, *living accommodation* includes a dormitory, a room in a residence, an apartment, a house or other living space.

Provision of living accommodation

(2) The Commissioner may authorize the provision of living accommodation to a member if needed for the performance of the member's duties and, when so provided, the member must reside there unless the member's Commanding Officer directs otherwise.

Living accommodation not available

35 At posts where living accommodation is not available for a member, the Commissioner may, with the approval of Treasury Board, make any arrangement that is necessary to secure accommodation for the member.

Provision of furniture

36 The Commissioner may authorize the provision of furniture for use in living accommodation, messes and recreational areas.

Travel and Relocation Expenses

Travel expenses

37 The Commissioner may authorize payment for the travel expenses that a member incurs as a result of authorized travel.

Travel expenses for applicants

38 If an applicant for membership in the Force is reporting for any of the following purposes, the applicant is entitled to be paid travel expenses for travel to and from the applicant's place of residence:

- (a)** to complete final documentation;
- (b)** to undergo a medical or dental examination or physical fitness testing;
- (c)** to undergo a second language evaluation and second language aptitude testing; or
- (d)** to attend an interview, including an interview by a selection board in the case of candidates in the professional, scientific and technical categories.

Logement

Définition de *logement*

34 (1) Au présent article et aux articles 35 et 36, *logement* s'entend notamment d'un dortoir, d'une chambre dans une résidence, d'un appartement, d'une maison ou de tout autre lieu d'habitation.

Fourniture d'un logement

(2) Le commissaire peut autoriser la fourniture d'un logement au membre dont l'exercice des fonctions l'exige; le membre y réside, à moins que l'officier commandant n'en décide autrement.

Aucun logement disponible

35 Dans les postes où aucun logement n'est disponible pour un membre, le commissaire peut, avec l'approbation du Conseil du Trésor, prendre les dispositions nécessaires pour que le membre soit hébergé.

Fourniture du mobilier

36 Le commissaire peut approuver la fourniture du mobilier des logements, des mess et des centres de loisirs.

Frais de déplacement et de réinstallation

Frais de déplacement

37 Le commissaire peut approuver le paiement des frais de déplacement engagés par un membre lors d'un déplacement approuvé.

Frais de déplacement d'un candidat

38 Le candidat à un poste de membre qui se présente à la Gendarmerie pour l'une des raisons ci-après a droit aux frais de déplacement aller-retour à partir de son lieu de résidence :

- a)** remplir les derniers documents;
- b)** subir un examen médical ou dentaire ou une évaluation de sa condition physique;
- c)** subir une évaluation et des tests d'aptitude de langue seconde;
- d)** passer une entrevue, y compris une entrevue devant un jury de sélection, si le poste convoité est de la catégorie professionnelle, scientifique ou technique.

Travel expenses for examination

39 (1) If a former member is reporting for medical examination or re-examination ordered by the Veterans Review and Appeal Board under a claim under subsection 5(1) of the *Royal Canadian Mounted Police Pension Continuation Act* or section 32 of the *Royal Canadian Mounted Police Superannuation Act*, the former member is entitled to be paid travel expenses.

Travel expenses for travel assistant

(2) The Commissioner may authorize payment for the travel expenses of a travel assistant if the medical practitioner of the former member is of the opinion that the health condition of the former member precludes traveling alone for the examination or re-examination.

Relocation expenses

40 The Commissioner may authorize payment for

(a) the relocation expenses that a member may incur as a result of

- (i)** transferring from one post to another, or
- (ii)** moving out of or into the accommodation referred to in section 34 or 35; and

(b) the incidental expenses that a member may incur as a result of moving from one accommodation referred to in section 34 or 35 to another if

- (i)** the move is of a local nature, and
- (ii)** the member attests to the expenses in a form approved by Treasury Board.

Relocation expenses – other cases

41 (1) Subject to subsection (2), the Commissioner may authorize payment for

- (a)** the relocation expenses that may be incurred by
 - (i)** a retiring member who is eligible for a pension,
 - (ii)** a member discharged from the Force on the grounds of a disability, as defined in the *Canadian Human Rights Act*, and
 - (iii)** a spouse, common-law partner or dependant of a member who dies; and

Frais de déplacement pour examen médical

39 (1) L'ancien membre qui se présente à un premier ou à un second examen médical prescrit par le Tribunal des anciens combattants (révision et appel) à la suite d'une réclamation faite en vertu du paragraphe 5(1) de la *Loi sur la continuation des pensions de la Gendarmerie royale du Canada* ou de l'article 32 de la *Loi sur la pension de retraite de la Gendarmerie royale du Canada* a droit à ses frais de déplacement.

Frais de déplacement de l'accompagnateur

(2) Le commissaire peut approuver le paiement des frais de déplacement de l'accompagnateur de l'ancien membre si, de l'avis du médecin de cet ancien membre, l'état de santé de celui-ci l'empêche de se déplacer seul.

Frais de réinstallation

40 Le commissaire peut autoriser le paiement :

a) des frais de réinstallation qu'un membre peut engager :

- (i)** lors de sa mutation à un autre poste,
- (ii)** pour emménager dans un logement visé aux articles 34 ou 35 ou pour en déménager;

b) des frais accessoires qu'un membre peut engager lors d'un déménagement entre des logements visés aux articles 34 ou 35 si :

- (i)** d'une part, le déménagement a lieu dans la même localité,
- (ii)** d'autre part, le membre atteste, de la manière approuvée par le Conseil du Trésor, avoir supporté ces frais.

Frais de réinstallation – autres cas

41 (1) Sous réserve du paragraphe (2), le commissaire peut autoriser :

a) le paiement des frais de réinstallation que peut engager :

- (i)** un membre qui prend sa retraite et qui est admissible à une pension,
- (ii)** un membre licencié de la Gendarmerie à cause d'une déficience au sens de la *Loi canadienne sur les droits de la personne*,
- (iii)** l'époux, le conjoint de fait ou une personne à charge d'un membre qui décède;

(b) the expenses incurred to move or dispose of the personal belongings of a member who dies without dependants.

Exception

(2) The payment must not be made

(a) more than two years after the day on which a member is discharged, unless exceptional circumstances exist; or

(b) for temporary or interim accommodation, except for accommodation for a period of not more than three days at the member's last post.

Treasury Board

42 The payments referred to in sections 37 to 41 are paid in the manner and amount determined by Treasury Board.

Medical and Dental Treatment

Treatment programs

43 (1) Medical and dental treatment programs for regular members and special constable members are subject to approval by the Commissioner.

Treatment programs for civilian members

(2) Medical and dental treatment programs for civilian members who are injured in the performance of their duties are subject to approval by the Commissioner, to the extent that the treatment is not covered by provincial medical or hospital insurance plans.

Medical treatment after discharge

44 (1) Subject to subsection (2), a regular member or special constable member who is discharged from the Force is entitled to the medical treatment referred to in section 43 until the earlier of the following:

(a) the day on which the member becomes entitled to coverage for medical and hospital expenses under a provincial medical or hospital insurance plan;

(b) the day on which the member becomes entitled to coverage for medical and hospital expenses under the Public Service Health Care Plan; or

(c) the end of three months after the day on which the member is discharged.

b) le paiement des frais pour disposer des biens d'un membre décédé sans personne à charge.

Exception

(2) Le paiement ne doit pas être effectué :

a) plus de deux ans après la date à laquelle le membre a été licencié, à moins de circonstances exceptionnelles;

b) pour un logement provisoire, sauf un logement provisoire pour une période d'au plus trois jours au dernier poste.

Conseil du Trésor

42 Les frais visés aux articles 37 à 41 sont payés aux taux et de la manière établis par le Conseil du Trésor.

Soins médicaux et dentaires

Soins médicaux et dentaires

43 (1) Les programmes de soins médicaux et dentaires à l'intention des membres réguliers et des membres spéciaux sont soumis à l'approbation du commissaire.

Soins médicaux et dentaires — membres civils

(2) Sont aussi soumis à son approbation les programmes de soins médicaux et dentaires à l'intention des membres civils blessés dans l'exercice de leurs fonctions, dans la mesure où le coût de ces soins n'est pas pris en charge par un régime provincial d'assurance-maladie ou d'assurance-hospitalisation.

Soins médicaux après un licenciement

44 (1) Sous réserve du paragraphe (2), le membre régulier ou le membre spécial licencié de la Gendarmerie a le droit de recevoir les soins médicaux visés à l'article 43 jusqu'à celle des dates ci-après qui est antérieure aux autres :

a) la date de prise d'effet de sa participation à un régime provincial d'assurance-maladie ou d'assurance-hospitalisation;

b) la date de prise d'effet de sa participation au Régime de soins de santé de la fonction publique;

c) le dernier jour du délai de trois mois suivant la date de son licenciement.

Hospital treatment after discharge

(2) If the member is hospitalized at the time of the member's discharge from the Force, the member is entitled to a continuation of the medical treatment after the date of discharge until the time that the member is discharged from the hospital.

Coverage for dependants

45 If a member is posted to an isolated post in Yukon, the Northwest Territories or Nunavut or to a post outside Canada, the dependants of that member who accompany the member are entitled, at the Force's expense, to medical examination and immunization against all diseases that prevail in the area.

Contingency Accounts

Opening contingency account

46 The Commissioner may authorize a member to open a contingency account for the operational or administrative requirements of the Force in a bank approved by the Commissioner.

Fines and Fees

Payment received by member

47 All payments received by a member in respect of fines, fees or other amounts due to Her Majesty in right of Canada or a province, or a municipality, is the responsibility of the member and must be remitted, as soon as possible, in the manner approved by the Commissioner.

Payment other than cash

48 A member whose responsibility it is to collect fines, fees or other amounts due to Her Majesty in right of Canada or a province, or a municipality, and who accepts anything other than cash in payment is, unless the Commissioner orders otherwise, personally responsible for the payment of that fine, fee or other amount.

Benefit Trust Fund

Monies payable to Benefit Trust Fund

49 (1) All money paid to the Benefit Trust Fund under subsections 23(1) and (2) of the Act must be paid into the Consolidated Revenue Fund to the account of the Royal Canadian Mounted Police Benefit Trust Fund.

Interest

(2) Interest is credited to the Benefit Trust Fund at a rate that is equal to 90% of the simple arithmetic mean of the

Hospitalisation au moment d'un licenciement

(2) S'il est hospitalisé au moment d'être licencié, il a le droit de recevoir ces soins après la date de son licenciement jusqu'à ce qu'il quitte l'hôpital.

Protection pour personnes à charge

45 Lorsqu'un membre est affecté à un poste isolé au Yukon, dans les Territoires du Nord-Ouest ou au Nunavut ou à un poste à l'étranger, les personnes à charge qui l'accompagnent ont droit, aux frais de la Gendarmerie, à un examen médical et aux immunisations contre toute maladie sévissant dans la région.

Comptes pour éventualités

Ouverture d'un compte pour éventualités

46 Le commissaire peut, pour répondre à des besoins opérationnels ou administratifs de la Gendarmerie, autoriser un membre à ouvrir un compte pour éventualités auprès d'une banque qu'il approuve.

Amendes et frais

Paiements reçus par un membre

47 Le membre est responsable des paiements qu'il reçoit en acquittement des amendes, frais ou autres sommes dus à Sa Majesté du chef du Canada ou d'une province ou à une municipalité et est tenu de les remettre dès que possible de la manière approuvée par le commissaire.

Paiement autre qu'en argent comptant

48 Le membre chargé de percevoir les amendes, frais ou autres sommes dus à Sa Majesté du chef du Canada ou d'une province ou à une municipalité et qui accepte en paiement autre chose que de l'argent comptant demeure, sauf ordre contraire du commissaire, personnellement responsable du paiement de ces amendes, frais ou autres sommes.

Caisse fiduciaire de bienfaisance

Sommes versées à la Caisse fiduciaire de bienfaisance

49 (1) Les sommes versées à la Caisse fiduciaire de bienfaisance de la Gendarmerie en application des paragraphes 23(1) et (2) de la Loi sont versées au Trésor au crédit de la Caisse.

Intérêt

(2) Est porté au crédit de la Caisse un intérêt correspondant à 90 % de la moyenne arithmétique simple des taux

accepted weekly three-month Treasury bill tender rates for the immediately preceding month.

Management of Benefit Trust Fund

50 (1) The Commissioner must nominate an advisory committee, consisting of three officers and one other member, to be approved by the Minister, to assist in the management of the Benefit Trust Fund.

Advisory committee

(2) The advisory committee must

- (a)** consider all applications for grants and loans; and
- (b)** carry out the daily management of the Fund.

Grants

51 (1) Grants may be made out of the Benefit Trust Fund to

- (a)** a member who is in financial distress due to causes that are beyond the member's control;
- (b)** a member in recognition of the member's outstanding contribution in bringing an important investigation to a successful conclusion;
- (c)** a member in recognition of any act of special endurance or bravery or any act demonstrating outstanding professional ethics or integrity in the performance of the member's duties;
- (d)** a member, to the extent that the Government of Canada or the government of a province is unwilling or unable to reimburse the member for loss or damage to the member's personal effects or property in the performance of the member's duties;
- (e)** a member who is discharged from the Force while still in need of medical treatment;
- (f)** a former member or dependants of a deceased former member who are in need of financial assistance;
- (g)** the Royal Canadian Mounted Police Veterans' Association to maintain a program to seek out and assist former members and their dependants under terms and conditions set out by the advisory committee;
- (h)** the spouse or common-law partner and the dependants, parents, brothers and sisters of a member, public service employee, reservist or auxiliary constable who is killed on duty, for expenses they incurred while travelling to a Force memorial service, approved by the Commissioner in honour of the deceased, in the

d'adjudication hebdomadaires acceptés des bons du Trésor de trois mois pour le mois précédent.

Gestion de la Caisse fiduciaire de bienfaisance

50 (1) Le commissaire constitue un comité consultatif formé de trois officiers et d'un autre membre et approuvés par le ministre dont le rôle est de participer à la gestion de la Caisse fiduciaire de bienfaisance.

Comité consultatif

(2) Le comité consultatif :

- a)** étudie les demandes de subvention ou de prêt;
- b)** veille à la gestion quotidienne de la Caisse.

Subventions

51 (1) Des subventions peuvent être versées sur les fonds de la Caisse fiduciaire de bienfaisance :

- a)** à un membre qui éprouve des difficultés financières à cause de circonstances indépendantes de sa volonté;
- b)** à un membre, en reconnaissance de la contribution exceptionnelle qu'il a fournie pour mener à bien une enquête importante;
- c)** à un membre, en reconnaissance de son endurance ou de sa bravoure exemplaire ou de son éthique ou intégrité professionnelle exceptionnelle dans l'exercice de ses fonctions;
- d)** à un membre dont des effets ou des biens personnels sont perdus ou endommagés dans l'exercice de ses fonctions, dans la mesure où le gouvernement fédéral ou d'une province ne veut pas ou ne peut pas le dédommager;
- e)** à un membre licencié de la Gendarmerie au moment où il a encore besoin de soins médicaux;
- f)** à un ancien membre ou à une personne à charge d'un ancien membre décédé qui a besoin d'une aide financière;
- g)** à l'Association des anciens de la Gendarmerie royale du Canada, pour qu'elle applique un programme visant à repérer et à aider les anciens membres et les personnes à leur charge selon les modalités prévues par le comité consultatif;
- h)** à l'époux ou au conjoint de fait, aux personnes à charge, aux parents et aux frères et sœurs d'un membre, d'un fonctionnaire, d'un réserviste ou d'un gendarme auxiliaire tué dans l'exercice de ses

manner and amount determined by Treasury Board; and

(i) the spouse or common-law partner and the dependants, parents, brothers and sisters of a member, public service employee, reservist or auxiliary constable who is killed on duty, for expenses they incurred while travelling to a criminal trial, public inquiry or parole review in relation to that death.

Grants for certain purposes

(2) Grants may be made out of the Benefit Trust Fund for the purpose of

(a) covering the reasonable costs of a burial for a former member who dies without leaving sufficient funds for their burial and in respect of whom there is no other source from which the burial expenses can be paid;

(b) purchasing wreaths in honour of deceased former members;

(c) covering costs associated with engraving memorial plaques and creating an honour roll page at the RCMP Academy, "Depot" Division to honour a member, public service employee, reservist or auxiliary constable who is killed on duty;

(d) covering the reasonable funeral reception expenses if the death of a member is duty-related;

(e) purchasing and installing an honour roll or memorial plaque in the division in which a member was posted at the time that the member was killed on duty;

(f) covering the reasonable costs of a memorial service held at the RCMP Academy, "Depot" Division to honour a member, public service employee, reservist or auxiliary constable who is killed on duty;

(g) paying travel expenses incurred by persons while travelling on Benefit Trust Fund business, including those incurred by persons who are requested by the advisory committee to appear before the committee, in the manner and amount determined by Treasury Board;

(h) covering the costs of improving and maintaining real property or immovables within Canada used as recreational areas by members, former members,

fonctions, pour payer les frais de déplacement engagés pour assister à un service commémoratif tenu par la Gendarmerie à la mémoire du défunt et approuvé par le commissaire, selon le taux et de la manière établis par le Conseil du Trésor;

i) à l'époux ou au conjoint de fait, aux personnes à charge, aux parents et aux frères et sœurs d'un membre, d'un fonctionnaire, d'un réserviste ou d'un gendarme auxiliaire tué dans l'exercice de ses fonctions, pour payer les frais de déplacement engagés pour assister à un procès criminel, à une enquête publique ou à un examen visant une libération conditionnelle liés au décès du membre.

Subventions pour d'autres fins

(2) Des subventions peuvent être versées sur les fonds de la Caisse :

a) pour payer les frais raisonnables d'inhumation d'un ancien membre qui meurt sans laisser suffisamment d'argent pour payer son enterrement, dans les cas où il n'y a aucune autre source de financement;

b) pour l'achat de couronnes mortuaires en l'honneur d'anciens membres décédés;

c) pour payer les coûts associés à la gravure des plaques commémoratives et à la création d'une page du registre des distinctions à l'École de la GRC, Division « Dépôt », à la mémoire d'un membre, d'un fonctionnaire, d'un réserviste ou d'un gendarme auxiliaire tué dans l'exercice de ses fonctions;

d) pour payer les frais raisonnables de réception funéraire lorsque le décès du membre est relié à l'exercice de ses fonctions;

e) pour l'achat et l'installation d'un tableau des distinctions ou d'une plaque commémorative à la division où le membre était affecté lorsqu'il a été tué dans l'exercice de ses fonctions;

f) pour payer les frais raisonnables d'un service commémoratif tenu à l'École de la GRC, Division « Dépôt », à la mémoire d'un membre, d'un fonctionnaire, d'un réserviste ou d'un gendarme auxiliaire tué dans l'exercice de ses fonctions;

g) pour payer les frais de déplacement des personnes qui se déplacent par affaires pour le compte de la Caisse, y compris celles qui ont été convoquées par le comité consultatif, aux taux et de la manière établis par le Conseil du Trésor;

spouses or common-law partners and their dependants;

(i) covering the costs of providing a member at the time of retirement with the identification badge of the member;

(j) supporting members participating in competitions of marksmanship; and

(k) further assisting members, former members, spouses or common-law partners and their dependants, in amounts authorized by the Commissioner.

Loans

(3) Loans may be made out of the Benefit Trust Fund to members referred to in paragraphs (1)(a), (d), and (e) and for the purpose referred to in paragraph (2)(k).

Recreational areas

(4) A grant may be made out of the Benefit Trust Fund for the purpose of acquiring real property or immovables within Canada to be used as recreational areas by members, former members, spouses or common-law partners and their dependants.

Monthly deductions

52 (1) Before a loan is made to a member out of the Benefit Trust Fund, the member must undertake to repay the loan by means of monthly deductions from the member's pay in the amounts and for the periods determined by the advisory committee.

Unpaid loan

(2) If a member to whom a loan is made out of the Benefit Trust Fund ceases to be a member, the unpaid balance of the loan is payable and is a charge against any money owing to the member by Her Majesty in right of Canada.

Withdrawal

53 (1) A withdrawal from the Benefit Trust Fund under section 51 must be authorized by

(a) the advisory committee, if the amount does not exceed \$20,000;

(b) the Commissioner, if the amount exceeds \$20,000 but is not more than \$50,000; or

(c) the Minister, if the amount exceeds \$50,000.

h) pour payer les coûts de l'amélioration et de l'entretien des biens immeubles ou réels au Canada qui servent de centres de loisirs pour les membres, les anciens membres, leur époux ou leur conjoint de fait et les personnes à leur charge;

i) pour payer le coût de la fourniture à un membre, au moment de sa retraite, de son insigne de service;

j) pour appuyer les membres qui participent à des compétitions de tir d'élite;

k) pour venir en aide à un membre ou à un ancien membre, à son époux ou à son conjoint de fait et aux personnes à leur charge, selon le montant qu'autorise le commissaire.

Prêts

(3) Des prêts peuvent être consentis sur les fonds de la Caisse aux membres visés aux alinéas (1)a, d) et e) et pour venir en aide aux personnes visées à l'alinéa (2)k).

Centres de loisirs

(4) Une subvention peut être versée sur les fonds de la Caisse pour l'acquisition de biens immeubles ou réels au Canada destinés à servir de centres de loisirs pour les membres, les anciens membres, leur époux ou leur conjoint de fait et les personnes à leur charge.

Retenues mensuelles

52 (1) Avant qu'un prêt soit consenti à un membre sur les fonds de la Caisse fiduciaire de bienfaisance, celui-ci doit s'engager à le rembourser par retenues mensuelles sur sa solde, le montant de celles-ci et la période de remboursement étant fixés par le comité consultatif.

Solde d'un prêt

(2) Si le membre à qui un prêt a été consenti perd la qualité de membre, le solde impayé du prêt est exigible et est prélevé sur toute somme qui lui est due par Sa Majesté du chef du Canada.

Retrait

53 (1) Tout retrait effectué de la Caisse fiduciaire de bienfaisance au titre de l'article 51 est subordonné à l'autorisation :

a) du comité consultatif, s'il ne dépasse pas 20 000 \$;

b) du commissaire, s'il dépasse 20 000 \$ sans être supérieur à 50 000 \$;

c) du ministre, s'il dépasse 50 000 \$.

Payments made in error

(2) Despite subsection (1), the Commissioner or the Commissioner's delegate may authorize withdrawals from the Benefit Trust Fund of any amount in respect of payments made in error to the Fund.

Conversion to grant

54 (1) If a member to whom a loan is made out of the Benefit Trust Fund is unable to repay the unpaid balance of the loan, the Commissioner or the Commissioner's delegate, on the recommendation of the advisory committee, may approve the conversion of the unpaid balance to a grant.

Conversion loan exceeding \$50,000

(2) The conversion to a grant of the unpaid balance of a loan that exceeded \$50,000 must be authorized by the Minister.

Signature of cheques

55 Requisitions for cheques on the Benefit Trust Fund must be signed by officers authorized by the Minister and countersigned by members designated by the Commissioner.

Staff Relations Representative Program

Establishment

56 (1) The Force must establish a Staff Relations Representative Program to provide for representation of the interests of members in respect of staff relations matters.

Election of representatives

(2) The Staff Relations Representative Program is carried out by the staff relations representatives of the members of the divisions and zones who elect them.

Privilege

(3) If a member who is the subject of a proceeding under Part IV of the Act is represented or assisted by a staff relations representative, communications passing in confidence between them in relation to the proceeding are, for the purposes of the Act, privileged as if they were communications passing in professional confidence between the member and their legal counsel, except if disclosure of any of those communications is required by law.

Dépôt fait par erreur

(2) Malgré le paragraphe (1), le commissaire ou son délégué peut autoriser tout retrait de la Caisse qui vise à annuler un dépôt qui y a été fait par erreur.

Conversion en subvention

54 (1) Si le membre à qui un prêt a été consenti sur les fonds de la Caisse fiduciaire de bienfaisance est incapable d'en rembourser le solde impayé, le commissaire ou son délégué, sur recommandation du comité consultatif, peut approuver la conversion du solde impayé en subvention.

Conversion d'un prêt de plus de 50 000 \$

(2) Dans le cas d'un prêt de plus de 50 000 \$, la conversion du solde impayé du prêt en subvention est subordonnée à l'autorisation du ministre.

Signature des chèques

55 Les demandes de chèques devant être tirés sur la Caisse fiduciaire de bienfaisance sont signées par les officiers autorisés par le ministre et contresignées par les membres désignés par le commissaire.

Programme de représentants des relations fonctionnelles

Établissement

56 (1) La Gendarmerie établit un programme de représentants des relations fonctionnelles qui a pour objet d'assurer la représentation des membres en matière de relations fonctionnelles.

Élection des représentants

(2) Le programme est mis en application par les représentants des relations fonctionnelles qu'élisent les membres des divisions et des secteurs.

Secret professionnel

(3) Lorsqu'un membre qui fait l'objet d'une instance au titre de la partie IV de la Loi se fait représenter ou assister par un représentant des relations fonctionnelles, les communications confidentielles qu'ils échangent relativement à cette instance sont, pour l'application de la Loi, protégées comme si elles étaient des communications confidentielles échangées entre le membre et son conseiller juridique, sauf si leur divulgation est requise par la loi.

National Police Services

Establishment

57 (1) The Force must establish and maintain national police services, for the purpose of assisting law enforcement agencies in Canada in detecting and investigating criminal activity, including the following:

- (a) forensic laboratory services;
- (b) a national repository of criminal history record information; and
- (c) any other scientific, technical, training, informational or information technology services as directed by the Commissioner.

External provision of services

(2) The Commissioner may direct that those services be provided to foreign law enforcement agencies.

Terms and conditions

(3) The terms and conditions of access to those services by law enforcement agencies are subject to approval by the Commissioner.

Scope

(4) Law enforcement agencies include federal and provincial government departments and agencies and courts of criminal jurisdiction.

Referral to Victim Services Organization

Definitions

57.1 The following definitions apply in this section and in sections 57.2 to 57.4.

referral information, in respect of a person, means

- (a) their name, age, gender and language preference;
- (b) their phone number, home address or any other contact information necessary to facilitate contact with them; and
- (c) a description of the general nature of the crime, offence or other incident in question. (*renseignements d'aiguillage*)

Services nationaux de police

Établissement

57 (1) Afin d'aider les organismes chargés du contrôle d'application de la loi au Canada à déceler les activités criminelles et à enquêter sur celles-ci, la Gendarmerie établit des services nationaux de police et veille à leur fonctionnement, notamment :

- a) des laboratoires judiciaires;
- b) un répertoire national d'information sur les casiers judiciaires;
- c) tout service scientifique, technique, de formation, d'information ou de technologie de l'information qu'ordonne le commissaire.

Services à des organismes étrangers

(2) Le commissaire peut ordonner que ces services soient offerts à des organismes étrangers chargés du contrôle d'application de la loi.

Conditions

(3) Les conditions que les organismes chargés du contrôle d'application de la loi doivent remplir pour obtenir ces services sont soumises à l'approbation du commissaire.

Précision

(4) Sont compris parmi les organismes chargés du contrôle d'application de la loi les ministères et organismes des gouvernements fédéral et provinciaux et les tribunaux de juridiction criminelle.

Aiguillage vers un organisme d'aide aux victimes

Définitions

57.1 Les définitions qui suivent s'appliquent au présent article et aux articles 57.2 à 57.4.

organisme d'aide aux victimes Tout organisme :

- a) certifié par le directeur ou le gestionnaire des services d'aide aux victimes de la province dans laquelle il est en activité comme étant conforme aux exigences provinciales relatives aux habilitations de sécurité, à la manutention, à la transmission, au transport, à l'entreposage et à la destruction des renseignements personnels;

victim services organization means an organization that

(a) is certified by the director or manager of victim services in the province in which it operates as complying with that province's requirements in respect of security clearances and the handling, transmission, transportation, storage and destruction of personal information; and

(b) is recognized by the Commanding Officer of the division of the Force that is located in that province as an organization that may receive information for the purposes of section 57.2, having regard to the provincial certification referred to in paragraph (a) and any other information about the organization of which the Commanding Officer may have become aware in the course of the performance of his or her duties in that province. (*organisme d'aide aux victimes*)

SOR/2016-101, s. 1.

Limitations on disclosure

57.2 (1) In the course of the performance of their duties under paragraph 18(a) of the Act or at common law, a member who is a peace officer may disclose referral information in respect of a person to a victim services organization only if

(a) the member has reasonable grounds to believe that the person has suffered — or is at risk of suffering — physical or emotional harm or economic loss as a result of a crime, offence or other incident that has been investigated by the Force or in respect of which the Force's assistance was provided;

(b) the member has reasonable grounds to believe that the support of a victim services organization is necessary to preserve the peace, to prevent commission of a crime or an offence, to prevent physical or emotional harm to the person or to protect the person from economic loss;

(c) the disclosure is for the sole purpose of referring the person to the organization; and

(d) the disclosure is limited to the amount of referral information in respect of the person that is necessary to refer them to the organization.

b) reconnu par le commandant de la division de la Gendarmerie située dans cette province comme étant un organisme apte à recevoir des renseignements pour l'application de l'article 57.2, compte tenu de la certification provinciale visée à l'alinéa a) et de tout autre renseignement concernant l'organisme dont il peut avoir pris connaissance dans le cadre de l'exercice de ses fonctions dans la province. (*victim services organization*)

renseignements d'aiguillage S'entend, relativement à une personne :

a) de son nom, de son âge, de son sexe et de sa préférence linguistique;

b) de son numéro de téléphone, de son adresse domiciliaire ou de toute autre coordonnée permettant d'entrer en contact avec elle;

c) d'une description de la nature générale du crime, de l'infraction ou de l'incident en cause. (*referral information*)

DORS/2016-101, art. 1.

Limite à la communication

57.2 (1) Dans le cadre de l'exercice des fonctions prévues à l'alinéa 18a) de la Loi ou découlant de la common law, le membre ayant qualité d'agent de la paix peut communiquer à un organisme d'aide aux victimes des renseignements d'aiguillage relatifs à une personne seulement si les conditions ci-après sont remplies :

a) le membre a des motifs raisonnables de croire que la personne a subi ou risque de subir un préjudice de nature corporelle ou émotive ou une perte économique par suite de la perpétration d'un crime, d'une infraction ou d'un incident ayant fait l'objet d'une enquête ou nécessité l'aide de la Gendarmerie;

b) il a des motifs raisonnables de croire que l'appui d'un organisme d'aide aux victimes est nécessaire pour maintenir la paix, prévenir un crime ou une infraction, empêcher la personne de subir un préjudice de nature corporelle ou émotive ou la protéger d'une perte économique;

c) la communication est faite à seule fin d'aiguiller la personne vers l'organisme;

d) la communication est limitée aux renseignements d'aiguillage relatifs à la personne qui sont nécessaires pour l'aiguiller vers l'organisme.

Disclosure about third parties

(2) In the context of the disclosure of a person's referral information, the member may disclose to the victim services organization information in respect of any third party who was involved in the crime, offence or other incident, including their identity and presumed location, but only to the extent necessary to effect the referral of the person without endangering anyone.

SOR/2016-101, s. 1.

Informing referred person

57.3 The Force shall make reasonable efforts to ensure that a person whose referral information is disclosed for the purpose of referring them to a victim services organization is made aware of the disclosure.

SOR/2016-101, s. 1.

Non-derogation

57.4 For greater certainty, nothing in section 57.2 or 57.3 is intended

- (a)** to prevent a member from disclosing any personal information in respect of a person
 - (i)** to a victim services organization with the consent of the person, or
 - (ii)** to victim services personnel who are employed by the Force or who are otherwise under its supervision and direction; or

- (b)** to derogate from the common law powers of a peace officer except to the extent that those sections restrict a member's exercise of those powers in respect of the member's disclosure of referral information to a victim services organization.

SOR/2016-101, s. 1.

Disclosure — Intimate Partner Violence

Definitions

57.5 The following definitions apply in this section and in sections 57.6 and 57.7.

Clare's Law means the legislation of a province regarding the provision by a police service or police force of disclosure information relating to the risk of intimate partner violence. (*loi de Clare*)

Communication à l'égard de tiers

(2) Dans le cadre de la communication à un organisme de renseignements d'aiguillage relatifs à une personne, le membre peut communiquer des renseignements concernant des tiers impliqués dans le crime, l'infraction ou l'incident en cause — notamment leur nom et le lieu où ils pourraient se trouver — seulement dans la mesure où ces renseignements sont nécessaires pour aiguiller la personne vers l'organisme sans mettre en danger qui que ce soit.

DORS/2016-101, art. 1.

Information à la personne dirigée

57.3 La Gendarmerie déploie des efforts raisonnables pour veiller à ce que toute personne à l'égard de laquelle des renseignements d'aiguillage ont été communiqués à un organisme d'aide aux victimes afin de la diriger vers celui-ci soit informée de la communication.

DORS/2016-101, art. 1.

Effet

57.4 Il est entendu que les articles 57.2 et 57.3 n'ont pas pour effet :

- a)** d'empêcher un membre de communiquer des renseignements personnels à l'égard d'une personne :
 - (i)** à un organisme d'aide aux victimes avec le consentement de celle-ci,
 - (ii)** au personnel des services d'aide aux victimes employé par la Gendarmerie ou agissant sous sa surveillance et sa direction;
- b)** de limiter les pouvoirs conférés aux agents de la paix au titre de la common law, sauf dans la mesure où ces articles en restreignent l'exercice par un membre à l'égard de la communication par celui-ci des renseignements d'aiguillage à un organisme d'aide aux victimes.

DORS/2016-101, art. 1.

Divulgence — Violence conjugale

Définitions

57.5 Les définitions qui suivent s'appliquent au présent article et aux articles 57.6 et 57.7.

Loi de Clare Législation d'une province qui concerne la divulgation par un service de police ou un corps policier de renseignements visés sur les risques de violence conjugale. (*Clare's Law*)

disclosure information means the information that is to be disclosed under the Clare’s Law that is applicable in the province in which the disclosure is to be made. (*renseignements visés*)

SOR/2021-58, s. 1.

Disclosure information

57.6 If the Force is the police force for a province in which Clare’s Law is in force, or for a municipality in such a province, a member who is a peace officer may provide disclosure information.

SOR/2021-58, s. 1.

Non-derogation

57.7 For greater certainty, nothing in section 57.6 is intended to derogate from the common law powers or powers under any other law of a member who is a peace officer.

SOR/2021-58, s. 1.

Repeal

58 [Repeal]

Coming into Force

Registration

59 These Regulations come into force on the day on which they are registered.

renseignements visés Renseignements qui doivent être divulgués en vertu de la loi de Clare applicable dans la province où la divulgation a lieu. (*disclosure information*)

DORS/2021-58, art. 1.

Renseignements visés

57.6 Lorsque la Gendarmerie est le corps policier dans une province, ou dans l’une des municipalités de la province, où la loi de Clare est en vigueur, le membre ayant qualité d’agent de la paix peut communiquer les renseignements visés.

DORS/2021-58, art. 1.

Effet

57.7 Il est entendu que l’article 57.6 n’a pas pour effet de limiter les pouvoirs conférés au membre ayant qualité d’agent de la paix au titre de toute autre loi ou de la common law.

DORS/2021-58, art. 1.

Abrogation

58 [Abrogation]

Entrée en vigueur

Enregistrement

59 Le présent règlement entre en vigueur à la date de son enregistrement.

SCHEDULE

(Section 18 and subsection 23(1))

Code of Conduct of the Royal Canadian Mounted Police

Statement of Objectives

Maintaining the confidence of Canadians in the Royal Canadian Mounted Police is essential.

Members of the Royal Canadian Mounted Police are responsible for the promotion and maintenance of good conduct in the Force.

This Code of Conduct sets out responsibilities, consistent with section 37 of the *Royal Canadian Mounted Police Act*, that reinforce the high standard of conduct expected of members of the Force.

- 1 APPLICATION**
- 1.1** This Code applies to every member of the Force and establishes responsibilities and the standard of conduct for members, on and off duty, in and outside Canada.
- 2 RESPECT AND COURTESY**
- 2.1** Members treat every person with respect and courtesy and do not engage in discrimination or harassment.
- 3 RESPECT FOR THE LAW AND THE ADMINISTRATION OF JUSTICE**
- 3.1** Members respect the law and the rights of all individuals.
- 3.2** Members act with integrity, fairness and impartiality, and do not compromise or abuse their authority, power or position.
- 3.3** Members give and carry out lawful orders and direction.
- 4 DUTIES AND RESPONSIBILITIES**
- 4.1** Members report for and remain on duty unless otherwise authorized.
- 4.2** Members are diligent in the performance of their duties and the carrying out of their responsibilities, including taking appropriate action to aid

ANNEXE

(article 18 et paragraphe 23(1))

Code de déontologie de la Gendarmerie royale du Canada

Objectifs

Il est essentiel de maintenir la confiance de la population canadienne envers la Gendarmerie royale du Canada.

Les membres de la Gendarmerie royale du Canada sont responsables de la promotion et du maintien d'une bonne conduite au sein de la Gendarmerie.

Le code de déontologie établit des responsabilités cohérentes avec l'article 37 de la *Loi sur la Gendarmerie royale du Canada* qui renforcent la norme de conduite élevée que les membres sont censés observer.

- 1 APPLICATION**
- 1.1** Le présent code s'applique à tous les membres de la Gendarmerie, il établit les responsabilités et la norme de conduite des membres — qu'ils soient ou non en service — au Canada et à l'étranger.
- 2 RESPECT ET COURTOISIE**
- 2.1** La conduite des membres envers toute personne est empreinte de respect et de courtoisie; ils ne font pas preuve de discrimination ou de harcèlement.
- 3 RESPECT DE LA LOI ET DE L'ADMINISTRATION DE LA JUSTICE**
- 3.1** Les membres respectent la loi et les droits des individus.
- 3.2** Les membres agissent avec intégrité, équité et impartialité sans abuser de leur autorité, de leur pouvoir ou de leur position ou les compromettre.
- 3.3** Les membres donnent et exécutent des ordres et des directives légitimes.
- 4 FONCTIONS ET RESPONSABILITÉS**
- 4.1** Les membres se présentent au travail et demeurent à leur poste, à moins d'autorisation contraire.
- 4.2** Les membres font preuve de diligence dans l'exercice de leurs fonctions et de leurs responsabilités, notamment en prenant les mesures

- any person who is exposed to potential, imminent or actual danger.
- 4.3** Members on duty are fit to perform their duties and carry out their responsibilities and are not impaired by drugs, alcohol or other substances.
- 4.4** Members properly account for, and do not alter, conceal or destroy, without lawful excuse, any property, money or documents coming into their possession in the performance of their duties.
- 4.5** Members are properly dressed and equipped and maintain their personal appearance in accordance with applicable Force policies.
- 4.6** Members use government-issued equipment and property only for authorized purposes and activities.
- 5** USE OF FORCE
- 5.1** Members use only as much force as is reasonably necessary in the circumstances.
- 6** CONFLICT OF INTEREST
- 6.1** Members avoid actual, apparent or potential conflicts between their professional responsibilities and private interests.
- 7** DISCREDITABLE CONDUCT
- 7.1** Members behave in a manner that is not likely to discredit the Force.
- 8** REPORTING
- 8.1** Members provide complete, accurate and timely accounts pertaining to the carrying out of their responsibilities, the performance of their duties, the conduct of investigations, the actions of other employees and the operation and administration of the Force.
- 8.2** Members who are under investigation, arrested, charged, or convicted for a breach of any Canadian or foreign law report this fact to a supervisor as soon as feasible.
- 8.3** Members, unless exempted by the Commissioner, take appropriate action if the conduct of another member contravenes this Code and report the contravention as soon as feasible.

- appropriées afin de prêter assistance à toute personne exposée à un danger réel, imminent ou potentiel.
- 4.3** Les membres sont aptes à remplir leurs fonctions et leurs responsabilités pendant leurs heures de service et n'ont pas les facultés affaiblies par la drogue, l'alcool ou une autre substance.
- 4.4** Les membres rendent compte dûment des biens, de l'argent ou des documents qui leur sont confiés dans l'exercice de leurs fonctions et s'abstiennent de les altérer, de les dissimuler ou de les détruire sans excuse légitime.
- 4.5** Les membres portent leur équipement, soignent leur apparence physique et se vêtissent conformément aux exigences de la Gendarmerie.
- 4.6** Les membres utilisent les biens et le matériel fournis par l'État seulement pour les fins et les activités autorisées.
- 5** EMPLOI DE LA FORCE
- 5.1** Les membres emploient seulement la force raisonnablement nécessaire selon les circonstances.
- 6** CONFLIT D'INTÉRÊTS
- 6.1** Les membres évitent tout conflit réel, apparent ou potentiel entre leurs responsabilités professionnelles et leurs intérêts personnels.
- 7** CONDUITE DÉSHONORANTE
- 7.1** Les membres se comportent de manière à éviter de jeter le discrédit sur la Gendarmerie.
- 8** SIGNALEMENT
- 8.1** Les membres rendent compte en temps opportun, de manière exacte et détaillée, de l'exécution de leurs responsabilités, de l'exercice de leurs fonctions, du déroulement d'enquêtes, des agissements des autres employés et de l'administration et du fonctionnement de la Gendarmerie.
- 8.2** Les membres qui font l'objet d'une enquête ou qui ont été arrêtés, accusés ou condamnés à la suite de la violation d'une loi canadienne ou étrangère le signalent à un superviseur dans les meilleurs délais.
- 8.3** Sauf si le commissaire les exempte de l'obligation de le faire, les membres prennent des mesures appropriées dans le cas où la conduite d'un membre contrevient au code et signalent la contravention dans les meilleurs délais.

9 CONFIDENTIALITY AND PUBLIC STATEMENT

9.1 Members access, use and disclose information obtained in their capacity as members only in the proper course of their duties and abide by all oaths by which they are bound as members.

9.2 Members abide by their duty of loyalty and refrain from making public statements criticizing the Government of Canada or the operations or administration of the Force, except where authorized by law.

10 POLITICAL ACTIVITY

10.1 Members engaging in political activities abide by any applicable rules and government and Force policies.

9 CONFIDENTIALITÉ ET DÉCLARATIONS PUBLIQUES

9.1 Les membres accèdent aux renseignements qu'ils obtiennent à ce titre, les utilisent et les communiquent uniquement aux fins de l'exercice de leurs fonctions et respectent tous les serments auxquels ils sont assujettis en tant que membres.

9.2 Les membres s'acquittent de leur devoir de loyauté et s'abstiennent de faire des déclarations publiques critiquant le gouvernement fédéral ou l'administration ou le fonctionnement de la Gendarmerie, à moins d'y être autorisés par la loi.

10 ACTIVITÉS POLITIQUES

10.1 Les membres qui participent à des activités politiques se conforment aux règles ainsi qu'aux politiques pertinentes du gouvernement et de la Gendarmerie.

About the RCMP in Nova Scotia

As Nova Scotia's provincial police force, we're dedicated to serving and protecting Nova Scotians. We provide federal, provincial and municipal policing to the province through 53 detachments and more than 1,500 employees.



Communities are the focus of everything we do

We're committed to reducing the number of serious injuries and fatalities on our roadways, and making our roads some of the safest in Canada.

Our plain clothes police officers conduct investigations to target and disrupt organized crime groups that traffic drugs, contraband and guns.

On a daily basis, our officers work to keep Nova Scotia communities safe.

Connect with us on social media

To stay up to date with how we're working to keep Nova Scotians safe:

- Follow us on Twitter: [@RCMPNS](https://twitter.com/RCMPNS) (<https://twitter.com/RCMPNS>)
- Like us on Facebook: [RCMP in Nova Scotia](https://www.facebook.com/rcmpns/) (<https://www.facebook.com/rcmpns/>)

You'll be among the first to know about public safety issues, such as missing people and road closures.

History of the RCMP in Nova Scotia

On February 1, 1920, the RCMP absorbed the existing Dominion Police. It became responsible for federal law enforcement across the country.

The early days

Until 1932, the RCMP was responsible only for federal policing in Nova Scotia. It had 37 members, 25 of whom policed the military instalments in Halifax. The majority of the RCMP's work centred around enforcing customs, excise, fisheries and immigration laws. A number of high profile bootlegger cases demonstrated the RCMP was a capable police service.

Big changes during the Great Depression

In response to the economic pressure of the Great Depression, Nova Scotia contracted the RCMP for provincial policing on April 1, 1932.

About 125 members of former provincial police forces swore the RCMP oath on that day.



Becoming H Division

In 1933, Nova Scotia was christened H Division. Given the history of the Force in the province and its efforts to prevent the smuggling of hard liquor, the Division was soon nicknamed "Hard Stuff H". Its members would prove themselves worthy of the nickname.

Today's RCMP in Nova Scotia

The RCMP presence in Nova Scotia has continued to expand until present day. Now, H Division has 53 detachments and worksites across the province. A state-of-the-art headquarters opened in Dartmouth in 2013 to serve as a hub of operations. It allows personnel to be deployed anywhere in the province to support an unfolding event or incident.

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