THE JURISDICTIONS

Canada is a self-governing dominion of the British Commonwealth. Its basic constitutional instrument is the Canada Act 1982, a statute, passed by the British Parliament, amending the Constitution Act 1867; the contemporaneous Constitution Act 1982 added a Charter of Rights and Freedoms to the Canadian Constitution and gave Canada the power to amend its Constitution in the future, without recourse to the British Parliament. (Constitutions of Canada; Federal and Provincial (Oceana) conveniently collects these documents.) The Crown is represented by an appointed Governor-General, who in turn appoints members of the Senate, the upper house of the federal parliament. The lower house, the House of Commons, is popularly elected; the prime minister, leader of the majority party in that house, is effectively the head of government. Canada is divided into ten provinces (each with its own legislature and judiciary) and three territories (which include those areas not organized as provinces). You can read more about Canada’s legislative process here.

The allocation of power: Canada has a federal government, and provincial governments analogous to U.S. states. The allocation of power between the federal and local governments is, however, very different from that in the United States. Under the Canadian Constitution Acts, the federal parliament has national powers, while the provinces are restricted to "matters of a merely local or private nature in the province"; in other words, the federal government has general, retained powers, the provincial only delegated and local powers. Criminal law, for example, is federal not provincial in nature, and both federal and provincial judges are appointed by the Governor-General.

THE COURT SYSTEMS

Federal

- **Supreme Court of Canada**: Has general appellate jurisdiction, in civil and criminal matters, from both federal and provincial courts. (Appeals to the British Privy Council were abolished in 1949.) Official judgments: Supreme Court Reports (1876-).

- **Federal Court** (formerly Exchequer Court): Organized into a Trial Division and an Appeal Division, it has, generally, jurisdiction over cases involving the Crown, some jurisdiction concurrent with superior provincial courts, and appellate jurisdiction over federal regulatory agencies. Official reports: Federal Court Reports (1971-); Exchequer Court Reports (1875-1971).
Provincial: Each province has an appellate court, a superior trial court, and local courts; the names of these courts and their organization vary. For example, Ontario has an "Ontario Court of Justice" organized in two divisions: a General Division with civil jurisdiction, and a Provincial Division with criminal jurisdiction. Appellate courts include an intermediate "Divisional Court" (a branch of the General Division) and the Court of Appeal for Ontario. Each province has its own series of court reports (such as the Ontario Reports); in addition, the general Dominion Law Reports prints many federal and provincial opinions, as do specialized reports, such as Canadian Criminal Cases.

HOW TO FIND CANADIAN STATUTES

Federal:

- **Revised Statutes of Canada:** Issued every 15 years or so, analogous to the United States Code; prints (in both English and French) the current, amended text of all generally effective federal statutes. The most recent edition is the 1985 Revision.
  - **Arrangement and Citation:** Arranged alphabetically by numbered subject chapters. Cited by act name, revision date, chapter and section, e.g., Canada Evidence Act, R.S.C. 1985, c.C-5, sec. 3.
  - **Supplementation:** Go to the most recent annual volume of the Statutes of Canada: its "Table of Public Statutes," arranged by Revised Statutes chapter and section numbers, will cite all amendments subsequent to the most recent revision. For the current year, check the Canada Gazette, Part III, "Table of Statutes."
  - **Subject access:** Use the "English Index" volume of the 1985 Revised Statutes. For later statutes, check the noncumulative subject indexes to the annual Statutes of Canada. If you have a chapter and section number from the 1970 Revised Statutes, a "Table of Concordances" volume will translate that reference to the chapter and section in the 1985 revision.
  - The subject articles in the Canadian Encyclopedic Digest will often provide useful references to federal statutes, as will the Canadian Law Digests in the Martindale-Hubbell law directory.
Schaffer Law Library’s Guide on Canadian Legal Research

- **Citator:** Canadian Statute Citations, arranged alphabetically by name of act, notes both legislative amendments and court citations. Check bound volumes, annual cumulative supplements to those volumes, and monthly and quarterly paperback supplements.

- The **Revised Statutes** do not provide annotations to citing cases; but commercial editions of certain statutes (such as Crankshaw’s Criminal Code) do so, in a format similar to that of the U.S.C. Annotated.

**Provincial:**
Publication of provincial statutes follows the federal pattern: each province has a cumulative edition of its revised statutes, supplemented by annual statutes volumes. For example, the Revised States of Ontario 1990 is supplemented by the subsequent Annual Statutes of Ontario. Canadian Statute Citations cover provincial as well as federal legislation, and provide references to amending statutes and citing cases. For further information on provincial legislation, see M. Sinclair, *Updating Statutes and Regulations for all Canadian Jurisdictions* (1995).

**HOW TO FIND CANADIAN REGULATIONS**

The most current compilation of federal regulations (analogous to the American CFR) is the Consolidated Regulations of Canada, 1978, supplemented by statutory instruments (new regulations) printed in the weekly Canada Gazette, Part II (which provides quarterly cumulated tables showing subsequent amendments to the Consolidation). The Consolidated Regulations are generally arranged alphabetically by subject, with each regulation assigned a chapter number. The last volume of the set provides a table of contents for the entire consolidation. For new and amending regulations, as well as court citations, check Canadian Statute Citations. (CD-ROM and electronic versions of the regulations are also commercially available.)

- For provincial regulations (which are published in a variety of formats), see M. Sinclair, *Updating Statutes and Regulations for all Canadian Jurisdictions* (1995).

**HOW TO FIND CANADIAN COURT OPINIONS**

- **By name:** check Canadian Case Citations (bound volumes, with annual cumulative paperback supplements to those volumes, and monthly paperback supplements to the set). The Canadian Abridgment also has a multi-volume Consolidated Table of Cases, listing by case name opinions.
digested in that set.

- **By subject**: You must use the Canadian Abridgment, a complex monstrosity. Take these steps:
  
  - Go to the looseleaf Index Volume for references to alphabetical topics and numbered paragraphs under which cases on particular issues are summarized. If you prefer to scan the digest outline for possible topics, check the Key and Research Guide volume.
  
  - Check the appropriate bound volume and the annual cumulative paperback supplement to the volume, and the monthly Case Law Digest at the end of the set.

- The Canadian Encyclopedic Digest, a legal encyclopedia, is a good place to search for leading (mainly federal) cases. A "KEY" volume provides a table of statutes cited and a general subject index.

- **Ctator**: The Canadian Abridgment serves not only as a digest but also, in part, as a case citator: Abridgment digest paragraphs note direct case histories after cases digested; sometimes later supplements update this information under the same paragraph number. More directly useful is the Canadian Case Citations component of the Abridgment, arranged alphabetically by case names: check the appropriate bound volume, the cumulative annual paperback supplement to that volume, and the case tables in the monthly paperback supplement. At intervals the Dominion Law Reporter prints cumulative "Index--Annotations--Tables of Cases" volumes which also serve, to some extent, as a citator.

**LEXIS and WESTLAW**

Both services carry some current Canadian court opinions; in addition, LEXIS carries federal and Ontario statutes and related materials.

**INTERNET SOURCES**

- [Canadian Legal Information Institute](https://canlii.org) (CanLII)
- [Access to Justice Network: Canada](https://www.accessjustice.ca)