



Answer Key

FEDERAL LEGISLATION

1. Industrial Design Act, RSC 1985

- a) Has s 18 of the *Industrial Design Act*, RSC 1985, c I-9 been amended? If so, cite to the amending legislation, including its title.

Answer: Yes, s 18 was amended in SC 1993, c 44, s 169 (Statutes of Canada 1993, Chapter 44 at Section 169). It was amended by *An Act to Implement the North American Free Trade Agreement*, SC 1993, c 44.

Resources: **Justice Laws** <http://laws-lois.justice.gc.ca/eng/> ; **Statutes of Canada annual volumes**

Step 1	<p>Use the Department of Justice's Justice Laws website to determine whether or not s 18 of the Industrial Design Act, RSC 1985, c I-9 has been amended.</p>
	<p>Justice Laws</p> <p>Click the Table of Public Statutes and Responsible Ministers in the left hand column. This table shows the history of amendments for all current acts. Click the letter I > Navigate to the act name > Scroll to s 18. It lists one amendment: s. 18, 1993, c. 44, s. 169</p>
Step 2	<p>Determine which act is at SC 1993, c 44 by consulting the Statutes of Canada annual volumes.</p>
	<p>Justice Laws</p> <p>On the main Justice Laws website, click Annual Statutes in the left hand column. Only goes back to 2001. Will need to consult the print volume.</p> <p>Statutes of Canada 1993 volume in print</p> <p>Navigate to Chapter 44. The name of the act that amended s 18 is <u><i>An Act to Implement the North American Free Trade Agreement</i>, SC 1993, c 44.</u></p> <p><i>Note:</i> The <i>Canada Gazette, Part III</i> would also provide this information. Older volumes, including 1993, are available on the Canada Gazette Archives page at Library and Archives Canada. However, you would only be able to search 1993 generally and would then have to guess the issue. The site is also very slow. Here's the path: Choose Find an Issue > In the Title box, choose Part III (1974-1997) and enter 1993 in the Year box. The issue for 1993 SA c 44, <i>An Act to Implement the North American Free Trade Agreement</i> is found at Wednesday August 25, 1993, Vol 16, No 5a. It amends the <i>Industrial Design Act</i> at section 169.</p>

- b) Is the amending legislation in force? If so, when did it come into force? Please provide evidence that it is in force.

Answer: Yes, *An Act to Implement the North American Free Trade Agreement*, SC 1993, c 44 came into force on January 1, 1994. SI/94-1, below, supports the coming into force date.

Registration
SI/94-1 12 January, 1994

**NORTH AMERICAN FREE TRADE AGREEMENT
IMPLEMENTATION ACT**

**Order Fixing January 1, 1994 as the Date of
the Coming Into Force of the Act, except
Section 177**

P.C. 1993-2183 29 December, 1993

Whereas the Governor in Council is satisfied that the Government of the United Mexican States and the Government of the United States of America have taken satisfactory steps to implement the North American Free Trade Agreement;

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister for International Trade, pursuant to subsections 113(4) and 242(1) of An Act to implement the North American Free Trade Agreement, assented to on June 23, 1993, being chapter 44 of the Statutes of Canada, 1993, is pleased hereby to fix January 1, 1994 as the day on which that Act, including subsection 113(4) of the Customs Tariff as enacted by subsection 113(3), but not including section 177, shall come into force.

Resources: **Justice Laws** (Table of Public Statutes and Responsible Ministers) ; **Library and Archives Canada**
<http://www.collectionscanada.gc.ca/databases/canada-gazette/index-e.html> (Canada Gazette, Part II)

Step 1	<i>Use the Justice Laws website to determine when An Act to Implement the North American Free Trade Agreement, SC 1993, c 44 came into force.</i>
	Justice Laws Click the Table of Public Statutes and Responsible Ministers in the left hand column > Click the letter N > Navigate to <i>An Act to Implement the North American Free Trade Agreement – 1993, c. 44</i> > See the coming into force (CIF) details at the bottom > Entry CIF, 1993, c. 44 lists the <u>coming into force date</u> as 01.01.94 (January 1, 1994).
Step 2	<i>The above also directs to SI/94-1. This means Statutory Instrument, 1994, Number 1. Refer to the Canada Gazette, Part II for evidence of the coming into force date above.</i>
	Library and Archives Canada At the archived Canada Gazette page, click Advanced Keyword Search > Enter “North American Free Trade” (with quotations) in the Keyword , enter 1 (January) and 1994 in the date fields (as the coming into force date is January 1, 1994 and the statutory instrument would likely be around that date) > Look through the results marked as Part II (as this is the part that includes statutory instruments) > Locate <u>SI/94-1 at pg 604 of the Wednesday, January 12, 1994, Volume 128, Number 1</u> – See Answer above.

c) Which Ministry is responsible for the *Industrial Design Act*?

Answer: Ministry of Industry

Refer to the **Table of Public Statutes and Responsible Ministers** as directed in a), above. The Ministry responsible is listed under the name of the act as the Ministry of Industry.

2. Section 11(1) of the now repealed *Agriculture Stabilization Act*, RSC 1985, c A-8 dealt with duration of action. Your client has an issue that dates back to July 30, 1975.

a) On July 30, 1975, RSC 1970 was in force. Did an equivalent section to s 11(1) exist under RSC 1970?

Answer: Yes, the equivalent in RSC 1970 was s 9(1).

Resources: **Revised Statutes of Canada volumes** ; **RSC 1985 Table of Concordance** ; **RSC 1985 History and Disposal of Acts** ; **HeinOnline** <http://heinonline.org/> - need Alberta Law Libraries account and login

Step 1	<i>Find the chapter number for the RSC 1970 version of the act using the Revised Statutes of Canada volumes in print or the scanned version on HeinOnline.</i>
Option A	Revised Statutes of Canada 1970 volumes See the RSC 1970 Index volume > Locate the <i>Agriculture Stabilization Act</i> at pg 4. It refers to R.S., c. A-9, meaning the Revised Statutes of Canada at Chapter A-9.
Option B	HeinOnline Under Browse Database by Category , click Canada > Click Revised Statutes of Canada > Click Revised Statutes of Canada, 1970: Index > Scroll to the <i>Agriculture Stabilization Act</i> at pg 4. It refers to R.S., c. A-9, meaning the Revised Statutes of Canada at Chapter A-9.
Step 2	<i>Use the chapter details above to locate the RSC 1970 equivalent to RSC 1985's s 11(1). Is it the same section number?</i>
Option A	Revised Statutes of Canada, 1985 Table of Concordance See RSC c A-9 at pg 3 > Locate s 11 in the second column, under RSC 1985. It lists the <u>equivalent section number in RSC 1970 as s 9.</u> If using HeinOnline , use the instructions at Step 1, Option B, but rather than selecting the 1970 Index, select the Revised Statutes of Canada, 1985 Table of Concordance.
Option B	RSC 1985 History and Disposal of Acts See RSC c A-9 at pg 25 > Locate s 11(1) in the Revision column. It lists the <u>equivalent section number in RSC 1970 as s 9(1).</u> Also found in HeinOnline as instructed in Step 2, Option A.

b) Locate the version of that section that would have been in force on July 30, 1975.

Answer: Point-in-time versions are not available for federal legislation prior to 2002. In lieu of a point-in-time, you will need to locate and compile any amendments to s 9(1) (as s 11(1) was previously numbered) that would have been in force between the previous Revised Statutes of Canada (RSC 1970) and July 30, 1975. You will then locate the RSC 1970 version and include it in the compilation for a complete picture of how the section would have read.

In this instance, you'll find that there were no relevant amendments. As such, the version of this section as appears in RSC 1970, below, is how the subsection would have read on July 30, 1975.

Duration of action

9. (1) Action by the Board under paragraph 10()(a), (b) or (c) in relation to an agricultural commodity shall commence at such time in each year as is determined by the Board, and shall continue thereafter for a period of twelve months or, in the case of a designated

commodity, for such other period as the Governor in Council prescribes.

Resources: Statutes of Canada volumes

Step 1	<p>Locate a list of amendments from RSC 1970 through July 30, 1975, using the Table of Public Statutes from the Statutes of Canada volume that would have been published after the date you're interested in.</p>
	<p>Statutes of Canada 1974-75-76</p> <p>See the Table of Public Statutes at the back of Volume II (orange pages) > Locate the <i>Agriculture Stabilization Act</i> at pg 2245 > See Section 9 for all amendments, as follows:</p> <p style="text-align: center;">s. 9, 1974-75-76, c. 63, s. 4</p> <p>This indicates that Section 9 was amended in the Statutes of Canada 1974-75-76 volumes at Chapter 63, Section 4.</p>
Step 2	<p>Locate the amendment above.</p>
	<p>Statutes of Canada 1974-75-76</p> <p>Locate Chapter 63 at pg 1135 > Navigate to Section 4 at pg 1337 > Read the amendment. It relates to s 9(2) of the Act, not s 9(1) on duration of action. The amendment to s 9(2) is not relevant to your client's issue.</p> <p>This indicates that there were no relevant amendments between RSC 1970 and the date in question, meaning <u>s 9(1) as it read in RSC 1970, c A-9 is how the section would have read on July 30, 1975.</u></p>
Step 3	<p>Locate s 9(1) at RSC 1970.</p>
	<p>Statutes of Canada 1970</p> <p>Navigate to Chapter A-9, Section 9(1) at pg 73 for the version of the section as it read on July 30, 1975.</p>

3. What is the history of amendments to the *Migratory Birds Regulations*? Cite the regulation and provide a current copy.

Answers: *Migratory Birds Regulations*, CRC, c 1035. Below is an excerpt of the amendment history.

- s. 2, SOR/94-684, s. 11
- s. 2, "Act", SOR/99-147, s. 1
- s. 2, "bait", SOR/82-703, s. 1
- ...

Resources: **Canadian Guide to Uniform Legal Citation, 8th ed.** ; **Justice Laws** <http://laws.justice.gc.ca/eng/> ; **Canada Gazette, Part II, Consolidated Index of Statutory Instruments** <http://www.gazette.gc.ca/rp-pr/p2/ci-ic-eng.html>

Step 1	<p>Locate a current copy of the regulation along with the citation details on Justice Laws, then consult the Canadian Guide to Uniform Legal Citation for instructions on how to cite the regulation.</p>
	<p>Justice Laws</p> <p>Click Consolidated Regulations at left > Start typing <i>Migratory Birds Regulations</i> and select the regulation when it auto-populates into the search bar > At the top of the regulation see the citation details: <i>Migratory Birds Regulations</i> (C.R.C., c. 1035)</p>

Canadian Guide to Uniform Legal Citation, 8th ed (AKA the McGill Guide)

In the **Table of Contents**, see **Legislation > Regulations > Federal Regulations > See E-36 2.5.1 Federal Regulations, 2.5.1.1 Revised Regulations**. Indicates the format for Consolidated Regulations of Canada (CRC) as *Migratory Birds Regulations*, CRC, c 1035, s 4 (1978).

The s 4 in the example above is the pinpoint, which is not necessary in this case. The year is optional. As citations are assumed to be to the latest revision, the citation would be:

Migratory Birds Regulations, CRC c 1035.

Step 2

Find the history of amendments to the regulation using the Consolidated Index of Statutory Instruments (for the amendments dating up to December 31, 2016) and the Canada Gazette, Part II (for any amendments dating from January 1, 2017 to date).

Justice Laws and Canada Gazette

From the Justice Laws main page, click the **Consolidated Index of Statutory Instruments** in the left hand column (under **Resources**) to go to the index on the **Canada Gazette** page > Click **Consolidated Index of Statutory Instruments – December 31, 2016** > At left, click the current issue under *Part II: Consolidated Index, Vol. 51 (2017)* > Under *Consolidated Index of Statutory Instruments (January 1, 1955 to March 31, 2017)*, click **ARCHIVED – HTML** > Under *II – Table of Regulations, Statutory Instruments (Other than Regulations) and Other Documents Arranged by Statute*, click the letter **M** > Navigate to the *Migratory Birds Regulations*, CRC, c 1035. [This lists all of the amendments to the regulation up to March 31, 2017.](#)

- s. 2, SOR/94-684, s. 11
- s. 2, "Act", SOR/99-147, s. 1
- s. 2, "bait", SOR/82-703, s. 1
- ...

E.g.

s. 2, SOR/94-684, s. 11 means that Section 2 of the regulation was amended by SOR number 684 of 1994 at Section 11. SOR means Statutory Orders and Regulations.

Canada Gazette

At left, under **Part II: Official Regulations**, click **Vol. 151 (2017)** > Open each issue after March 31, 2017 and check for any amendments from that date to present using CTRL + F + *Migratory*.