



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 34

**An Act to amend the Act respecting
a judgment rendered in the Supreme
Court of Canada on 13 December
1979 on the language of the
legislature and the courts in Québec**

Introduction

**Introduced by
Mr Gil Rémillard
Minister of Justice**

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EXPLANATORY NOTES

This bill amends the Act respecting a judgment rendered in the Supreme Court of Canada on 13 December 1979 on the language of the legislature and the courts in Québec to extend its scope to all instruments of a legislative nature that are subject to the bilingualism requirement imposed by section 133 of the Constitution Act, 1867.

To that end, the bill allows the replacement, by general reference and without amendment, of instruments of a legislative nature the French text and English version of which were published in the Gazette officielle du Québec. Furthermore, it allows the competent authority to replace an instrument of a legislative nature, which was required to be published in French and in English and was not, with a text that reproduces the instrument in both languages, without amendment. The substituted instrument may have effect from the same date as the date provided for the instrument it replaces.

Bill 34

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The title of the Act respecting a judgment rendered in the Supreme Court of Canada on 13 December 1979 on the language of the legislature and the courts in Québec (R.S.Q., chapter J-1.1) is replaced by the following title:

“ACT RESPECTING JUDGMENTS RENDERED BY THE SUPREME COURT OF CANADA ON THE LANGUAGE OF STATUTES AND OTHER INSTRUMENTS OF A LEGISLATIVE NATURE”.

2. The preamble of the said Act is amended by adding, after the third paragraph, the following paragraph:

“Whereas the Supreme Court, in two other judgments, namely in *Procureur général de la province de Québec c. Peter Blaikie et autres* rendered on 6 April 1981 and in *Procureur général du Québec c. Albert Sinclair et autres* rendered on 27 February 1992, further defined the scope of section 133 of the Constitution Act, 1867 with respect to certain statutory instruments;”.

3. Sections 2 and 3 of the said Act are replaced by the following sections:

“2. The Government may, by one or more regulations, replace by a general reference, without amendment, all the regulations and other instruments of a legislative nature the French text and English version of which were published in the *Gazette officielle du Québec*. Each instrument to which such a regulation refers remains nevertheless an instrument of the authority empowered to adopt,

issue or publish that instrument according to the act which authorizes it.

A regulation adopted under the first paragraph is not subject to the Regulations Act (R.S.Q., chapter R-18.1). It comes into force on the day of its publication in the *Gazette officielle du Québec*, but each provision of the instruments to which it refers has effect on the same date as that provided for the corresponding provision of the replaced instruments.

“3. In the case of a regulation or other instrument of a legislative nature which was required to be published in French and in English and was not, the authority empowered to adopt, issue or publish the instrument, as the case may be, may replace the instrument with a text which reproduces it, without amendment, this time in French and in English. Once the text is published in the *Gazette officielle du Québec*, each provision of the text may have effect on the same date as that provided for the corresponding provision of the replaced instrument.

Notwithstanding any act to the contrary, no posting, notice, prior publication, approval or consultation is required.”

4. This Act comes into force on (*insert here the date of assent to this Act*).