

ASSEMBLÉE NATIONALE DU QUÉBEC

Bill 82

**An 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**

First reading

Second reading

Third reading

M. CAMILLE LAURIN

Ministre d'État au développement culturel

Bill 82

An 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

WHEREAS, on 26 August 1977, the Charter of the French language was adopted by the Assemblée nationale du Québec, and assented to;

Whereas Chapter III of the Charter enacts that French is the language of the legislature and the courts in Québec;

Whereas the Supreme Court of Canada, in a judgment rendered on 13 December 1979, in *Procureur général de la province de Québec c. Peter M. Blaikie et autres*, has declared Chapter III unconstitutional;

HER MAJESTY, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

1. The Charter of the French language, and each of the acts adopted thereafter, are replaced by their French text and English version, as published in the *Gazette officielle du Québec* or as tabled in the Assemblée nationale on 13 December 1979, as Sessional Papers, Nos. 420 to 431, and as they will be published in the *Gazette officielle du Québec*. The French text of each of these acts, together with its English version, forms a separate act, and must be cited in the same manner as the act it replaces.

Every such act and every provision of such an act has effect from the date the act or provision it replaces is deemed to have taken effect.

Such an act is not subject to Division v of the Interpretation Act, to the extent that the prescriptions of that division have already been followed in respect of the act it replaces.

2. The Government may, by one or more regulations, adopt by a general reference, without amendment, all the regulations the French text and English version of which were published in the *Gazette officielle du Québec*.

Every regulation adopted pursuant to the first paragraph comes into force on the day of its publication in the *Gazette officielle du Québec*, but each of the provisions of the regulations to which it refers is deemed to have taken effect on the same date as that provided for the corresponding provision of the replaced regulation.

Every regulation adopted by reference pursuant to the first paragraph remains a regulation of the Government or of the person or agency empowered to make that regulation, according to the provisions of the act authorizing it.

3. In the case of a regulation which has been adopted and, where applicable, approved, the text of which has not been published in French and in English, the Government, the person or the agency empowered to make the regulation may make a regulation to replace the former regulation and give effect to the latter regulation from the date provided for the regulation replaced, if the latter reproduces the former without amendment.

Every regulation adopted under the first paragraph comes into force on the day of its publication and, notwithstanding any act to the contrary, no prior publication, approval, consultation, posting or notice is required.

4. Notwithstanding the Act respecting the consolidation of the statutes and regulations, the text tabled in the Assemblée nationale on 13 December 1979, as Sessional Papers, No. 442, has force of law from 1 September 1979, under the designation, "Revised Statutes of Québec" or "Revised Statutes of Québec, 1977".

The English text of the statutes replaced by the Revised Statutes is deemed not to have been repealed by the proclamation made by order in council 2046-79.

The English text of the statutes replaced by the Revised Statutes will be repealed on the date fixed by another proclamation, to be made in accordance with section 15 of the Act respecting the consolidation of the statutes and regulations.

Until the date fixed in accordance with the third paragraph, a reference to a provision of the Revised Statutes will be considered, with respect to the English text, as also a reference to the corresponding provision of the statutes replaced by the Revised Statutes.

5. The Interpretation Act is amended by inserting, after section 40, the following section:

“40.1 In case of discrepancy between the French text and the English text, the French text prevails.”

6. The second paragraph of section 1, the second paragraph of section 2, the first paragraph of section 3 and the first paragraph of section 4 apply notwithstanding section 37 of the Charter of human rights and freedoms.

7. The sanction of this act has effect equally for the acts contemplated in section 1.

This act comes into force on the day of its sanction.