

SASKATCHEWAN PROPOSAL

Explanatory Notes

The Saskatchewan draft incorporates the following features:

1. Patriation of the Constitution of Canada.
2. A general amending formula under which constitutional changes must be approved by Parliament and by seven [eight] provinces.
3. A list of matters requiring unanimity for constitutional amendments.
4. A further list of matters which can only be altered with the consent of the province or provinces directly affected by the proposed change.
5. A Charter of Rights under which fundamental freedom, democratic rights, mobility rights and official language provisions are entrenched immediately.
6. The immediate entrenchment of legal rights and equality rights applying to the federal level, with a provision allowing for provincial opting in.
7. A constitutional commitment to provide minority language education.
8. The recognition of aboriginal rights.
9. A commitment to the principle of equalization.
10. The clarification of provincial jurisdiction over natural resources.

This proposal is advanced in the hope that the requirement of provincial consensus, as confirmed by the Supreme Court of Canada, will be met.

I. Amendment Formula

It has become apparent that the governments of Canada have virtually irreconcilable views about the essential elements of an amending formula. The common denominators seem to be the need to treat provinces equally while allowing the vital interests of the various provinces to be protected.



This formula provides that the consent of seven [eight] provinces is required for general amendments. It does not give any single province a veto. This satisfies the goal of provincial equality.

The formula also provides for a list of matters requiring unanimous consent of Parliament and the provinces. In addition, it contains a second list of matters requiring the consent of individual provinces in specified cases. These provisions satisfy the goal of protecting special provincial interests.

## II. Charter of Rights

Saskatchewan has always resisted the sweeping transfer of broad areas of social policy from the elected legislatures to the appointed courts. This is the result of an entrenched Charter of Rights. However, in the interests of compromise, Saskatchewan could accept a Charter which is more limited than that proposed by the federal government.

We have said in the past that it makes good sense to entrench democratic rights. Canadians have the right to be assured that the basic rules of democratic government cannot be easily altered by those in power.

We see the fundamental rights section as a portion of the proposed Charter that some other governments feel strongly should be entrenched even though we would favour a different approach to protecting these rights.

The official language provisions reflect one of the particular characteristics of Canada and are a vital part of the original Confederation bargain.

We have slightly modified the terms of the federal Resolution relating to Mobility Rights. These changes remove ambiguities and should lessen concern about undue infringement of provincial powers.

In respect of Legal Rights and Equality Rights we have adopted the federal government's policy of June 1978 in Bill C-60. The federal proposal at that time allowed provinces to opt in to the Charter of Rights.



Because the application of Legal Rights and Equality Rights are likely to have the greatest impact on the provinces, it is appropriate that these rights should be subject to an opt-in provision.

### III. Minority Language Education

The proposal contains a constitutional commitment by provincial governments to minority language education. The entrenchment of the principle of providing minority language education clearly enhances the commitment made by all Premiers in Montreal in 1978. And at the same time it recognizes that it is the responsibility of the provinces, not the courts, to implement this undertaking.

While Saskatchewan has always stated it could accept the federal proposal as part of "the Confederation bargain", this idea is advanced in the hope of achieving a greater consensus.

### IV. Aboriginal Rights

It is proposed that the provision contained in the Federal Resolution form part of the patriation package. It appears that the Indian and native groups of Canada are not fully satisfied with this part of the Resolution and their doubts about its meaning and effect can be understood. However the claims of Indian and native peoples will be an important subject in future constitutional discussions and refinement of this provision is to be expected.

### V. Equalization

The system of equalization payments is one of the success stories of post-war federal-provincial relations in Canada. It has grown to be one of the central features of Canadian federalism and it is appropriate that the principle of equalization be included in the constitution.



VI. Resources

The sections in the federal Resolution dealing with resources were added in recognition of their importance to Western Canada. For the Western provinces, the ability to manage and tax resources is a key part of the Confederation bargain. It is imperative, therefore, that this proposal for constitutional change include the clarification and confirmation of provincial jurisdiction over resources.

The proposed wording does not fully answer these concerns but it represents an important first step.

VII. Summary

In summary, this draft proposal attempts to incorporate the most acceptable elements of the proposals which have been actively considered: an amending formula which treats provinces equally, but protects the special or important rights of all provinces; a Charter which entrenches the particular Canadian confederation bargain, as well as those rights of a democratic and fundamental nature, but leaves open other rights for appropriate provincial legislative action -- something suggested by the federal government itself just three years ago. Finally, it draws from the federal Resolution the proposals on aboriginal rights, equalization and resources.



S 251

CANADA ACT

An act respecting the Constitution 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:

Constitution  
Act, 1981  
enacted

1. The Constitution Act, 1981 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.

Termination of  
power to  
legislate for  
Canada

2. No Act of the Parliament of the United Kingdom passed after the coming into force of the Constitution Act, 1981 under section 52 of that Act shall extend to Canada as part of its law.

French  
version

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.

Short title

4. This Act may be cited as the Canada Act.

[Schedule A to the Canada Act is the French version of that Act.]



SCHEDULE B

CONSTITUTION ACT, 1981

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 at a general election of its members.



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.

Annual sitting of legislative bodies 5. There shall be a sitting of Parliament and of each legislature at least once every twelve months.

#### Mobility Rights

Mobility of citizens 6. (1) Every citizen of Canada has the right to enter, remain in and leave Canada.

Right 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 to pursue the gaining of a livelihood in that province.

Limitation (3) The right specified in subsection (2) is 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.



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 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 who testifies 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 or ethnic origin, colour, religion, sex, age or mental or physical disability.

Official Language 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.

Proceedings  
of  
Parliament

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

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.

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.

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.



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.

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.

Communica-  
tions 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.

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.



Enforcement

Enforcement  
of  
guaranteed  
rights and  
freedoms

23. (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  
administra-  
tion of  
justice to  
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

24. 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 may be acquired by the aboriginal peoples of Canada by way of land claims settlement.

Other rights  
and freedoms  
not affected  
by Charter

25. 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.



Multi-cultural heritage

26. 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

27. 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

28. Nothing in this Charter abrogates or derogates from any rights or privileges guaranteed by or under the Constitution of Canada in respect of denominational, separate or dissentient schools.

Application to territories and territorial authorities

29. 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

30. Nothing in this Charter extends the legislative powers of any body or authority.

#### Application of Charter

Application of Charter

31. (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 the expiration of the three year period that commences on the day fixed under section 52.



Citation

itation

32. This Part may be cited as the Canadian Charter of Rights and Freedoms.

PART II

MINORITY LANGUAGE EDUCATION

language of  
instruction

33. Without altering the legislative authority of the provincial legislatures, or the rights of any of them with respect to the exercise of their legislative authority, the legislatures of the provinces, together with the governments of the provinces, are committed to the principle that citizens of Canada whose first language learned and still understood is that of the English or French linguistic minority of the province in which they reside are entitled to have their children receive, where numbers so warrant, primary and secondary school instruction in that language in that province.

PART III

RIGHTS OF THE ABORIGINAL PEOPLES OF CANADA

Recognition of  
aboriginal and  
treaty rights

34 (1) The 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.

PART IV

EQUALIZATION AND REGIONAL DISPARITIES

Commitment to  
promote equal  
opportunities

35. (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;



Commitment  
respecting  
public  
services

- (b) furthering economic development to reduce disparity in opportunities; and
  - (c) providing essential public services of reasonable quality to all Canadians.
- (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.

#### PART V

##### PROCEDURE FOR AMENDING CONSTITUTION OF CANADA

General  
procedure

36. 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 resolutions of the Senate and House of Commons and resolutions of the legislative assemblies of at least seven (OR) (eight) of the provinces.

Matters  
requiring  
unanimity

37. An amendment to the Constitution of Canada in relation to any of the following matters may be made only by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by resolutions of the Senate and House of Commons and resolutions 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, at the time this provision comes into force, to be represented in the Senate;
- (c) the legislative powers, proprietary rights or any other rights or privileges of a province or of the legislature or government of a province in respect of natural resources or the assets or property belonging to a province;



- (d) the creation of a new province or any matter attendant on the creation of a new province;
- (e) any of the provisions of this Part;
- (f) any other provision in the Constitution of Canada for making an amendment to the Constitution.

Amendment of  
certain  
provisions.

38. An amendment to the Constitution of Canada in relation to:

- (a) any provision that applies, or the inclusion in the Constitution of Canada of a provision that will apply, to one or more, but not all, provinces, including, without restricting the generality of the foregoing, any such provision as contained in:
  - (i) section 133 of the Constitution Act, 1867;
  - (ii) the Alberta Act;
  - (iii) the Saskatchewan Act;
  - (iv) the Constitution Act, 1930;
  - (v) the Newfoundland Act; or
- (b) the use of the English or French language in a province; or
- (c) notwithstanding section 43
  - (i) adding a province as a province named in subsection 16(2), 17(2), 18(2), 19(2) or 20(2), or
  - (ii) otherwise providing for any or all of the rights guaranteed or obligations imposed by any of those subsections to have application in a province to the extent and under the conditions stated in the amendment,

may be made only by proclamation issued by the Governor General under the Great Seal of Canada 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  
without  
resolution  
of Senate

39. An amendment to the Constitution of Canada may be made by proclamation under section 36, 37, or 38 without a resolution of the Senate authorizing the issue of the proclamation if, within ninety days after the passage by the House of Commons of a resolution authorizing its issue, the Senate has not passed such a resolution and if, at any time after the expiration of those ninety days, the House of Commons again passes the resolution, but any period when Parliament is prorogued or dissolved shall not be counted in computing those ninety days.

initiation of  
procedures

40. (1) The procedures for amendment prescribed by section 36, 37 or 38 may be initiated by the Senate or House of Commons or by the legislative assembly of a province.

revocation of  
resolution

(2) A resolution made for the purposes of this Part may be revoked at any time before the issue of the proclamation authorized by it.

amendments by  
Parliament

41. Subject to sections 37 and 43, Parliament may exclusively make laws in relation to the amendment of the Constitution of Canada in respect of the executive government of Canada or the Senate or House of Commons.

amendments by  
provincial  
legislatures

42. Subject to sections 37 and 43, in each province the legislature may exclusively make laws in relation to the amendment of the constitution of the province.

Matters requiring  
amendment under  
general  
procedure

43. An amendment to the Constitution of Canada in relation to the following matters may be made only in accordance with the procedure prescribed by section 36:

- (a) the Canadian Charter of Rights and Freedoms;
- (b) the commitments relating to minority language education set out in Part II;
- (c) the rights of the aboriginal peoples of Canada set out in Part III;
- (d) the commitments relating to equalization and regional disparities set out in Part IV;
- (e) the powers of the Senate;
- (f) the number of members by which a province is entitled to be represented in the Senate;



(g) the method of selecting Senators and the residence qualification of Senators; and

(h) the principles of proportionate representation of the provinces in the House of Commons prescribed by the Constitution of Canada.

Limitation on  
use of  
amendment  
procedure

44. (1) The procedures prescribed by section 36, 37 or 38 do not apply to an amendment to the Constitution of Canada where there is another provision in the Constitution for making the amendment, but the procedures prescribed by section 37 shall, nevertheless, be used to amend any provision for amending the Constitution, including this section.

Idem

(2) The procedures prescribed by section 36 or 37 do not apply in respect of an amendment referred to in section 38.

Idem

(3) The procedures prescribed in section 36 or 38 do not apply in respect of an amendment referred to in section 37.

#### PART VI

##### AMENDMENT TO THE CONSTITUTION ACT, 1867

Amendment to  
Constitution  
Act, 1867

45. The Constitution Act, 1867 (formerly named the British North America Act, 1867) is amended by adding thereto, immediately after section 92 thereof, the following heading and section:

##### "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 makes 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 resources 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 price 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 province had immediately before the coming into force of this section."

Idem

46. The said Act is further amended by adding thereto the following Schedule:

"THE SIXTH SCHEDULE

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 upgraded 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."



PART VII

GENERAL

Primacy  
of Constitution  
of Canada

47. (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
- (a) The Canada Act;
  - (b) The Acts and orders referred to in Schedule I; 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

48. (1) The enactments referred to in Column I of Schedule I 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, that refers to an enactment referred to in Schedule I 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 Schedule I may be cited as the Constitution Act followed by the year and number, if any, of its enactment.



French  
version of  
Constitution  
of Canada

49. A French version of the portions of the Constitution of Canada referred to in Schedule I 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.

English and  
French  
versions  
of certain  
constitutional  
texts

50. 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 49, the English and French version of that portion of the Constitution are equally authoritative.

English and  
French  
versions of  
this Act

51. The English and French versions of this Act are equally authoritative.

Commence-  
ment

52. Subject to sections 53 and 54, this Act shall come into force on a day to be fixed by proclamation issued by the Governor General under the Great Seal of Canada.

Application of  
certain  
provisions  
of Charter to  
a province

53. (1) The whole of the following provisions of the Canadian Charter of Rights and Freedoms, that is to say sections 7 to 14 and subsection 23(2), shall come into force in and for a province and apply in accordance with section 31 to the legislature and government of the province on a day to be fixed by proclamation issued by the Governor General under the Great Seal of Canada only when so authorized by a resolution of the legislative assembly of that province to the effect of adopting those provisions.



Non-revocation  
of resolution

(2) A resolution of the legislative assembly of a province to the effect of adopting the provisions referred to in subsection (1) under that subsection may not be revoked.

Application of  
section 15 to  
a province

54. (1) Subject to subsection (2), section 53 applies mutatis mutandis to the coming into force of section 15 in and for, and application to the legislature and government of a province.

Exception

(2) Section 15 shall not have effect, if so adopted for a province, before the expiration of the three year period that commences on the day fixed under section 52.

Short title  
and citations

55. This Schedule may be cited as the Constitution Act, 1981, and the Constitution Acts 1867 to 1975 (No. 2) and this Act may be cited together as the Constitution Acts, 1867 to 1981.



- 20 -  
SCHEDULE I

to the  
CONSTITUTION ACT, 1981  
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 Gov- ernment of the Province of Manito- ba, 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-West- ern 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. 35 (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



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SCHEDULE I

to the  
CONSTITUTION ACT, 1981—*Continued*

Item	Column I Act Affected	Column II Amendment	Column III New Name
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
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



SCHEDULE I  
to the  
CONSTITUTION ACT, 1981—Continued

Item	Column I Act Affected	Column II Amendment	Column III New Name
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



SCHEDULE I  
to the  
CONSTITUTION ACT, 1981—*Concluded*

Item	Column I Act Affected	Column II Amendment	Column III New Name
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 follow- ing substituted therefor: "3. This Part may be cited as the <i>Constitution Act, 1974</i> ."	Constitution Act, 1974
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 sub- stituted 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