

Mary Dawson
Oct. 31, 1980

Differences between French and English

Sections 8 and 9

X "right not to be"/"droit à la protection
contre"

Subsection 15(1)

"Everyone has the"/"Tous sont égaux ..."
right to equality"/

Section 20

"available" / no parallel.
(line 32)

Subsection 47(1)

The words following (a) could be
incorporated before (b) as "the
amendment is approved by". See the
French.

Subsection 48(1)

Possibly change "where directed by" to
"if authorized by".

Section 47

I prefer "set out in" to "prescribed by".

Section 50

"Queen" should be "Research".

Section 51

A comma after "but" on line 16.

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Possible Technical Changes (simple)

- Section 29 Change "have application" to "have effect".
- Sections 36 and 37 I prefer "set out in" to "prescribed by".
- Subsection 38(3) "filed" should be "deposited". See subsection 38(2).
- Subparagraphs 41(1)(b) (ii) and (iii) Instead of "at least two", perhaps "two or more" as in subsection 38(1).
- Subsection 42(1) The words following (b) could be incorporated before (a) as "the amendment is approved by". See the French.
- Subsection 42(2) Possibly change "where directed by" to "if authorized by".
- Section 47 I prefer "set out in" to "prescribed by".
- Section 50 "Queen" should be "Monarch".
- Section 51 A comma after "Act" on line 16.

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Possible Technical Problems

Section 6

- Is 6(3)(b) really subject to 6(2)?
What effect have the words "subject to" in 6(3) on the interpretation of 6(2)?
Could we substitute "do not affect" for "are subject to" in 6(3)?

NO

Paragraphs 11(f) and (g)

- Could we substitute "that person" for "he or she"?

Section 13

- "When compelled" creates time problems. Could we say instead "a witness who is compelled to testify has the right"

- Does "evidence so given" include documentary evidence? I assume not.

- What does "incriminating evidence" mean?

Subsection 15(1)

- "Everyone is equal before the law and has the right to" would read much better. The French version is drafted that way.

Section 20

- Could we substitute "the member of the public" for "he or she"?

- Will Parliament determine the bilingual areas by laws or in some other way? Compare with 40(1) where laws relating to referenda are expressly contemplated.

Section 25

- Are there problems in relation to amendments to the Charter or other parts of the Constitution?

Section 31

- Should the introductory words of 31(1) also modify 31(2)? If so, they could be added in 31(2) or taken out of 31(1) and made general in a 31(3).

Section 36

- Should there be a direct reference to section 33 in connection with the Charter since the Charter would apply to all Provinces?

Subsection 38(3)

- Is the "government of Canada" rather than the Governor General the appropriate entity here?