

SCHEDULE B
CONSTITUTION ACT, 1980

PART I

CANADIAN CHARTER OF RIGHTS
AND FREEDOMS

*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 are demonstrably justifiable 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 information;
- (c) freedom of peaceful assembly; and
- (d) freedom of association.

Democratic Rights

Democratic
rights of
citizens

3. Every citizen of Canada has, without unreasonable distinction or limitation, 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.

Duration
of elected
legisla-
tive
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.

Continua-
tion in
special
circums-
tances

(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 legis-
lative
bodies

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

Mobility Rights

Rights of
citizens
to move

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

SCHEDULE B
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PART I

CANADIAN CHARTER OF RIGHTS AND
FREEDOMS

Guarantee of Rights and Freedoms

1. The *Canadian Charter of Rights and Freedoms* guarantees the rights and freedoms set out in it subject only to such reasonable limits as are generally accepted in a free and democratic society with a parliamentary system of government.

Fundamental Freedoms

2. Everyone has the following fundamen-
tal freedoms:

- (a) freedom of conscience and religion;
- (b) freedom of thought, belief, opinio
and expression, including freedom of th
press and other media of information; and
- (c) freedom of peaceful assembly and o
association.

Democratic Rights

3. Every citizen of Canada has, without
unreasonable distinction or limitation, 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.

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.

(2) In time of real or apprehended war,
invasion or insurrection, a House of Com-
mons may be continued by Parliament and a
legislative assembly may be continued by the
legislature beyond five years if such con-
tinuation 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.

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

Mobility Rights

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

rights 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

(b) to pursue the gaining of a livelihood in any province.

Limitation (3) The rights specified in subsection (2) are 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 and seizure 8. Everyone has the right to be secure against unreasonable search and 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 promptly 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. Anyone charged with an offence has the right

(a) to be informed promptly of the specific offence;

(b) to be tried within a reasonable time;

(c) not to be compelled to testify against oneself in proceedings in respect of the charge;

(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;

Rights 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

(b) to pursue the gaining of a livelihood in any province.

Limitation

(3) The rights specified in subsection (2) are 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 not to be subjected to search or seizure except on grounds, and in accordance with procedures, established by law.

Detention or imprisonment

9. Everyone has the right not to be detained or imprisoned except on grounds, and in accordance with procedures, established by law.

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

(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. Anyone charged with an offence has the right

(a) to be informed promptly of the specific offence;

(b) to be tried within a reasonable time;

(c) to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal;

(d) not to be denied reasonable bail except on grounds, and in accordance with procedures, established by law;

(f) except in the case of an offence under military law, to the benefit of trial by jury where the maximum punishment for the offence of which the person has been charged is imprisonment for five years or a more severe punishment;

(g) not to be found guilty on account of any act or omission that at the time of the act or omission did not constitute an offence under Canadian or international law;

(h) not to be tried or punished more than once for an offence of which the person has, in Canada, been finally convicted or acquitted; and

(i) to the benefit of the lesser punishment where the punishment for an offence of which the person has been convicted has been varied between the time of commission and the time of sentencing.

(e) not to be found guilty on account of any act or omission that at the time of the act or omission did not constitute an offence;

(f) not to be tried or punished more than once for an offence of which he or she has been finally convicted or acquitted; and

(g) to the benefit of the lesser punishment where the punishment for an offence of which he or she has been convicted has been varied between the time of commission and the time of sentencing.

Treatment or punishment 12. Everyone has the right not to be subjected to any cruel and unusual treatment or 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 against the witness that in any other proceedings, except a prosecution for perjury or for the giving of contradictory evidence.

Self-crimination

13. A witness has the right when compelled to testify not to have any incriminating evidence so given used to incriminate him or her in any other proceedings, except a prosecution for perjury or for the giving of contradictory evidence.

Interpreter 14. A party or witness in any proceedings who does not understand or speak the language in which the proceedings are conducted has the right to the assistance of an interpreter.

Interpreter

14. A party or witness in any proceedings who does not understand or speak the language in which the proceedings are conducted has the right to the assistance of an interpreter.

Property Rights

Property rights 15. Everyone has the right to the enjoyment of property and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

Equality Rights

Equality before the law and equal protection and benefit of the law 16. (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 on the basis of sex, race, national or ethnic origin, colour, religion or age.

Equality before the law and equal protection of the law

Non-discrimination Rights

15. (1) Everyone has the right to equality before the law and to the equal protection of the law without discrimination because of race, national or ethnic origin, colour, religion, age or sex.

Affirmative action programs (2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of the disadvantaged individuals or groups including those that are disadvantaged because of sex, race, national or ethnic origin, colour, religion or age.

Affirmative action programs

(2) This section does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged persons or groups.

Official Languages of Canada

Official languages of Canada 17. (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 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 province (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.

Extension of status and use (3) Nothing in this Charter limits the authority of Parliament or a legislature to extend the status or use of English and French or either of those languages.

Extension of status and use

(2) Nothing in this Charter limits the authority of Parliament or a legislature to extend the status or use of English and French or either of those languages.

Proceedings of Parliament (1) Everyone has the right to use English or French in any debates and other proceedings of Parliament.
(2) Everyone has the right to use English or French in any debates and other proceedings of the legislature of New Brunswick.

Proceedings of Parliament

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

Parliamentary statutes and records 19. (1) The statutes, records and journals of Parliament shall be printed and published in English and French and both language versions are equally authoritative.

Parliamentary statutes and records

18. The statutes, records and journals of Parliament shall be printed and published in English and French and both language versions are equally authoritative.

Statutes and records of legislature (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 20. (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 courts established by Parliament

19. 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.

Proceed- (2) Either English or French may be
ings in used by any person in, or in any
courts pleading in or process issuing from,
any court established by the
legislature of New Brunswick.

Communic- 21. (1) Any member of the
ations public in Canada has the right to
by communicate with, and to receive
public available services from, any head or
with central office of an institution of
federal the Parliament or government of Canada
instit- in English or French, and has the
utions same right with respect to any other
office of any such institution where
there is a significant demand for,
or for any other reason it is
reasonable to require that there be,
communications with and services from
that office in both English and French.

Communic- (2) Any member of the public in
ations New Brunswick has the right to
by communicate with, and to receive
public available services from, any office
with of an institution of the legislature
provinc- or government of New Brunswick in
ial English or French.

Continu- 22. Nothing in sections 17 to
ation of 21 abrogates or derogates from any
existing right, privilege or obligation with
constitu- respect of the English and French
tional languages, or either of them, that
provis- exists or is continued by virtue
ions of any other provision of the
Constitution of Canada.

Rights 23. Nothing in sections 17
and to 21 abrogates or derogates from any
privi- legal or customary right or privilege
leges acquired or enjoyed either before or
preserved after the coming into force of this
Charter with respect to any language
that is not English or French.

Minority Language Educational Rights

Language 24. (1) Citizens of Canada
of (a) whose first language learned
instruction and still understood is that of the
English or French linguistic
minority population of the province
in which they reside, or
(b) who have received their
primary school instruction anywhere
in Canada in the language, whether
English or French, of the linguistic
minority population of the province
in which they reside,
have the right to have their children
receive primary and secondary school
instruction in that language in that
province.

Communica-
tions by public
with federal
institutions

20. 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 Parlia-
ment or government of Canada in English or
French, as he or she may choose, and has the
same right with respect to any other office of
any such institution where that office is
located within an area of Canada in which it
is determined, in such manner as may be
prescribed or authorized by Parliament, that
a substantial number of persons within the
population use that language.

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.

Minority Language Educational Rights

Language of
instruction

23. (1) Citizens of Canada whose first
language learned and still understood is that
of the English or French linguistic minority
population of the province in which they
reside have the right to have their children
receive their primary and secondary school
instruction in that minority language if they
reside in an area of the province in which the
number of children of such citizens is suffi-
cient to warrant the provision out of public
funds of minority language educational
facilities in that area.

Continuity of language instruction (2) Citizens of Canada of whom one child has received primary or secondary school instruction in English or French in Canada, have the right to have all their children receive primary and secondary school instruction in the same language.

Continuity of language of instruction

(2) Where a citizen of Canada changes residence from one province to another and, prior to the change, any child of that citizen has been receiving his or her primary or secondary school instruction in either English or French, that citizen has the right to have any or all of his or her children receive their primary and secondary school instruction in that same language if the number of children of citizens resident in the area of the province to which the citizen has moved, who have a right recognized by this section, is sufficient to warrant the provision out of public funds of minority language educational facilities in that area.

Limitation on right (3) The right of citizens of Canada under this section to have their children receive primary and secondary school instruction in the language of the English or French linguistic minority population of a province applies where the number of children of citizens who have such a right is sufficient to warrant the provision out of public funds of minority language instruction.

Undeclared Rights and Freedoms

Undeclared rights and freedoms 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, including any rights or freedoms that pertain to the native peoples of Canada.

Undeclared rights and freedoms

24. 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, including any rights or freedoms that pertain to the native peoples of Canada.

General

Enforcement of declared rights and freedoms 26. Where no other effective remedy is provided for by law, anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied has the right to apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.

Primacy of Charter

25. Any law that is inconsistent with the provisions of this Charter is, to the extent of such inconsistency, inoperative and of no force or effect.

Interpretation of Charter 27. This Charter shall be interpreted in a manner consistent with the object of promoting the preservation and enhancement of the diverse cultural heritages of Canadians.

Laws respecting evidence

26. No provision of this Charter, other than section 13, affects the laws respecting the admissibility of evidence in any proceedings or the authority of Parliament or a legislature to make laws in relation thereto.

Application to territorial authorities 28. 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.

Application to territories and territorial authorities

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

Legislative powers not extended

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

Application of Charter

Application of Charter

30. (1) This Charter applies (a) to the Parliament and government of Canada and to 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 and to all matters within the authority of the legislature of each province.

Exception

(2) Notwithstanding subsection (1), section 16 shall not have application until three years after this Act, except Part V, comes into force.

Citation

Citation

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

PART II

EQUALIZATION AND REGIONAL DISPARITIES

Commitment to promote equal opportunities

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

Commitment respecting essential public services

(2) Parliament and the government of Canada are committed to taking such measures as are appropriate to ensure that provinces are able to provide the essential public services referred to in paragraph (1)(c) without imposing an undue burden of provincial taxation.

PART III

CONSTITUTIONAL CONFERENCES

Constitutional conferences

33. Until Part V comes into force, a constitutional conference composed of the Prime Minister of Canada and the first ministers of the provinces shall be convened by the Prime Minister of Canada at least once in every year unless, in any year, a majority of those composing the conference decide that it shall not be held.

Application of Charter

Application of Charter

29. (1) This Charter applies

(a) to the Parliament and government of Canada and to 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 and to all matters within the authority of the legislature of each province.

Exception

(2) Notwithstanding subsection (1), section 15 shall not have application until three years after this Act, except Part V, comes into force.

Citation

Citation

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

PART II

EQUALIZATION AND REGIONAL DISPARITIES

Commitment to promote equal opportunities

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

Commitment respecting essential public services

(2) Parliament and the government of Canada are committed to taking such measures as are appropriate to ensure that provinces are able to provide the essential public services referred to in paragraph (1)(c) without imposing an undue burden of provincial taxation.

PART III

CONSTITUTIONAL CONFERENCES

Constitutional conferences

32. Until Part V comes into force, a constitutional conference composed of the Prime Minister of Canada and the first ministers of the provinces shall be convened by the Prime Minister of Canada at least once in every year unless, in any year, a majority of those composing the conference decide that it shall not be held.

PART IV

INTERIM AMENDING PROCEDURE
AND RULES FOR ITS REPLACEMENT

Interim
proce- 34. Until Part V comes into
dure of Canada may be made by proclamation
for issued by the Governor General under
amending the Great Seal of Canada where so
Consti- authorized by resolutions of the
tution Senate and House of Commons and by
of the legislative assembly or government
Canada of each province.

Amendment 35. Until Part V comes into force,
of an amendment to the Constitution of
provis- Canada in relation to any provision
ions that applies to one or more, but not
relating all, provinces may be made by
to some proclamation issued by the Governor
but not General under the Great Seal of
all Canada where so authorized by
provin- resolutions of the Senate and
ces House of Commons and by the legislative
assembly or government of each
province to which the amendment
applies.

Rules 36. (1) The procedures for
applic- amendment described in sections 34
able to and 35 may be initiated either by
amend- the Senate or House of Commons or
ment by the legislative assembly or
proce- government of a province.

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

Limit- 37. Sections 34 and 35 do not
ation apply to an amendment to the
on use Constitution of Canada where there
of is another provision in the
interim Constitution for making the amendment,
amend- but the procedure prescribed by
ing section 34 shall be used to amend
proce- the *Canadian Charter of Rights and*
dure *Freedoms* and any provision for
amending the Constitution, including
this section, and may be used in
making a general consolidation
and revision of the Constitution.

Coming 38. Part V shall come into
into force
force of (a) with or without amendment, on
Part V such day as may be fixed by
proclamation issued pursuant to
the procedure prescribed by
section 34, or
(b) on the day that is two years
after the day this Act, except
Part V, comes into force,
whichever is the earlier day but, if
a referendum is required to be held
under subsection 39(3), Part V shall
come into force as provided in
section 40.

PART IV

INTERIM AMENDING PROCEDURE AND
RULES FOR ITS REPLACEMENT

33. Until Part V comes into force, 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 by
the legislative assembly or government of
each province.

34. Until Part V comes into force, an
amendment to the Constitution of Canada in
relation to any provision that applies to one
or more, but not all, provinces 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 by the
legislative assembly or government of each
province to which the amendment applies.

35. (1) The procedures for amendment
described in sections 33 and 34 may be ini-
tiated either by the Senate or House of Com-
mons or by the legislative assembly or gov-
ernment of a province.

(2) A resolution made or other authoriza-
tion given for the purposes of this Part may
be revoked at any time before the issue of a
proclamation authorized by it.

36. Sections 33 and 34 do not apply to an
amendment to the Constitution of Canada
where there is another provision in the Con-
stitution for making the amendment, but the
procedure prescribed by section 33 shall be
used to amend the *Canadian Charter of*
Rights and Freedoms and any provision for
amending the Constitution, including this
section, and may be used in making a general
consolidation and revision of the Constitu-
tion.

37. Part V shall come into force
(a) with or without amendment, on such
day as may be fixed by proclamation
issued pursuant to the procedure pre-
scribed by section 33, or
(b) on the day that is two years after the
day this Act, except Part V, comes into
force,
whichever is the earlier day but, if a referen-
dum is required to be held under subsection
38(3), Part V shall come into force as pro-
vided in section 39.

Interim
procedure for
amending
Constitution of
Canada

Amendment of
provisions
relating to some
but not all
provinces

Rules
applicable to
amendment
procedures

Idem

Limitation on
use of interim
amending
procedure

Coming into
force of Part V

Provincial alternative procedure 39. (1) The legislative assemblies or governments of eight or more provinces that have, according to the then latest general census, combined populations of at least eighty per cent of the population of all the provinces may make a single proposal to substitute for paragraph 42(1)(b) such alternative as they consider appropriate.

Provincial alternative procedure

38. (1) The governments or legislative assemblies of eight or more provinces that have, according to the then latest general census, combined populations of at least eighty per cent of the population of all the provinces may make a single proposal to substitute for paragraph 41(1)(b) such alternative as they consider appropriate.

Procedure for perfecting alternative (2) One copy of an alternative proposed under subsection (1) may be deposited with the Chief Electoral Officer of Canada by each proposing province within two years after this Act, except Part V, comes into force but, prior to the expiration of that period, any province that has deposited a copy may withdraw that copy.

Procedure for perfecting alternative

(2) One copy of an alternative proposed under subsection (1) may be deposited with the Chief Electoral Officer of Canada by each proposing province within two years after this Act, except Part V, comes into force but, prior to the expiration of that period, any province that has deposited a copy may withdraw that copy.

Referendum (3) Where copies of an alternative have been deposited as provided by subsection (2) and, on the day that is two years after this Act, except Part V, comes into force, at least eight copies remain deposited by provinces that have, according to the then latest general census, combined populations of at least eighty per cent of the population of all the provinces, the government of Canada shall cause a referendum to be held within two years after that day to determine whether

Referendum

(3) Where copies of an alternative have been filed as provided by subsection (2) and, on the day that is two years after this Act, except Part V, comes into force, at least eight copies remain filed by provinces that have, according to the then latest general census, combined populations of at least eighty per cent of the population of all the provinces, the government of Canada shall cause a referendum to be held within two years after that day to determine whether

- (a) paragraph 42(1)(b) or any alternative thereto approved by the Parliament or government of Canada and deposited with the Chief Electoral Officer at least ninety days prior to the day on which the referendum is held, or
- (b) the alternative proposed by the provinces, shall be adopted.

- (a) paragraph 41(1)(b) or any alternative thereto proposed by the government of Canada by depositing a copy thereof with the Chief Electoral Officer at least ninety days prior to the day on which the referendum is held, or
- (b) the alternative proposed by the provinces, shall be adopted.

Coming into force of Part V where Referendum held 40. Where a referendum is held under subsection 39(3), a proclamation under the Great Seal of Canada shall be issued within six months after the date of the referendum bringing Part V into force with such modifications, if any, as are necessary to incorporate the proposal approved by a majority of the persons voting at the referendum and with such other changes as are reasonably consequential on the incorporation of that proposal.

Coming into force of Part V where referendum held

39. Where a referendum is held under subsection 38(3), a proclamation under the Great Seal of Canada shall be issued within six months after the date of the referendum bringing Part V into force with such modifications, if any, as are necessary to incorporate the proposal approved by a majority of the persons voting at the referendum and with such other changes as are reasonably consequential on the incorporation of that proposal.

Right to vote 41. (1) Every citizen of Canada has, without unreasonable distinction or limitation, the right to vote in a referendum held under subsection 39(3).

Establishment of a Referendum Rules Commission (2) If a referendum is required to be held under subsection 39(3), a Referendum Rules Commission shall forthwith be established consisting of

- (a) the Chief Electoral Officer of Canada, who shall be chairman of the Commission;
- (b) a person appointed by the Governor General in Council; and
- (c) a person appointed by the Governor General in Council
 - (i) on the recommendation of the governments of a majority of provinces, or
 - (ii) if the governments of a majority of provinces do not recommend a candidate within thirty days after the Chief Electoral Officer of Canada requests such a recommendation, on the recommendation of the Chief Justice of Canada from among persons recommended by the governments of the provinces within thirty days after the expiration of the first mentioned thirty day period or, if none are so recommended, from among such persons as the Chief Justice considers fit.

Duty of Commission (3) A Referendum Rules Commission shall, within sixty days after it is established, by majority decision recommend to Parliament rules for the holding of a referendum under subsection 39(3).

Rules for referendum (4) Subject to subsection (1) and upon consideration of any recommendations made by a Referendum Rules Commission in accordance with subsection (3), Parliament may enact laws respecting the rules applicable to the holding of a referendum under subsection 39(3).

PART V

PROCEDURE FOR AMENDING CONSTITUTION OF CANADA

General procedure for amending Constitution of Canada 42. (1) 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

- (a) resolutions of the Senate and House of Commons; and

Rules for referendum

40. (1) Subject to subsection (2), Parliament may make laws respecting the rules applicable to the holding of a referendum under subsection 38(3).

Right to vote

(2) Every citizen of Canada has, without unreasonable distinction or limitation, the right to vote in a referendum held under subsection 38(3).

PART V

PROCEDURE FOR AMENDING CONSTITUTION OF CANADA

General procedure for amending Constitution of Canada

41. (1) 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

- (a) resolutions of the Senate and House of Commons; and

- (b) resolutions of the legislative assemblies of at least a majority of the provinces that includes
- (i) every province that at any time before the issue of the proclamation had, according to any previous general census, a population of at least twenty-five per cent of the population of Canada,
 - (ii) two or more Atlantic provinces, and
 - (iii) two or more Western provinces that have in the aggregate, according to the then latest general census, a combined population of at least fifty per cent of the population of all the Western provinces.

Definitions (2) In this Part,
 "Atlantic provinces" means the provinces of Nova Scotia, New Brunswick, Prince Edward Island and Newfoundland;
 "region" "region" means
 (i) every province that at any time had, according to any previous general census, a population of at least twenty-five per cent of the population of Canada,
 (ii) the Atlantic provinces, and
 (iii) the Western provinces;
 "Western provinces" means the provinces of Manitoba, British Columbia, Saskatchewan and Alberta.

Definitions

"Atlantic provinces"

"Western provinces"

Amendment 43. (1) 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 a referendum held throughout Canada under subsection (2) at which the making of the amendment has been approved by

- (a) a majority of persons voting thereat, and
- (b) a majority of persons voting thereat in each region including a majority of persons voting thereat in
 - (i) two or more of the Atlantic provinces, and
 - (ii) two or more Western provinces that have in the aggregate, according to the then latest general census, a combined population of at least fifty per cent of the population of all the Western provinces.

Amendment authorized by referendum

- (b) resolutions of the legislative assemblies of at least a majority of the provinces that includes

- (i) every province that at any time before the issue of the proclamation had, according to any previous general census, a population of at least twenty-five per cent of the population of Canada,
- (ii) at least two of the Atlantic provinces that have, according to the then latest general census, combined populations of at least fifty per cent of the population of all the Atlantic provinces, and
- (iii) at least two of the Western provinces that have, according to the then latest general census, combined populations of at least fifty per cent of the population of all the Western provinces.

(2) In this section,

"Atlantic provinces" means the provinces of Nova Scotia, New Brunswick, Prince Edward Island and Newfoundland;
 "Western provinces" means the provinces of Manitoba, British Columbia, Saskatchewan and Alberta.

42. (1) 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 a referendum held throughout Canada under subsection (2) at which

- (a) a majority of persons voting thereat, and
- (b) a majority of persons voting thereat in each of the provinces, resolutions of the legislative assemblies of which would be sufficient, together with resolutions of the Senate and House of Commons, to authorize the issue of a proclamation under subsection 41(1),

have approved the making of the amendment.

Authorization of referendum (2) A referendum referred to in subsection (1) shall be held where directed by proclamation issued by the Governor General under the Great Seal of Canada, which proclamation may be issued where

Authorization of referendum

(2) A referendum referred to in subsection (1) shall be held where directed by proclamation issued by the Governor General under the Great Seal of Canada authorized by resolutions of the Senate and House of Commons.

	<p>(a) an amendment to the Constitution of Canada has been authorized under paragraph 42(1)(a) by resolutions of the Senate and House of Commons;</p> <p>(b) the requirements of paragraph 42(1)(b) in respect of the proposed amendment have not been satisfied within twelve months after the passage of the resolutions of the Senate and House of Commons; and</p> <p>(c) the issue of the proclamation has been authorized by the Governor General in Council.</p>		
Time limit for referendum	(3) A proclamation issued under subsection (2) in respect of a referendum shall provide for the referendum to be held within two years after the expiration of the twelve month period referred to in paragraph (b) of that subsection.		
Amendment of provisions relating to some but not all provinces	44. An amendment to the Constitution of Canada in relation to any provision that applies to one or more, but not all, provinces 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 of the legislative assembly of each province to which the amendment applies.	Amendment of provisions relating to some but not all provinces	43. An amendment to the Constitution of Canada in relation to any provision that applies to one or more, but not all, provinces 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 of the legislative assembly of each province to which the amendment applies.
Amendments without Senate resolution	45. (1) An amendment to the Constitution of Canada, <u>other than an amendment in relation to a matter referred to in subsection 52(1)</u> , may, be made by proclamation under subsection 42(1) or section 44 as appropriate, 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.	Amendments without Senate resolution	44. An amendment to the Constitution of Canada may be made by proclamation under subsection 41(1) or section 43 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.
Computation of period	(2) Any period when Parliament is prorogued or dissolved shall not be counted in computing the ninety day period referred to in subsection (1).		
Rules applicable to amendment procedures	46. (1) The procedures for amendment described in subsection 42(1) and section 44 may be initiated either by the Senate or House of Commons or by the legislative assembly of a province.	Rules applicable to amendment procedures	45. (1) The procedures for amendment described in subsection 41(1) and section 43 may be initiated either by the Senate or House of Commons or by the legislative assembly of a province.

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

Right to vote 47. (1) Every citizen of Canada has, without unreasonable distinction or limitation, the right to vote in a referendum held under section 43.

Establishment of Referendum Rules Commission (2) Where a referendum is to be held under section 43, a Referendum Rules Commission shall forthwith be established consisting of

Commission (a) the Chief Electoral Officer of Canada, who shall be chairman of the Commission;

(b) a person appointed by the Governor General in Council; and

(c) a person appointed by the Governor General in Council

(i) on the recommendation of the governments of a majority of provinces, or

(ii) if the governments of a majority of provinces do not recommend a candidate within thirty days after the Chief Electoral Officer of Canada requests such a recommendation, on the recommendation of the Chief Justice of Canada from among persons recommended by the governments of the provinces within thirty days after the expiration of the first mentioned thirty day period or, if none are so recommended, from among such persons as the Chief Justice considers fit.

Duty of Commission (3) A Referendum Rules Commission shall, within sixty days after it is established, by majority decision recommend to Parliament rules for the holding of a referendum under section 43.

Rules for referendum (4) Subject to subsection (1) and upon consideration of any recommendations made by a Referendum Rules Commission in accordance with subsection (3), Parliament may enact laws respecting the rules applicable to the holding of a referendum under section 43.

Limitation on use of general amending procedure 48. (1) The procedures prescribed by section 42, 43 or 44 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 42 or 43 shall, nevertheless, be used to amend any provision for amending the Constitution.

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

Rules for referendum 46. (1) Subject to subsection (2), Parliament may make laws respecting the rules applicable to the holding of a referendum under section 42.

Right to vote (2) Every citizen of Canada has, without unreasonable distinction or limitation, the right to vote in a referendum held under section 42.

22. All amendments of the Constitution of Canada in relation to the following matters may be made only in accordance with the procedures prescribed by section 41 or 42:

(a) the office of the Queen, the Governor General and the Lieutenant Governor of a province;

(b) the Canadian Charter of Rights and Freedoms;

(c) the composition relating to equality of the Senate and representation in the Senate;

(d) the powers of the Senate;

(e) the number of members by which a province is entitled to be represented in the Senate and the residence qualifications of Senators;

(f) the number of a province in a number of members in the House of Commons, or the effect the number of Senators representing the province; and

(g) the principles of provincial representation of the provinces in the House of Commons provided by the Constitution of Canada.

Limitation on use of general amending formula 47. The procedures prescribed by section 41, 42 or 43 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 41 or 42 shall nevertheless be used to amend any provision for amending the Constitution, including this section, and section 41 may be used in making a general consolidation or revision of the Constitution.

Idem (2) The procedures prescribed by section 42 or 43 do not apply in respect of an amendment referred to in section 44.

Amend- 49. Subject to section 51, ments by Parliament may exclusively make laws amending the Constitution of Canada in relation to the executive government of Canada or the Senate or House of Commons.

Amendments by Parliament

48. Subject to section 50, Parliament may exclusively make laws amending the Constitution of Canada in relation to the executive government of Canada or the Senate or House of Commons.

Amend- 50. Subject to section 51, ments by the legislature of each province may exclusively make laws amending the constitution of the province.

Amendments by provincial legislatures

49. Subject to section 50, the legislature of each province may exclusively make laws amending the constitution of the province.

Matters requiring amendment under general amending procedure 51. An amendment to the Constitution of Canada in relation to the following matters may be made only in accordance with a procedure prescribed by section 42, as modified by section 45, or by section 43:

- (a) the office of the Queen, the Governor General and the Lieutenant Governor of a province;
- (b) the *Canadian Charter of Rights and Freedoms*;
- (c) the commitments relating to equalization and regional disparities set out in section 32;
- (d) the powers of the Senate;
- (e) the number of members by which a province is entitled to be represented in the Senate, the method of selecting Senators and the residence qualifications of Senators;
- (f) the right of a province to a number of members in the House of Commons not less than the number of Senators representing the province; and
- (g) the principles of proportionate representation of the provinces in the House of Commons prescribed by the Constitution of Canada.

Matters requiring amendment under general formula

50. An amendment to the Constitution of Canada in relation to the following matters may be made only in accordance with a procedure prescribed by section 41 or 42:

- (a) the office of the Queen, the Governor General and the Lieutenant Governor of a province;
- (b) the *Canadian Charter of Rights and Freedoms*;
- (c) the commitments relating to equalization and regional disparities set out in section 31;
- (d) the powers of the Senate;
- (e) the number of members by which a province is entitled to be represented in the Senate and the residence qualifications of Senators;
- (f) the right of a province to a number of members in the House of Commons not less than the number of Senators representing the province; and
- (g) the principles of proportionate representation of the provinces in the House of Commons prescribed by the Constitution of Canada.

Amendments relating to bicameral structure of Parliament 52. (1) An amendment to the Constitution of Canada in relation to the bicameral structure of Parliament may be made only in accordance with a procedure prescribed by section 42 or by subsection (2) of this section.

Proce- (2) An amendment to the Constitution of Canada in relation to the bicameral structure of Parliament may be made by proclamation issued by the Governor General under the Great Seal of Canada without a resolution of the Senate authorizing the issue of the proclamation where

- (a) 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;

(b) resolutions of the legislative assemblies of the provinces that would be sufficient, together with resolutions of the Senate and House of Commons, to authorize the issue of a proclamation under subsection 42(1) have been passed authorizing the amendment; and
(c) the making of the amendment has been approved at a referendum by voters sufficient to authorize the making of an amendment under subsection 43(1).

Authoriz- (3) A referendum referred to in
ation of subsection (2) shall be held where
referendum directed by proclamation authorized
by the Governor General in Council
and issued by the Governor General
under the Great Seal of Canada.

Time limit (4) A proclamation issued under
for refer- subsection (3) in respect of a
endum referendum to approve an amendment to
the Constitution of Canada shall
provide for the referendum to be
held within two years after the passage
of the last resolution of a provincial
legislative assembly authorizing the
amendment that is necessary to meet
the requirements of paragraph (2)(b).

Computation (5) Any period when Parliament is
of period prorogued or dissolved shall not
be counted in computing the ninety
day period referred to in subsection
(2).

Consequent- 53. Class 1 of section 91 and
ial amend- class 1 of section 92 of the
ments *Constitution Act, 1867* (formerly named the
British North America Act, 1867), the
British North America (No. 2) Act,
1949, referred to in item 21 of
Schedule I to this Act and Parts III
and IV of this Act are repealed.

Consequential
amendments

51. Class 1 of section 91 and class 1 of
section 92 of the *Constitution Act, 1867*
(formerly named the *British North America*
Act, 1867), the *British North America (No.*
2) Act, 1949, referred to in item 21 of
Schedule I to this Act and Parts III and IV
of this Act are repealed.

PART VI

AMENDMENT TO THE CONSTITUTION ACT, 1867

Amendment to 54. (1) 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 respect- 92A. (1) In each province the
ing non- legislature may exclusively make
renewable laws in relation to
resources, (a) exploration for non-renewable
forestry natural resources in the province;
resources (b) development, conservation
and and management of non-renewable
electrical natural resources and forestry
energy 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 prices or in supplies exported to another part of Canada.

Authority
of Parlia-
ment

(3) Nothing in sub section (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

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

PART VI

GENERAL

22. (1) The Constitution of Canada includes

- (a) the Canada Act,
- (b) the Acts and orders referred to in Schedule 1, and
- (c) any amendment to any Act or order referred to in paragraph (a) or (b).

(2) Amendments to the Constitution of Canada shall be made only in accordance with the authority contained in the Constitution of Canada.

"THE SIXTH SCHEDULE

PRIMARY PRODUCTION FROM NON-RENEWABLE RESOURCES AND FORESTRY RESOURCES

1. For the purposes of section 92A of this Act,

(a) production from a non-renewable 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 56. (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.

PART VI

GENERAL

Constitution of Canada 52. (1) 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 (2) 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

57. (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.

Repeals and
new names

53. (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.

Consequent-
ial amend-
ments

(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.

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
Constitu-
tion of
Canada

58. 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.

French version
of Constitution
of Canada

54. 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

59. 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 58, the English and French versions of that portion of the Constitution are equally authoritative.

English and
French versions

55. 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 54, the English and French versions of that portion of the Constitution are equally authoritative.

English
and French
versions

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

English and
French versions

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

Commence-
ment

61. Subject to section 62, 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.

Commence-
ment

57. Subject to section 58, 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.

Exception
respecting
amending
procedure

62. Part V shall come into force as provided in Part IV.

Exception
respecting
amending
formula

58. Part V shall come into force as provided in Part IV.

63. This Schedule may be cited as the *Constitution Act, 1980* and the *Constitution Acts 1867 to 1975 (No. 2)* and this Act may be cited together as the *Constitution Acts, 1867 to 1980*.

Citations

59. This Schedule may be cited as the *Constitution Act, 1980* and the *Constitution Acts, 1867 to 1975 (No. 2)* and this Act may be cited together as the *Constitution Acts, 1867 to 1980*.

Item	Column I Act/Amendment	Column II Amendment	Column III Name/Number
1.	British North America Act, 1867 30-31 Vict., c. 3 (U.K.)	(1) Section 1 is repealed and the following substituted therefor: "This Act may be cited as the <i>Constitution Act, 1867</i> ." (2) Section 27 is repealed.	<i>Constitution Act, 1867</i>
2.	Supper's Land Act, 1880, c. 37 (U.K.)		<i>Supper's Land Act, 1880</i>
3.	An Act to amend and clarify the provisions of the <i>Supper's Land Act, 1880</i> and to provide for the Government of the Province of Manitoba, 1880, c. 37 (U.K.)	(1) The long title is amended and the following substituted therefor: " <i>Manitoba Act, 1870</i> ." (2) Section 27 is repealed.	<i>Manitoba Act, 1870</i>
4.	Order of Her Majesty in Council admitting Supper's Land and the North-Western Territory into the Union dated the 3rd day of June, 1870		<i>Supper's Land Order</i>
5.	Order of Her Majesty in Council admitting British Columbia into the Union dated the 20th day of May, 1871		<i>British Columbia Terms of Union</i>
6.	British North America Act, 1871 34-35 Vict., c. 28 (U.K.)	Section 1 is repealed and the following substituted therefor: "This Act may be cited as the <i>Constitution Act, 1871</i> ."	<i>Constitution Act, 1871</i>
7.	Order of the Queen in Council admitting Prince Edward Island into the Union dated the 25th day of July, 1871		<i>Prince Edward Island Terms of Union</i>
8.	Parliament of Canada Act, 1871 34-35 Vict., c. 28 (U.K.)		<i>Parliament of Canada Act, 1871</i>
9.	Order of the Queen in Council admitting all British possessions and Territories in North America and Islands adjoining thereon into the Union dated the 1st day of July, 1880		<i>Adjoining Territories Order</i>
10.	British North America Act, 1880 43-44 Vict., c. 37 (U.K.)	Section 1 is repealed and the following substituted therefor: "This Act may be cited as the <i>Constitution Act, 1880</i> ."	<i>Constitution Act, 1880</i>

SCHEDULE I
to the
CONSTITUTION ACT, 1980
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.	Constitution Act, 1867
2.	Rupert's Land Act, 1868, 31-32 Vict., c. 105 (U.K.)		Rupert's Land Act, 1867
3.	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
4.	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 Order
5.	Order of Her Majesty in Council admitting British Columbia into the Union, dated the 16th day of May, 1871.		British Columbia Terms of Union
6.	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
7.	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
8.	Parliament of Canada Act, 1875, 38-39 Vict., c. 38 (U.K.)		Parliament of Canada Act, 1875
9.	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
10.	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

SCHEDULE I

to the

CONSTITUTION ACT, 1980—Continued

Item	Column I Act Affected	Column II Amendment	Column III New Name
11.	Canada (Ontario Boundary) Act, 1889, 52-53 Vict., c. 28 (U.K.)		Canada (Ontario Boundary) Act, 1889
12.	Canadian Speaker (Appointment of Deputy) Act, 1895, 2nd Sess., 59 Vict., c. 3 (U.K.)	The Act is repealed.	
13.	The Alberta Act, 1905 4-5 Edw. VII, c. 3 (Can.)		Alberta Act
14.	The Saskatchewan Act, 1905, 4-5 Edw. VII, c. 42 (Can.)		Saskatchewan Act
15.	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
16.	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
17.	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
18.	Statute of Westminster, 1931, 22 Geo. V, c. 4 (U.K.)	In so far as they apply to Canada, (a) the expression "and Newfoundland" in section 1 and subsection 10(3) is repealed; (b) section 4 is repealed; and (c) subsection 7(1) is repealed.	Statute of Westminster, 1931
19.	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
20.	British North America Act, 1943, 6-7 Geo. VI, c. 30 (U.K.)	The Act is repealed.	

SCHEDULE I
to the
CONSTITUTION ACT, 1980—*Continued*

Item	Column I Act Affected	Column II Amendment	Column III New Name
21.	British North America Act, 1946, 9-10 Geo. VI, c. 63 (U.K.)	The Act is repealed.	
22.	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
23.	British North America (No. 2) Act, 1949, 13 Geo. VI, c. 81 (U.K.)	The Act is repealed. (effective when section 51 of the <i>Constitution Act, 1980</i> comes into force)	
24.	British North America Act, 1951, 14-15 Geo. VI, c. 32 (U.K.)	The Act is repealed.	
25.	British North America Act, 1952, 1 Eliz. II, c. 15 (Can.)	The Act is repealed.	
26.	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
27.	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
28.	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
29.	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

SCHEDULE I
to the
CONSTITUTION ACT, 1980—*Concluded*

Item	Column I Act Affected	Column II Amendment	Column III New Name
30.	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)</i> , 1975."	Constitution Act (No. 1), 1975
31.	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)</i> , 1975."	Constitution Act (No. 2), 1975