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SECTION 19
Right to English or French in Courts

Compilation of primary documents to assist in interpreting the public
meaning of Section 19 of the *Constitution Act, 1982*

Second Edition

August, 2025



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The Constitution Act, 1982
Part I. Canadian Charter of Rights and Freedoms
Official Languages of Canada

Proceedings in courts established by Parliament

Section 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

Section 19(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.*

PART 1:

Drafting History of the Charter of Rights and Freedoms Pertaining to Section 19's Public Meaning

Drafts of the Charter of Rights and Freedoms:

January 22, 1979: Proposed Charter of Rights & Freedoms, Ontario Draft tabled at the Continuing Committee of Ministers on the Constitution (January 22-24, 1979)

October 17, 1979: Rights and Freedoms within the Canadian Federation, Federal Draft, tabled at the Continuing Committee of Ministers on the Constitution (October 22-23, 1979)

November 5, 1979: Rights and Freedoms within the Canadian Federation, Federal Draft, tabled at the Meeting of Officials on the Constitution (November 15-16, 1979)

July 4, 1980: Continuing Committee of Ministers on the Constitution, Rights and Freedoms within the Canadian Federation, Discussion Draft (July 8-11, 1980)

July 4, 1980: Comité Permanent des Ministres sur la Constitution, Droits et Libertés à l'Interieur de la Fédération Canadienne, Document de Travail (July 8-11, 1980)

July 16, 1980: Revised Discussion Draft with Memo re Section 1 (July 18, 1980)

August 5, 1980: Revised Discussion Draft with Memo (August 5, 1980)

August 8, 1980: Formalities to Bill: Joint Resolution (August 8, 1980)

August 22, 1980: Discussion Draft (Federal) (August 26-29, 1980)

September 3, 1980: Revised Discussion Draft (September 8-12, 1980)

September 3, 1980 : Conference Fédérale-Provinciale des Premiers Ministres, Document de Travail, Charte Canadienne des Droits et Libertés (September 3, 1980)

September 24, 1980: Resolution for joint address to Her Majesty the Queen respecting the constitution of Canada (September 24, 1980)

October 2, 1980: Proposed Resolution for a Joint Address to Her Majesty the Queen respecting the Constitution of Canada with Handwritten Notes [Draft, Version1] (October 2, 1980)

October 2, 1980: Proposed Resolution for a Joint Address to Her Majesty the Queen respecting the Constitution of Canada with Handwritten Notes [Draft, Version 2] (October 2, 1980)

October 2, 1980: Proposed Resolution for a Joint Address to Her Majesty the Queen respecting the Constitution of Canada

December 5, 1980: Addendum to Ministers dated November 25, 1980 from the Minister of Justice re: Possible Amendments to Proposed Resolution on Constitution of Canada (December 5, 1980)

December 8, 1980: Addendum to Memorandum to Ministers Dated November 25, 1980 from the Minister of Justice re: Possible Amendments to Proposed Resolution on Constitution of Canada (December 5, 1980)

December 12, 1980: Draft [No Title]

December 19, 1980: Consolidation of Proposed Amendments to the Proposed Resolution Respecting the Constitution of Canada (December 19, 1980)

December 30, 1980: Regroupement des Modifications Éventuelles à Apporter au Projet de Résolution concernant la Constitution du Canada, Version Provisoire (December 30, 1980)

January 9-12, 1981: Briefing Book for Clause by Clause Consideration of the Resolution (January 1981)

January 12, 1981: Version formally presented to Special Joint Committee by Jean Chretien (January 12, 1981)

Statutes and International Agreements:

1978: Bill C-60: An Act to amend the Constitution of Canada

[This section is incomplete]

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Drafts of the Charter of Rights and Freedoms

January 22, 1979: Proposed Charter of Rights & Freedoms, Ontario Draft tabled at the Continuing Committee of Ministers on the Constitution (January 22-24, 1979)

13 (1) Either English or French may be used by any person in, or in any pleading or process in or issuing from, the Supreme Court of Canada or any court constituted by Parliament.

(2) Either English or French may be used by any person in, or in any pleading or process in or issuing from, any court of a province, to the greatest extent possible accordingly as the legislature of the province prescribes.

(Source: Continuing Committee of Ministers on the Constitution, *Proposed Charter of Rights & Freedoms, Ontario Draft*, Doc 830-70/042 (Vancouver: 22-24 January, 1979). Click [HERE](#))

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October 17, 1979: Rights and Freedoms within the Canadian Federation, Federal Draft, tabled at the Continuing Committee of Ministers on the Constitution (October 22-23, 1979)

10. Either English or French may be used by any person in, or in any pleading or process in or issuing from, any court constituted by Parliament.

[...]

14. (1) Either English or French may be used by any person in, or in any pleading or process in or issuing from, any court of (named provinces).

(2) Either English or French may be used by any person in, or in any pleading or process in or issuing from, any court of a province not referred to in subsection (1), to the greatest extent practicable accordingly as the legislature of the province prescribes.

(3) In proceedings in any court in Canada relating to an offence

(a) created by or pursuant to an Act of Parliament, or

(b) created by or pursuant to an Act of the legislature of a province if the punishment for the offence may be imprisonment,

any person giving evidence before the court has the right to be heard in English or French, as he or she may choose, through the services of an interpreter where necessary, and the right not to be placed at a disadvantage in so being heard.

(4) The legislature of a province may prescribe the date or dates on which the rights provided for by this section are to have effect in all or some parts of the province, and nothing in this section

precludes the application of such rules as may be prescribed by any competent body or authority for the orderly implementation and operation of this section.

(Source: Continuing Committee of Ministers on the Constitution, *Rights and Freedoms within the Canadian Federation Federal Draft*, [October 17, 1979] (Halifax: 22-23 October, 1979). Click [HERE](#))

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November 5, 1979: Rights and Freedoms within the Canadian Federation, Federal Draft, tabled at the Meeting of Officials on the Constitution (November 15-16, 1979)

10. Either English or French may be used by any person in, or in any pleading or process in or issuing from, any court constituted by Parliament.

[...]

14. (1) Either English or French may be used by any person in, or in any pleading or process in or issuing from, any court of (named provinces).

(2) Either English or French may be used by any person in, or in any pleading or process in or issuing from, any court of a province not referred to in subsection (1), to the greatest extent practicable accordingly as the legislature of the province prescribes.

(3) In proceedings in any court in Canada relating to an offence

(a) created by or pursuant to an Act of Parliament, or

(b) created by or pursuant to an Act of the legislature of a province if the punishment for the offence may be imprisonment,

any person giving evidence before the court has the right to be heard in English or French, as he or she may choose, through the services of an interpreter where necessary, and the right not to be placed at a disadvantage in so being heard.

(4) The legislature of a province may prescribe the date or dates on which the rights provided for by this section are to have effect in all or some parts of the province, and nothing in this section precludes the application of such rules as may be prescribed by any competent body or authority for the orderly implementation and operation of this section.

(Source: Meeting of Officials on the Constitution, *Rights & Freedoms within Canadian Federation, Federal Draft*, [November 5, 1979], Doc 840-177/005 (Toronto: 15-16 November, 1979). Click [HERE](#))

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July 4, 1980: Continuing Committee of Ministers on the Constitution, Rights and Freedoms within the Canadian Federation, Discussion Draft

13. (1) Either English or French may be used by any person in, or in any pleading or process in or issuing from, the Supreme Court of Canada or any court constituted by Parliament.

(2) Either English or French may be used by any person in, or in any pleading or process in or issuing from, any court of Ontario, Quebec, New Brunswick and Manitoba.

(3) Either English or French may be used by any person in, or in any pleading or process in or issuing from, any court of a province not referred to in subsection (2), to the greatest extent practicable accordingly as the legislature of the province prescribes.

(4) In proceedings in any court in Canada relating to an offence

a) created by or pursuant to an Act of Parliament, or

b) created by or pursuant to an Act of the legislature of a province if the punishment for the offence may be imprisonment,

any person giving evidence before the court has the right to be heard in English or French, through the services of an interpreter where necessary, and the right not to be placed at a disadvantage is so being heard.

(5) Nothing in this section precludes the application of such rules as may be prescribed by any competent body or authority for the orderly implementation and operation of this section.

[...]

23. A legislature of a province may, by resolution, declare that any part of sections 12 and 13 that do not expressly apply to that province shall have application, and thereafter such part or parts shall apply to that province in the same terms as to any province expressly named therein.

(Source: Meeting of the Continuing Committee of Ministers on the Constitution, *Rights and Freedoms within the Canadian Federation, Discussion Draft*. Tabled by the Delegation of the Government of Canada, 4 July 1980, Doc 830-81/027 (Montreal: 8-11 July 1980). Click [HERE](#).)

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July 16, 1980: Revised Discussion Draft with Memo re Section 1

13. (1) Either English or French may be used by any person in, or in any pleading or process in or issuing from, the Supreme Court of Canada or any court constituted by Parliament.

(2) Either English or French may be used by any person in, or in any pleading or process in or issuing from, any court of Ontario, Quebec, New Brunswick and Manitoba.

(3) Either English or French may be used by any person in, or in any pleading or process in or issuing from, any court of a province not referred to in subsection (2), to the greatest extent practicable accordingly as the legislature of the province prescribes.

(4) In proceedings in any court in Canada relating to an offence

- a) created by or pursuant to an Act of Parliament, or
- b) created by or pursuant to an Act of the legislature of a province if the punishment for the offence may be imprisonment,

any person giving evidence before the court has the right to be heard in English or French, through the services of an interpreter where necessary, and the right not to be placed at a disadvantage is so being heard.

(5) Nothing in this section precludes the application of such rules as may be prescribed by any competent body or authority for the orderly implementation and operation of this section.

[...]

23. A legislature of a province to which subsections 12(2) and 13(2) do not expressly apply may declare that one or both of these subsections shall have application, and thereafter any such provision shall apply to that province in the same terms as to any province expressly named therein.

(Source: Memo from Fred Jordan to Roger Tassé re Charter of Rights – Possible Modifications [with Possible Alternatives to Section 1 of July 4, 1980 Draft & Revised Discussion Draft (16 July 1980)] (18 July 1980). This text is found on p. 2. Click [HERE](#).)

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August 5, 1980: Revised Discussion Draft with Memo

21. (1) Either English or French may be used by any person in, or in any pleading or process in or issuing from, the Supreme Court of Canada or any court constituted by Parliament.

(2) Either English or French may be used by any person in, or in any pleading or process in or issuing from, any court of Ontario, Quebec, New Brunswick and Manitoba.

(3) Either English or French may be used by any person in, or in any pleading or process in or issuing from, any court of a province not referred to in subsection (2), to the greatest extent practicable accordingly as the legislature prescribes.

(4) Nothing in this section precludes the application of such rules as may be prescribed for the orderly implementation and operation of this section.

[...]

31. A legislature of a province to which subsections 12(2) and 13(2) do not expressly apply may declare that one or both of these subsections shall have application, and thereafter any such provision shall apply to that province in the same terms as to any province expressly named therein.

(Source: Memo from Deputy Minister of Justice to Prime Minister, Charter of Rights incl. Discussion Draft, The Canadian Charter of Rights and Freedoms (5 August 1980). Click [HERE](#).)

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August 8, 1980: Formalities to Bill: Joint Resolution

95.28. (1) Either English or French may be used by any person in, or in any pleading or process in or issuing from, the Supreme Court of Canada or any court constituted by Parliament.

(2) Either English or French may be used by any person in, or in any pleading or process in or issuing from, any court of Ontario, Quebec, New Brunswick and Manitoba.

(3) Either English or French may be used by any person in, or in any pleading or process in or issuing from, any court of a province not referred to in subsection (2), to the greatest extent practicable accordingly as the legislature prescribes.

(4) Nothing in this section precludes the application of such rules as may be prescribed for the orderly implementation and operation of this section.

[...]

95.38 A legislature of a province to which subsections 12(2) and 13(2) do not expressly apply may declare that one or both of these subsections shall have application, and thereafter any such provision shall apply to that province in the same terms as to any province expressly named therein.

(1) Transitional provisions will be required for repeal of these provisions at an appropriate time.

(2) see transitional for alternative to this section. Should it be in Charter or transitional?

(Source: Canada, Formalities to Bill, Draft Joint Resolution, An Act to Amend the Constitution of Canada (8 August 1980). Click [HERE](#).)

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August 22, 1980: Discussion Draft (Federal)

21. (1) Either English or French may be used by any person in, or in any pleading or process in or issuing from, the Supreme Court of Canada or any court established by Parliament.

(2) Either English or French may be used by any person in, or in any pleading or process in or issuing from, any court of Ontario, Quebec, New Brunswick or Manitoba.

(3) Either English or French may be used by any person in, or in any pleading or process in or issuing from, any court of a province not referred to in subsection (2), to the greatest extent practicable accordingly as the legislature prescribes.

(4) Nothing in this section precludes the making of such rules by any competent body or authority for the orderly implementation and operation of this section.

[...]

31. A legislature of a province to which subsections 20(2) and 21(2) do not expressly apply may declare that one or both of those subsections shall have application, and therefore any such provision shall apply to that province in the same terms as to any province expressly named therein

(Source: Continuing Committee of Ministers on the Constitution, *The Canadian Charter of Rights and Freedoms, Discussion Draft [Federal]*, (August 22, 1980), Doc 830-84/004 (Ottawa: 26-29 August 1980). Click [HERE.](#))

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September 3, 1980: Revised Discussion Draft

21. (1) Either English or French may be used by any person in, or in any pleading or process in or issuing from, the Supreme Court of Canada or any court established by Parliament.

(2) Either English or French may be used by any person in, or in any pleading or process in or issuing from, any court of Ontario, Quebec, New Brunswick or Manitoba.

(3) Either English or French may be used by any person in, or in any pleading or process in or issuing from, any court of a province not referred to in subsection (2), to the greatest extent practicable accordingly as the legislature prescribes.

(4) Nothing in this section precludes the making of such rules by any competent body or authority for the orderly implementation and operation of this section.

[...]

31. A legislature of a province to which subsections 20(2) and 21(2) do not expressly apply may declare that one or both of those subsections shall have application, and therefore any such provision shall apply to that province in the same terms as to any province expressly named therein

(Source: Federal-Provincial First Ministers' Conference, *The Canadian Charter of Rights and Freedoms, Revised Discussion Draft, Federal*, [September 3, 1980] Doc 800-14/064 (Ottawa: 8-12 September 1980). Click [HERE.](#))

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September 24, 1980: Resolution for joint address to Her Majesty the Queen respecting the constitution of Canada

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.

(Source: Canada, Parliament, DRAFT, “Resolution for joint address to Her Majesty the Queen respecting the constitution of Canada” (24 September 1980). Click [HERE](#).)

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October 2, 1980: Proposed Resolution for a Joint Address to Her Majesty the Queen respecting the Constitution of Canada with Handwritten Notes [Draft, Version1]

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.

(Source: Canada, Parliament, DRAFT, Proposed Resolution for Joint Address to Her Majesty the Queen Respecting the Constitution of Canada, Version 1 (2 October 1980). Click [HERE](#).)

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October 2, 1980: Proposed Resolution for a Joint Address to Her Majesty the Queen respecting the Constitution of Canada with Handwritten Notes [Draft, Version 2]

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.

(Source: Canada, Parliament, DRAFT, Proposed Resolution for Joint Address to Her Majesty the Queen Respecting the Constitution of Canada, Version 2 with Handwritten Notes (2 October 1980). Click [HERE](#).)

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October 2, 1980: Proposed Resolution for a Joint Address to Her Majesty the Queen respecting the Constitution of Canada

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.

(Source: Canada, Parliament, “Proposed Resolution for a Joint Address to Her Majesty the Queen respecting the Constitution of Canada” in *Sessional Papers* (1980). Click [HERE](#).)

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December 5, 1980: Addendum to Ministers dated November 25, 1980 from the Minister of Justice re: Possible Amendments to Proposed Resolution on Constitution of Canada:

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.

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

(Source: Memo from E.I. MacDonald, Addendum to Ministers dated November 25, 1980 from the Minister of Justice re: Possible Amendments to Proposed Resolution on Constitution of Canada (5 December 1980). Click [HERE.](#))

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December 8, 1980: Addendum to Memorandum to Ministers Dated November 25, 1980 from the Minister of Justice re: Possible Amendments to Proposed Resolution on Constitution of Canada:

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.

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

(Source: Memo from E.I. MacDonald, Addendum to Ministers dated November 25, 1980 from the Minister of Justice re: Possible Amendments to Proposed Resolution on Constitution of Canada (5 December 1980). Click [HERE.](#))

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December 12, 1980: Draft [No Title]

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.

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

(Source: [Department of Justice?], [DRAFT], Constitution Act, 1980. Click [HERE.](#))

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December 19, 1980: Consolidation of Proposed Amendments to the Proposed Resolution Respecting the Constitution of Canada

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.

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

(Source: Consolidation of Proposed Amendments to the Proposed Resolution Respecting the Constitution of Canada (19 December 1980). Click [HERE](#).)

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January 9-12, 1981: Briefing Book for Clause by Clause Consideration of the Resolution:

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.

(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.

(Source: Canada, *Briefing Book for Clause by Clause Consideration of the Resolution* (January 1981). Click [HERE](#).)

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January 12, 1981: Version formally presented to Special Joint Committee by Jean Chretien¹

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.

(2) Either English or French may be used by any person in, or any pleading in or process issuing from, any court of New Brunswick.

(Source: Canada, Parliament, *Minutes of Proceedings and Evidence of the Special Joint Committee of the Senate and of the House of Commons on the Constitution of Canada*, 32nd Parl, 1st Sess, No 36 (12 January 1981). Click [HERE](#).)

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¹ See also [January 9-12, 1981: Briefing Book for Clause by Clause Consideration of the Resolution](#).

French:

July 4, 1980: Comité Permanent des Ministres sur la Constitution, Droits et Libertés à l'Interieur de la Fédération Canadienne, Document de Travail

13. (1) Toute personne a le droit d'utiliser le français ou l'anglais devant la Cour suprême du Canada et les cours établies par le Parlement ainsi que dans les procédures et documents de ces cours.

(2) Toute personne a le droit d'utiliser le français ou l'anglais devant les cours de l'Ontario, du Québec, du Nouveau-Brunswick et du Manitoba et dans les procédures et documents de ces cours.

(3) Toute personne a, dans toute la mesure du possible déterminée par le corps législatif de chacune des provinces non mentionnées dans le paragraphe (2), le droit d'utiliser le français ou l'anglais devant les cours de ces provinces et dans les procédures et documents de ces cours.

(4) Toute personne appelée à témoigner devant une cour au Canada a le droit si nécessaire, et le droit l'anglais avec un interprète de ne pas être défavorisé en conséquence,

(a) dans les procédures consécutives à une infraction créée par une loi du Parlement, ou

(b) dans les procédures consécutives à une infraction créée par une loi d'un corps législatif provincial et passible d'une peine d'emprisonnement.

(5) Nulle disposition du présent article n'a pour effet d'interdire l'application des règles établies par l'autorité compétente pour la mise en œuvre du présent article.

[...]

23. Le corps législatif d'une province peut, par résolution, décréter l'application à la province de toute disposition des articles 12 et 13 qui ne lui est pas expressément applicable et qui le devient en conséquence de la même manière qu'une province mentionnée expressément.

(Source: Comité Permanent des Ministres sur la Constitution, *Droits et Libertés à l'Interieur de la Fédération Canadienne, Document de Travail*, Doc: 830-81/027 (Montréal: 8-11 juillet 1980). Click [HERE](#).)

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September 3, 1980: Conference Fédérale-Provinciale des Premiers Ministres, Document de Travail, Charte Canadienne des Droits et Libertés

19. (1) Toute personne a le droit d'utiliser le français ou l'anglais devant la Cour suprême du Canada et les cours établies par le Parlement ainsi que dans les procédures et documents de ces cours.

(2) Toute personne a le droit d'utiliser le français ou l'anglais devant les cours de l'Ontario, du Québec, du Nouveau-Brunswick et du Manitoba et dans les procédures et documents de ces cours.

(3) Toute personne a, dans toute la mesure du possible conformément à ce qui est prévu par la législature de chacune des provinces non mentionnées dans le paragraphe (2), le droit d'utiliser le français ou l'anglais devant les cours de ces provinces et dans les procédures et documents de ces cours.

(4) Le présent article n'a pour effet d'interdire aux autorités compétentes d'établir des règles pour la mise en œuvre du présent article.

[...]

29. La législature d'une province où les paragraphes 18(2) et 19(2) ne sont pas expressément applicables, peut déclarer qu'à l'avenir ces paragraphes ou l'un deux seront applicables à la province comme si elle y était expressément désignée.

(Source: Conference Fédérale-Provinciale des Premiers Ministres, *Document de Travail, Charte Canadienne des Droits et Libertés* (3 septembre 1980). Click [HERE](#).)

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September 24, 1980: Resolution for joint address to Her Majesty the Queen respecting the constitution of Canada

19. Chacun a le droit d'employer le français ou l'anglais dans toute procédure devant les tribunaux établis par le Parlement.

(Source: Canada, Parliament, DRAFT, "Resolution for joint address to Her Majesty the Queen respecting the constitution of Canada" (24 September 1980). Click [HERE](#).)

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October 2, 1980: Proposed Resolution for a Joint Address to Her Majesty the Queen respecting the Constitution of Canada with Handwritten Notes [Draft, Version1]

19. Chacun a le droit d'employer la langue officielle de son choix dans toutes les affaires dont sont saisis les tribunaux établis par le Parlement et dans tous les actes de procédure qui en découlent.

(Source: Canada, Parliament, DRAFT, Proposed Resolution for Joint Address to Her Majesty the Queen Respecting the Constitution of Canada, Version 1 (2 October 1980). Click [HERE](#).)

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October 2, 1980: Proposed Resolution for a Joint Address to Her Majesty the Queen respecting the Constitution of Canada with Handwritten Notes [Draft, Version 2]

19. Chacun a le droit d'employer la langue officielle de son choix dans toutes les affaires dont sont saisis les tribunaux établis par le Parlement et dans tous les actes de procédure qui en découlent.

(Source: Canada, Parliament, DRAFT, Proposed Resolution for Joint Address to Her Majesty the Queen Respecting the Constitution of Canada, Version 2 with Handwritten Notes (2 October 1980). Click [HERE](#).)

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October 2, 1980: Proposed Resolution for a Joint Address to Her Majesty the Queen respecting the Constitution of Canada

19. Chacun a le droit d'employer la langue officielle de son choix dans toutes les affaires dont sont saisis les tribunaux établis par le Parlement et dans tous les actes de procédure qui en découlent.

(Source: Canada, Parliament, "Proposed Resolution for a Joint Address to Her Majesty the Queen respecting the Constitution of Canada" in *Sessional Papers* (1980). Click [HERE](#).)

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December 8, 1980: Addendum to Memorandum to Ministers Dated November 25, 1980 from the Minister of Justice re: Possible Amendments to Proposed Resolution on Constitution of Canada:

19. (1) Chacun a le droit d'employer la langue officielle de son choix dans toutes les affaires dont sont saisis les tribunaux établis par le Parlement et dans tous les actes de procédure qui en découlent.

(2) Chacun a le droit d'employer la langue officielle de son choix dans toutes les affaires dont sont saisis les tribunaux établis par la Législature du Nouveau-Brunswick et dans tous les actes de procédure qui en découlent.

(Source: Memo from E.I. MacDonald, Addendum to Ministers dated November 25, 1980 from the Minister of Justice re: Possible Amendments to Proposed Resolution on Constitution of Canada (5 December 1980). Click [HERE](#).)

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December 30, 1980: Regroupement des Modifications Éventuelles à Apporter au Projet de Résolution concernant la Constitution du Canada, Version Provisoire

19. (1) Chacun a le droit d'employer la langue officielle de son choix dans toutes les affaires dont sont saisis les tribunaux établis par le Parlement et dans tous les actes de procédure qui en découlent.

(2) Chacun a le droit d'employer la langue officielle de son choix dans toutes les affaires dont sont saisis les tribunaux établis par la Législature du Nouveau-Brunswick et dans tous les actes de procédure qui en découlent.

(Source: Regroupement des Modifications Éventuelles à Apporter au Projet de Résolution concernant la Constitution du Canada, Version Provisoire (30 décembre 1980). Click [HERE](#).)

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January 9-12, 1981: Briefing Book for Clause by Clause Consideration of the Resolution:

19. (1) Chacun a le droit d'employer la langue officielle de son choix dans toutes les affaires dont sont saisis les tribunaux établis par le Parlement et dans tous les actes de procédure qui en découlent.

(2) Chacun a le droit d'employer la langue officielle de son choix dans toutes les affaires dont sont saisis les tribunaux du Nouveau-Brunswick et dans tous les actes de procédure qui en découlent.

(Source: Canada, *Briefing Book for Clause by Clause Consideration of the Resolution* (January 1981). Click [HERE](#).)

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Statutes and International Agreements

June 20, 1978: Bill C-60: An Act to amend the Constitution of Canada

16. (1) Either English or French may be used by any person in, or in any pleading or process in or issuing from, the Supreme Court of Canada or any court constituted by the Parliament of Canada.

(2) Either English or French may be used by any person in, or in any pleading or process in or issuing from, city court of Ontario, Québec or New Brunswick.

(3) In proceedings in any court in Canada

—in which, in a criminal matter, the court is exercising any Criminal jurisdiction conferred on it by or pursuant to an Act of the Parliament or Canada, or

—in which, in a matter relating to an offence for which an individual charged with that offence is subject to be imprisoned if he or she is convicted thereof, the court is exercising any jurisdiction conferred on it by or pursuant to an Act of the legislature of any province, any individual giving evidence before the court has the right to be heard in English or French, as he or she may choose, and in being so heard, not to be placed at a disadvantage by not being heard, or being unable to be heard, in the other of those languages.

17. Nothing in section 16 shall be held to preclude the application, to or in respect of proceedings in any court described in subsection 16(2), or to or in respect of any proceedings described in subsection 16(3), of such rules for regulating the procedure in any such proceedings, including rules respecting the giving of notice, as may be prescribed by any competent body or authority in that behalf pursuant to law for the effectual execution and working of the provisions of either of those subsections.

(Source: Bill C-60, An Act to amend the Constitution of Canada with respect to matters coming within the legislative authority of the Parliament of Canada, and to approve and authorize the taking of measures necessary for the amendment of the Constitution with respect to certain other matters, 3rd Sess, 30th Parl, SC, 1978 (June 20, 1978). Click [HERE](#))

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