LEGAL DEFINITIONS

Common Law

Prior decisions of higher courts must be applied in lower courts in the same jurisdiction, and Supreme Court of Canada decisions are binding on all courts. Judges are not bound by decisions of judges of the same or lower rank within a given jurisdiction or by judges of other jurisdictions. The decisions of these other judges may, nonetheless, have a persuasive effect.

Legal reasoning in common law is primarily reasoning by analogy: **like cases must be decided alike.** This is a never-ending process, as other cases will always arise; as new decisions are made, the principles and exceptions enunciated as part of that case law form the basis of common law.

Civil Law

Courts will look to the Code to determine a given principle and then apply the principle to the facts of the case. The primary authority for Quebec judges is the Code itself; therefore, they are entitled to apply it without being bound by a prior decision, even that of a higher court. In practice, however, great reliance has traditionally been placed on previous judicial decisions (jurisprudence), as in the common-law tradition.

Private Law

Private law regulates the relations of citizens among themselves.

Some of the main law divisions within private law include contract (agreements), tort/delict (civil wrongs), property, and family.

Public Law

Public law regulates the relations of citizens with the government and society as a whole.

The important branches are constitutional law, criminal law, and administrative law.

The Crown

Until the 20th century, "the Crown" referred to the British crown, which was the executive authority over Canada as a British colony, and was a unifying principle in Canadian Confederation. In 1931, The *Statute of Westminster* codified the divisibility of the Crown. The Dominions — semi-independent states such as Canada — continued to share a common monarch, but she or he would only act on the advice of the ministers of each Dominion for matters concerning those individual nations. Queen Elizabeth II was the first monarch to be crowned Queen of Canada, in 1953. Upon her death in 2022, her son, Charles III became the King of Canada. The "Canadian Crown" today is legally distinct from the British Crown.

The Criminal Code

The Criminal Code contains and defines criminal offences, establishes their punishments, as well as the procedures to be followed for prosecution.

The Canadian Bill of Rights

The *Canadian Bill of Rights* preceded the Charter and was the country's first federal law to protect human rights and fundamental freedoms.

The Charter

The Charter guarantees the rights of individuals by enshrining those rights, and certain limits on them, in the highest law of the land.

The Indian Act

The *Indian Act* is the primary law the federal government uses to administer Indian status, local First Nations governments, and the management of reserve land. It also outlines governmental obligations to First Nations peoples.
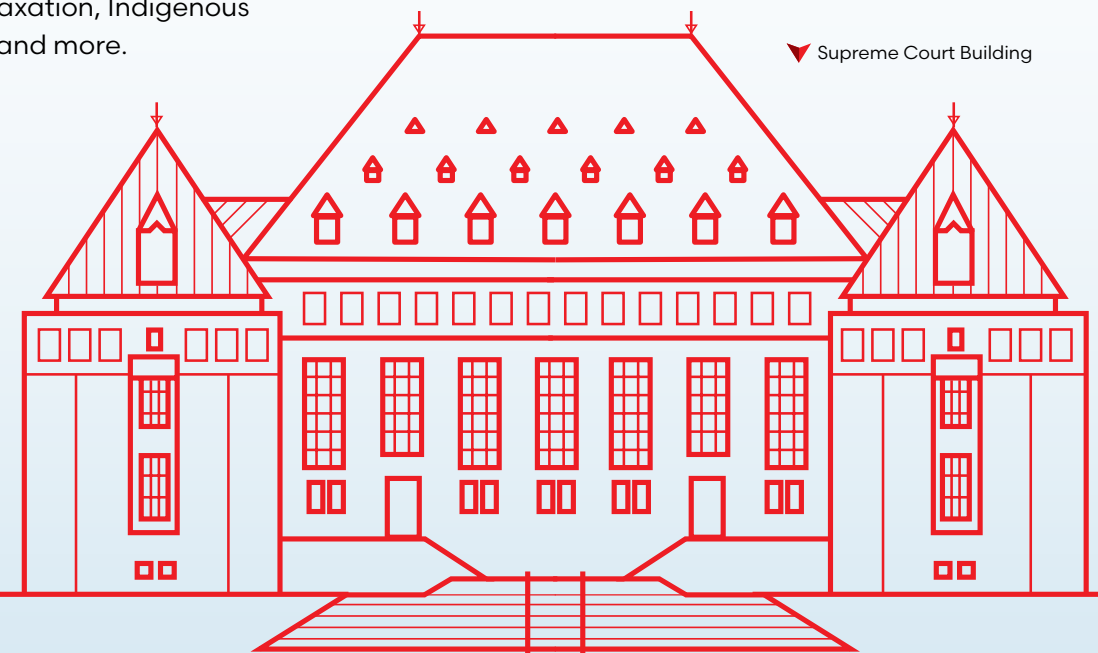
LEGAL JURISDICTIONS

Federal

Parliament has powers over matters of national interest. This means that the federal government has greater residuary jurisdiction (powers not given to the provinces, or which have federal objectives, go to the federal government), and that the powers be of a general, and not local, nature. This broadly includes criminal law, citizenship, official languages, emergency powers, taxation, Indigenous peoples, and more.

Provincial

Provinces oversea property, civil rights, direct taxation, municipalities, and school boards. There is some crossover between provincial and federal government in terms of their powers. This includes agriculture, immigration, and old-age pensions.
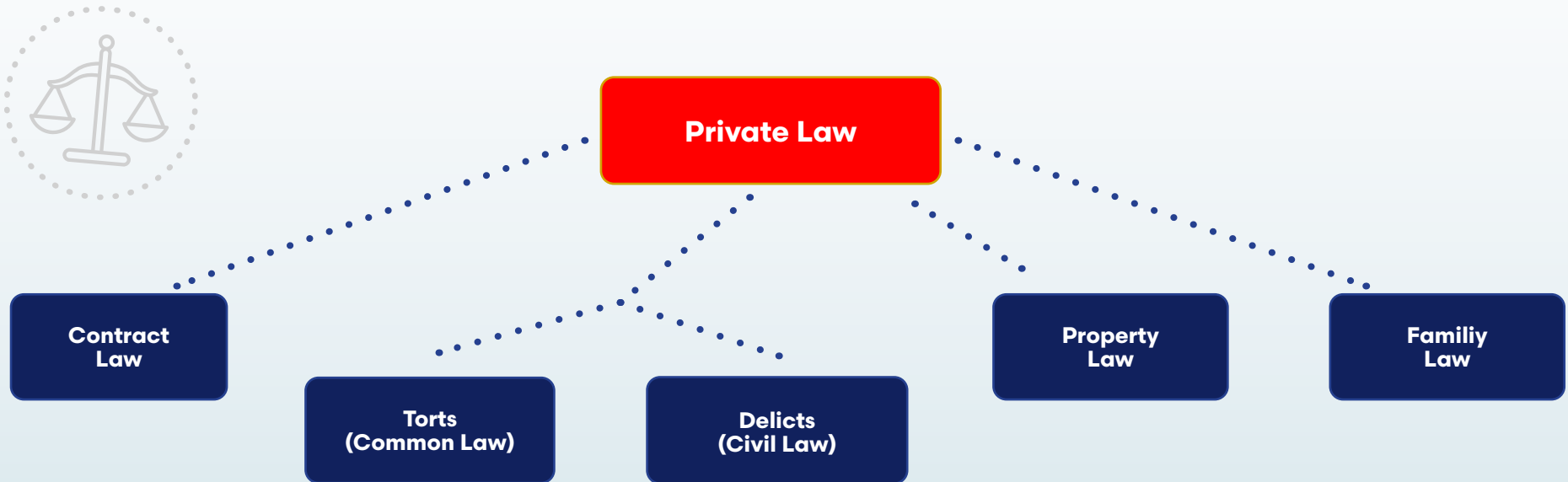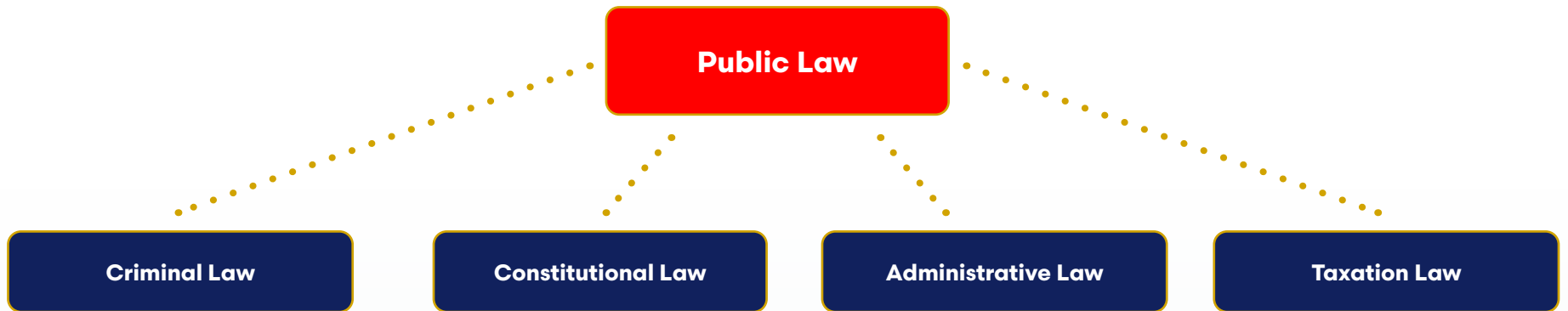
Municipal

Municipal governments are creations of the provinces, meaning they have no constitutionally recognized existence. The province assigns to them certain duties and responsibilities such as waste disposal, public transit, policing, and libraries.
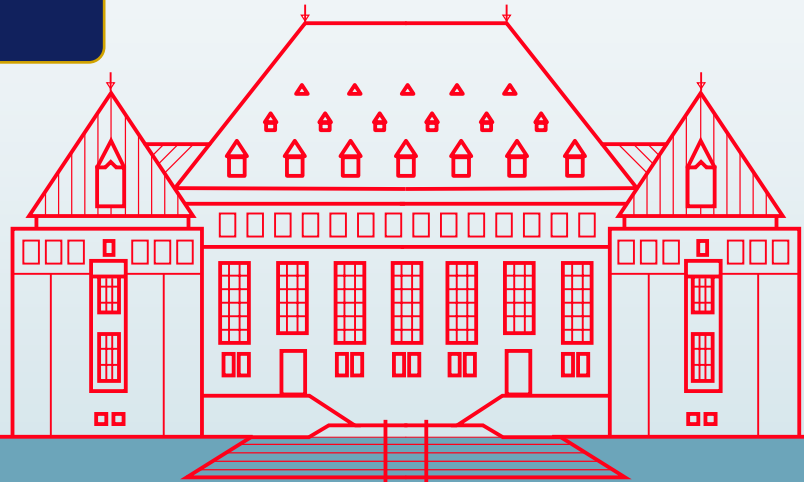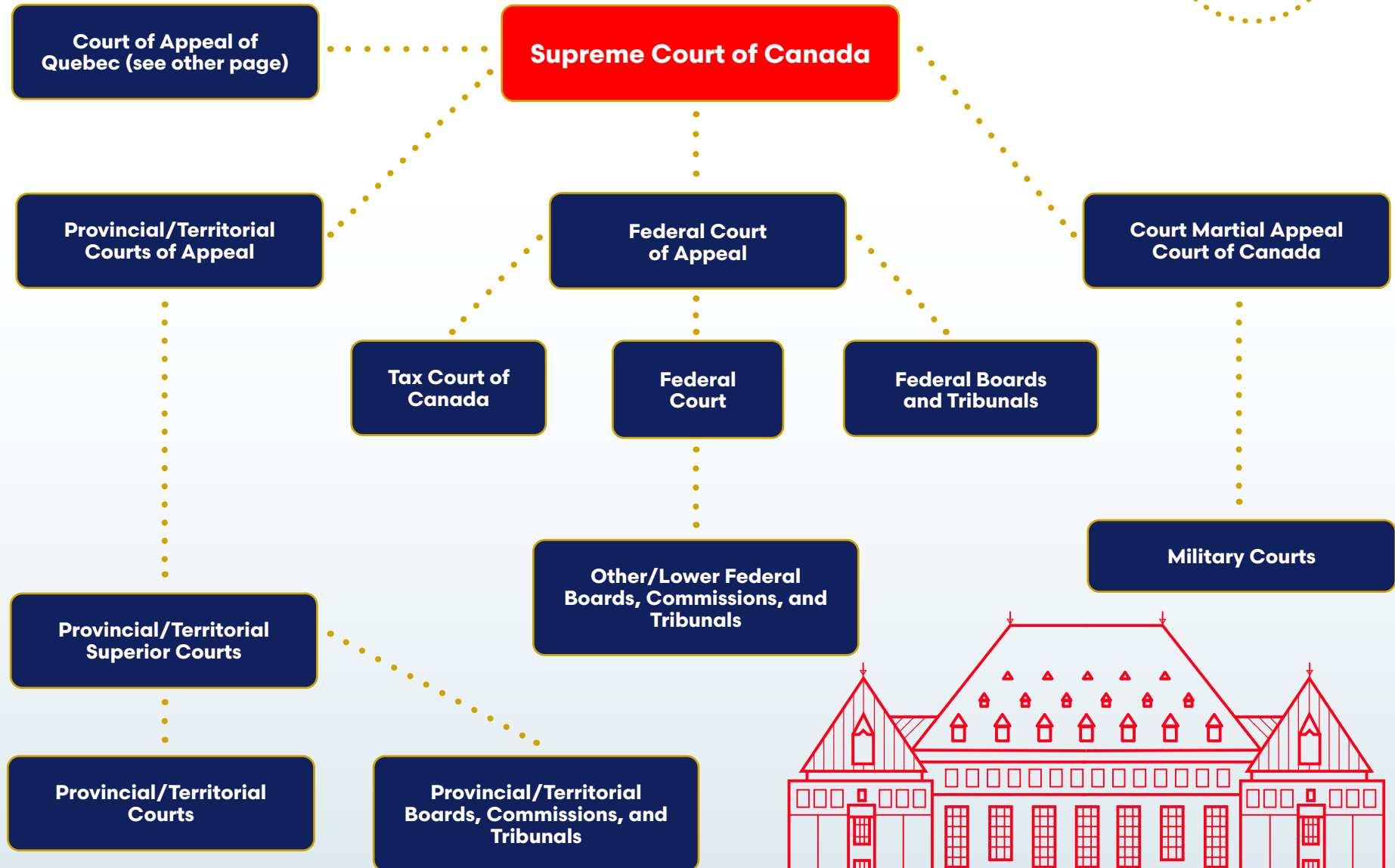

▼ Supreme Court Building

Public Law

- Criminal Law
- Constitutional Law
- Administrative Law
- Taxation Law

Private Law

- Contract Law
- Torts (Common Law)
- Delicts (Civil Law)
- Property Law
- Familiy Law

Court of Appeal of Quebec (see other page)

Supreme Court of Canada

Provincial/Territorial Courts of Appeal

Federal Court of Appeal

Court Martial Appeal Court of Canada

Tax Court of Canada

Federal Court

Federal Boards and Tribunals

Other/Lower Federal Boards, Commissions, and Tribunals

Military Courts

Provincial/Territorial Superior Courts

Provincial/Territorial Courts

Provincial/Territorial Boards, Commissions, and Tribunals

Supreme Court of Canada

Court of Appeal of Quebec

The Human Rights Tribunal

Superior Court of Quebec

Court of Quebec

Municipal Courts

Tribunal administratif du Québec

Décisions administratives provinciales