

# Law of Canada

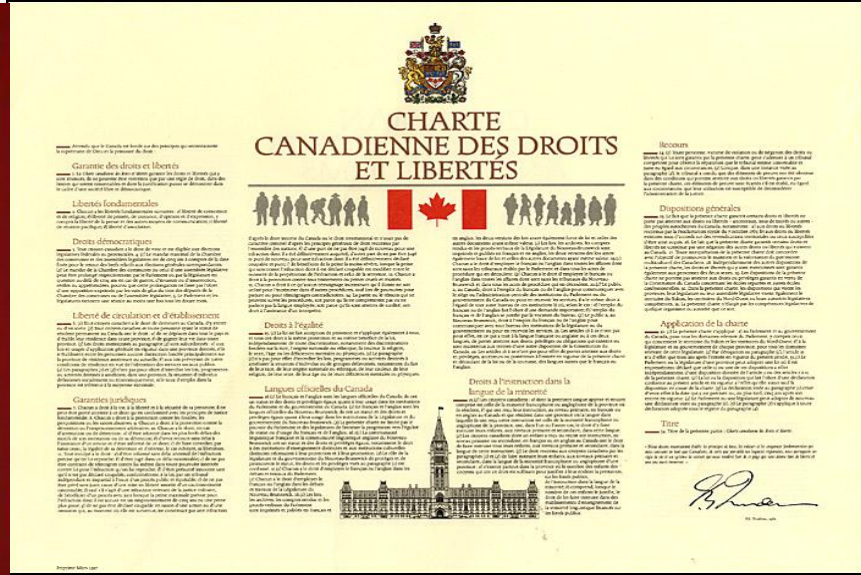


- The Canadian legal system has its foundation in the English common law system with some influence from Scots Law, inherited from being a former colony of the United Kingdom and later a Commonwealth Realm member of the Commonwealth of Nations.
  - The legal system is bi-jurisdictional, as the responsibilities of public (includes criminal) and private law are separated and exercised exclusively by Parliament and the provinces respectively.
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# Constitution of Canada



The Constitution Act, 1982



Constitution Act, 1867

# Human rights in Canada



In 1960, as Prime Minister, Diefenbaker successfully introduced the Canadian Bill of Rights, the precursor of the Canadian Charter of Rights and Freedoms.

- There are currently four key mechanisms in Canada to protect human rights: the Canadian Charter of Rights and Freedoms, the Canadian Human Rights Act, the Canadian Human Rights Commission, and provincial human rights laws and legislation.
- The issue of human rights in Canada has not attracted significant controversy relative to human rights issues in other countries.

# Canadian Aboriginal law

- is the body of Canadian law that concerns a variety of issues related to aboriginal peoples in Canada.
  - Aboriginal law provides certain rights to land and traditional practices.
  - Aboriginal is a term used in the Constitution of Canada and includes First Nations, Inuit and Métis people.
  - A major area of Aboriginal law involves the duty to consult and accommodate.
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# Criminal law of Canada

- Criminal law in Canada falls under the exclusive legislative jurisdiction of the federal government.
  - Most criminal laws have been codified in the Criminal Code of Canada, as well as the Controlled Drugs and Substances Act, Youth Criminal Justice Act, and several other peripheral Acts.
  - The provinces are responsible for the administration of justice, including criminal trials within their respective provinces, despite their inability to enact criminal laws.
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# Canadian family law

- Family law in Canada concerns the body of Canadian law dealing with family relationship, marriage, and divorce.
  - In Canada, family law is primarily statute-based.
  - Since 2005, a marriage may be formed between two individuals of different or same sex.
  - A marriage may be nullified as void or voidable much in the same manner as a contract.
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# Canadian tort law

- Tort law in Canada concerns the treatment of the law of torts within the Canadian jurisdiction excluding Quebec, which is covered by the law of obligations.
  - A tort consists of a wrongful acts or injury that leads to physical, emotional, or financial damage to a person in which another person could be held legally responsible.
  - The two main subcategories of tort law are intentional torts and unintentional torts.
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# Canadian property law

- Property law in Canada is the body of law concerning the rights of individuals over land, objects, and expression within Canada.
  - It encompasses personal property, real property, and intellectual property. Unlike many other first world countries, the right to own property is not included in Canada's bill of rights, the Canadian Charter of Rights and Freedoms.
  - Personal property laws are typically governed by provincial legislation such as the provincial Sale of Goods Acts. Likewise, the common law rules inherited from the United Kingdom are largely still in force.
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# Quebec law

- Quebec law is unique in Canada because Quebec is the only province in Canada to have a juridical legal system (pertaining to the administration of justice) under which civil matters are regulated by French-heritage civil law.
  - Public law, criminal law and other federal law operate according to Canadian common law.
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