

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

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**Bill 62**

**An Act respecting the Constitution Act, 1982**

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First reading .....  
Second reading .....  
Third reading .....

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M. MARC-ANDRÉ BÉDARD

Minister of Justice

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## EXPLANATORY NOTES

*The first object of this bill is to include, in each of the Acts of Québec existing on 17 April 1982, an express declaration of its full effect notwithstanding sections 2 and 7 to 15 of the Constitution Act, 1982; in this manner, in respect of fundamental freedoms, legal rights and equality rights, the rights and powers of the National Assembly of Québec will be fully preserved and its Acts will be subject only to the Québec Charter of Human Rights and Freedoms.*

*A second object of this bill is to require the Government to obtain the consent of the National Assembly of Québec before exercising the power to authorize the putting into effect in Québec of the section of the Constitution Act, 1982 relating to the mother tongue of the parents as a criterion for the admission of children to English school.*

## Bill 62

### An Act respecting the Constitution Act, 1982

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

#### DIVISION I

##### PROVISIONS RELATING TO SECTION 33 OF THE CONSTITUTION ACT, 1982

**1.** Each of the Acts adopted before 17 April 1982 is replaced by the text of each of them as they existed at that date, after being amended by the addition, at the end and as a separate section, of the following:

“This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (*insert here the reference to the chapter number of the Canada Act in the compilation of the Acts of the Parliament of the United Kingdom for 1982*).”

The text so amended of each of these Acts constitutes a separate Act.

No such Act is to be construed as new law except for the purposes of section 33 of the Constitution Act, 1982; for all other purposes, it has force of law as if it were a consolidation of the Act it replaces.

Every provision of such an Act shall have effect from the date the provision it replaces took effect or is to take effect.

Such an Act must be cited in the same manner as the Act it replaces.

**2.** The formalities respecting the printing and distribution of the Acts do not apply to an Act enacted under section 1, to the extent that such formalities have already been observed in respect of the Act it replaces.

DIVISION II

PROVISION RELATING TO SECTION 59 OF THE CONSTITUTION ACT, 1982

**3.** The Government shall not authorize a proclamation under subsection 1 of section 59 of the Constitution Act, 1982 without obtaining the prior consent of the National Assembly of Québec.

DIVISION III

FINAL PROVISIONS

**4.** This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982.

**5.** The sanction of this Act is valid for each of the Acts enacted under section 1.

**6.** This Act comes into force on the day of its sanction, but sections 1 and 2 have effect from 17 April 1982.