

1950

## c 184 Interpretation Act

Ontario

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## CHAPTER 184

**The Interpretation Act**

**1.** The provisions of this Act shall apply to every Act of the Legislature contained in these Revised Statutes or hereafter passed, except in so far as any such provision, Application of Act.

(a) is inconsistent with the intent or object of the Act; or

(b) would give to any word, expression or clause of the Act an interpretation inconsistent with the context; or

(c) is in the Act declared not applicable thereto. R.S.O. 1937, c. 1, s. 1.

**2.** Where an Act contains an interpretation section or provision, it shall be read and construed as subject to the exceptions contained in section 1. R.S.O. 1937, c. 1, s. 2. Interpretation sections in other Acts.

**3.** The provisions of this Act shall apply to the construction thereof and to the words and expressions used therein. R.S.O. 1937, c. 1, s. 3. Application to the Act itself.

## RULES OF CONSTRUCTION

**4.** The law shall be considered as always speaking, and where any matter or thing is expressed in the present tense, it is to be applied to the circumstances as they arise, so that effect may be given to each Act and every part thereof according to its true intent and meaning. R.S.O. 1937, c. 1, s. 4. Law always speaking.

**5.** Where an Act is not to come into operation immediately on the passing thereof, and confers power to make any appointment, to make, grant, or issue any Order in Council, order, warrant, scheme, letters patent, rules, regulations or by-laws, to give notices, to prescribe forms or to do any other thing for the purposes of the Act, that power, unless the contrary intention appears, may be exercised at any time after the passing of the Act, so far as may be necessary or expedient for the purpose of bringing the Act into operation at the date of the commencement thereof, subject to this restriction that any instrument made under the power, unless the contrary intention appears in the Act, or the contrary is necessary for bringing the Act into operation, shall not come into operation until the Act comes into operation. R.S.O. 1937, c. 1, s. 5. What may be done under an Act before date of commencement.

Meaning of expressions used in instruments issued under any Act.

**6.** Where any Act confers power to make, grant or issue any Order in Council, order, warrant, scheme, letters patent, rules, regulations or by-laws, expressions used therein, unless the contrary intention appears, shall have the same meaning as in the Act conferring the power. R.S.O. 1937, c. 1, s. 6.

Judicial notice.

**7.** Every Act shall, unless by express provision it is declared to be a private Act, be deemed to be a public Act, and shall be judicially noticed by all judges, justices of the peace, and others, without being specially pleaded. R.S.O. 1937, c. 1, s. 7.

Effect of preamble.

**8.** The preamble of an Act shall be deemed a part thereof and intended to assist in explaining the purport and object of the Act. R.S.O. 1937, c. 1, s. 8.

Marginal notes, headings, etc., not part of Act.

**9.** The marginal notes and headings in the body of an Act and the references to former enactments shall form no part of the Act but shall be deemed to be inserted for convenience of reference only. R.S.O. 1937, c. 1, s. 9.

All Acts remedial.

**10.** Every Act shall be deemed remedial, whether its immediate purport be to direct the doing of anything which the Legislature deems to be for the public good, or to prevent or punish the doing of anything which it deems to be contrary to the public good, and shall accordingly receive such fair, large and liberal construction and interpretation as will best ensure the attainment of the object of the Act according to the true intent, meaning and spirit thereof. R.S.O. 1937, c. 1, s. 10.

The Crown.

**11.** No Act shall affect the rights of His Majesty, His Heirs or Successors, unless it is expressly stated therein that His Majesty shall be bound thereby. R.S.O. 1937, c. 1, s. 11.

Private Acts.

**12.** No Act of the nature of a private Act shall affect the rights of any person, or body corporate, politic or collegiate, such only excepted as are therein mentioned or referred to. R.S.O. 1937, c. 1, s. 12.

#### REPEAL, AMENDMENT AND CONSOLIDATION

Reservation of power to repeal or amend.

**13.** Every Act shall be construed as reserving to the Legislature the power of repealing or amending it, and of revoking, restricting, or modifying any power, privilege or advantage thereby vested in or granted to any person or party, whenever the repeal, amendment, revocation, restriction, or modification is deemed by the Legislature to be required for the public good. R.S.O. 1937, c. 1, s. 13.

**14.**—(1) Where an Act is repealed or where a regulation <sup>Repeal,</sup> is revoked, the repeal or revocation shall not, save as in this <sub>effect of.</sub> Act otherwise provided,

- (a) revive any Act, regulation or thing not in force or existing at the time at which the repeal or revocation takes effect;
- (b) affect the previous operation of any Act, regulation or thing so repealed or revoked;
- (c) affect any right, privilege, obligation or liability acquired, accrued, accruing or incurred under the Act, regulation or thing so repealed or revoked;
- (d) affect any offence committed against any Act, regulation or thing so repealed or revoked, or any penalty or forfeiture or punishment incurred in respect thereof;
- (e) affect any investigation, legal proceeding or remedy in respect of any such privilege, obligation, liability, penalty, forfeiture or punishment,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if the Act, regulation or thing had not been so repealed or revoked. R.S.O. 1937, c. 1, s. 14.

(2) If other provisions are substituted for those so repealed <sup>When other</sup> or revoked, <sub>provisions substituted.</sub>

- (a) all officers and persons acting under the Act, regulation or thing so repealed or revoked, shall continue to act as if appointed under the provisions so substituted until others are appointed in their stead;
- (b) all proceedings taken under the Act, regulation or thing so repealed or revoked, shall be taken up and continued under and in conformity with the provisions so substituted, so far as consistently may be;
- (c) in the recovery or enforcement of penalties and forfeitures incurred, and in the enforcement of rights existing or accruing under the Act, regulation or thing so repealed or revoked, or in any other proceeding in relation to matters which have happened before the repeal or revocation, the procedure established by the substituted provisions shall be followed so far as it can be adopted; and
- (d) if any penalty, forfeiture or punishment is reduced or mitigated by any of the provisions of the Act, regula-

tion or thing whereby such other provisions are substituted, the penalty, forfeiture or punishment, if imposed or adjudged after such repeal or revocation, shall be reduced or mitigated accordingly. R.S.O. 1937, c. 1, s. 15.

Re-enactment, amendment, consolidation and revision.

**15.** Where any Act is repealed and other provisions are substituted by way of re-enactment, amendment, revision or consolidation,

- (a) all regulations, orders, ordinances, rules and by-laws made under the repealed Act shall continue good and valid in so far as they are not inconsistent with the substituted Act until they are annulled and others made in their stead; and
- (b) any reference in any unrepealed Act, or in any rule, order or regulation made thereunder to such repealed Act, shall, as regards any subsequent transaction, matter or thing be held and construed to be a reference to the provisions of the substituted Act relating to the same subject matter, and if there is no provision in the substituted Act relating to the same subject matter, the repealed Act shall stand good, and be read and construed as unrepealed in so far, and in so far only, as is necessary to support, maintain or give effect to such unrepealed Act, or such rule, order or regulation made thereunder. R.S.O. 1937, c. 1, s. 16; 1947, c. 101, s. 10.

Repeal of Act not a declaration that Act was in force.

**16.** The repeal of an Act shall not be deemed to be or to involve a declaration that such Act was, or was considered by the Legislature to have been previously in force. R.S.O. 1937, c. 1, s. 17.

Repeal or amendment not a declaration of previous state of the law.

**17.** The repeal or amendment of an Act shall not be deemed to be or to involve any declaration as to the previous state of the law. R.S.O. 1937, c. 1, s. 18.

Amendment of Act not a declaration of different state of law.

**18.** The amendment of an Act shall not be deemed to be or to involve a declaration that the law under such Act was, or was considered by the Legislature to have been, different from the law as it has become under such Act as so amended. R.S.O. 1937, c. 1, s. 19.

Re-enactment, etc. not an adoption of judicial construction.

**19.** The Legislature shall not, by re-enacting an Act, or by revising, consolidating or amending the same, be deemed to have adopted the construction which has by judicial decision or otherwise, been placed upon the language used in such Act or upon similar language. R.S.O. 1937, c. 1, s. 20.

## PROCLAMATIONS

**20.** Where the Lieutenant-Governor is authorized to do any act by proclamation, such proclamation is to be understood to be a proclamation issued under an order of the Lieutenant-Governor in Council; but it shall not be necessary that it be mentioned in the proclamation that it is issued under such order. R.S.O. 1937, c. 1, s. 21.

Lieutenant-Governor acting by proclamation.

## CROWN APPOINTMENTS

**21.** Authority to the Lieutenant-Governor to make an appointment to any office, by commission or otherwise, shall be deemed authority to appoint during pleasure. R.S.O. 1937, c. 1, s. 22.

Tenure of office.

## OATHS

**22.—(1)** Where by an Act of the Legislature or by a rule of the Assembly, or by an order, regulation or commission made or issued by the Lieutenant-Governor in Council under a law authorizing him to require the taking of evidence under oath, an oath is authorized or directed to be made, taken or administered, the oath may be administered and a certificate of its having been made, taken or administered may be given by anyone named in the Act, rule, order, regulation or commission, or by a judge of any court, a notary public, justice of the peace, or commissioner for taking affidavits, having authority or jurisdiction in the place where the oath is administered.

Administration of oaths.

(2) Any officer authorized to administer an oath or take an affidavit may take any declaration authorized or required by an Act of the Legislature. R.S.O. 1937, c. 1, s. 23 (1, 2).

Taking declarations.

(3) In every case where an oath, affirmation or declaration is directed to be made before any person or officer, such person or officer shall have full power and authority to administer the same and to certify to its having been made. R.S.O. 1937, c. 1, s. 23 (4).

Authority generally.

## REGULATIONS

**23.** The Lieutenant-Governor in Council may make regulations for the due enforcement and carrying into effect of any Act of the Legislature, and may prescribe forms, and may, where there is no provision in the Act, fix fees to be charged by all officers and persons by whom anything is required to be done. R.S.O. 1937, c. 1, s. 24.

Regulations.

## IMPRISONMENT

Imprisonment,  
place of.

**24.** If in any Act any person is directed to be imprisoned or committed to prison, the imprisonment or committal shall, if no other place is mentioned or provided by law, be in or to the common jail of the locality in which the order for the imprisonment is made, or if there be no common jail there, then in or to that common jail which is nearest to such locality. R.S.O. 1937, c. 1, s. 25.

Hard  
labour.

**25.** Where power to impose imprisonment is conferred by any Act it shall authorize the imposing of imprisonment with hard labour. R.S.O. 1937, c. 1, s. 26.

## OFFENCE UNDER MORE THAN ONE PROVISION

Act con-  
stituting  
offence  
under more  
than one  
provision.

**26.** Where an act or omission constitutes an offence under two or more Acts, or an offence both under an Act and at common law, the offender shall, unless the contrary intention appears, be liable to be prosecuted and punished under either or any of those Acts or at common law, but shall not be liable to be punished twice for the same act or omission. R.S.O. 1937, c. 1, s. 27.

## CORPORATIONS

Effect of  
words con-  
stituting a  
corporation.

**27.** In every Act, unless the contrary intention appears, words making any association or number of persons a corporation or body politic and corporate shall,

- (a) vest in the corporation power to sue and be sued, to contract and be contracted with by their corporate name, to have a common seal, to alter or change the same at their pleasure, to have perpetual succession, to acquire and hold personal property or moveables for the purpose for which the corporation is constituted, and to alienate the same at pleasure;
- (b) vest in a majority of the members of the corporation the power to bind the others by their acts; and
- (c) exempt individual members of the corporation from personal liability for its debts, obligations or acts if they do not contravene the provisions of the Act incorporating them. R.S.O. 1937, c. 1, s. 28.

## IMPLIED PROVISIONS

Implied  
provisions,

**28.** In every Act, unless the contrary intention appears,

as to juris-  
diction;

- (a) where anything is directed to be done by or before a magistrate, or a justice of the peace, or other public

functionary or officer, it shall be done by or before one whose jurisdiction or powers extend to the place where it is to be done;

- (b) where power is given to any person, officer or functionary to do or to enforce the doing of any act or thing, all such powers shall be understood to be also given as are necessary to enable the person, officer or functionary to do or enforce the doing of the act or thing; implied powers;
- (c) where an act or thing is required to be done by more than two persons, a majority of them may do it; acts to be done by more than two;
- (d) where forms are prescribed, deviations therefrom not affecting the substance or calculated to mislead shall not vitiate them; deviation from forms;
- (e) where a power is conferred or a duty imposed on the holder of any office as such, the power may be exercised and the duty shall be performed from time to time as occasion requires; powers and duties to be exercised and performed from time to time;
- (f) where a power is conferred or a duty imposed on the holder of any office as such, the power may be exercised and the duty shall be performed by the holder for the time being thereof; to be exercised and performed by holder of office for time being;
- (g) where power is conferred to make by-laws, regulations, rules or orders, it shall include power to alter or revoke the same from time to time and make others; power to make by-laws, etc., to confer power to alter;
- (h) where the time limited by any Act for any proceeding or for the doing of anything under its provisions expires or falls upon a holiday, the time so limited shall extend to, and the thing may be done on the day next following which is not a holiday; computation of time where time limited expires on a holiday;
- (i) words importing the singular number or the masculine gender only shall include more persons, parties or things of the same kind than one, and females as well as males and the converse; number and gender;
- (j) a word interpreted in the singular number shall have a corresponding meaning when used in the plural; idem;  
R.S.O. 1937, c. 1, s. 29, cls. (a-j).
- (k) words authorizing the appointment of any public officer or functionary, or any deputy, shall include the power of removing him, reappointing him, or appointing another in his stead or to act in his stead, from time to time in the discretion of the authority in words authorizing appointment include power to remove;

whom the power of appointment is vested; R.S.O. 1937, c. 1, s. 29, cl. (k); 1942, c. 34, s. 17 (1).

directions to public officer to apply to his successors and deputy;

(l) words directing or empowering a public officer or functionary to do any act or thing, or otherwise applying to him by his name of office, shall include his successors in such office and his or their lawful deputy;

reference to sections by numbers;

(m) where reference is made by number to two or more sections, subsections, paragraphs or clauses in any Act, the number first mentioned and the number last mentioned shall both be deemed to be included in the reference; R.S.O. 1937, c. 1, s. 29, cls. (l, m).

words authorizing appointment include power to appoint deputy.

(n) words authorizing the appointment of any public officer or functionary or the appointment of any person to administer any Act shall include the power of appointing a deputy to perform and have all the powers and authority of such public officer or functionary or person to be exercised in such manner and upon such occasions as may be specified in the instrument appointing him or such limited powers and authority as the instrument may prescribe. 1942, c. 34, s. 17 (2).

#### PROCEDURE

Appeals to Court of Appeal.

**29.** Where an appeal to the Court of Appeal is permitted by any Act the appeal shall be made in the time and manner prescribed by the rules of court. R.S.O. 1937, c. 1, s. 30.

Application to court or judge, procedure.

**30.** Unless otherwise provided, where an application to a court or a judge is permitted by any Act the application may be made by originating notice in the manner prescribed by the rules of court. R.S.O. 1937, c. 1, s. 31.

#### WORDS AND TERMS

Words and terms.

**31.** In every Act, unless the context otherwise requires,

- (a) "Act" includes enactment;
- (b) "affidavit", in the case of persons allowed by law to affirm or declare instead of swearing, includes affirmation and declaration;
- (c) "Assembly" means the Legislative Assembly of Ontario;
- (d) "county" includes two or more counties united for purposes to which the Act relates;

- (e) "Court of Appeal" means The Court of Appeal for Ontario;
- (f) "felony" means any crime which before the passing of *The Criminal Code, 1892* (Canada) would have been a felony under the law of Canada;
- (g) "Great Seal" means the Great Seal of Ontario;
- (h) "herein" used in any section of an Act relates to the whole Act and not to that section only;
- (i) "High Court" means The High Court of Justice for Ontario;
- (j) "His Majesty", "Her Majesty", "The King", "The Queen", or "The Crown" means the Sovereign of Great Britain, Ireland and the British Dominions beyond the Seas for the time being;
- (k) "holiday" includes Sunday, New Year's Day, Good Friday, Easter Monday, Christmas Day, the birthday or the day fixed by proclamation of the Governor-General for the celebration of the birthday of the reigning Sovereign, Victoria Day, Dominion Day, Labour Day, Remembrance Day, and any day appointed by proclamation of the Governor-General or the Lieutenant-Governor as a public holiday or for a general fast or thanksgiving; and whenever any holiday except Remembrance Day falls on a Sunday, the day next following shall be in lieu thereof a holiday;
- (l) "justice of the peace" includes two or more justices of the peace or magistrates assembled or acting together;
- (m) "legally qualified medical practitioner", "duly qualified medical practitioner", or any words importing legal recognition of any person as a medical practitioner or member of the medical profession, means a person registered under *The Medical Act*;
- (n) "Lieutenant-Governor" means the Lieutenant-Governor of Ontario, or the chief executive officer or administrator for the time being carrying on the government of Ontario, by whatever title he is designated;
- (o) "Lieutenant-Governor in Council" means the Lieutenant-Governor of Ontario, or person administering the government of Ontario for the time being, acting by and with the advice of the Executive Council of Ontario;

R.S.C. 1927,  
c. 36.

- (p) "Lower Canada" means all that part of Canada which formerly constituted the Province of Lower Canada;
- (q) "magistrate" includes a deputy magistrate and a police magistrate and deputy police magistrate within the meaning of the *Criminal Code* (Canada);
- (r) "may" shall be construed as permissive;
- (s) "mental defective" and "mentally defective person" means a person in whom there is a condition of arrested or incomplete development of mind, whether arising from inherent causes or induced by disease or injury, and who requires care, supervision and control for his own protection or welfare or for the protection of others;
- (t) "mental deficiency" means the condition of mind of a mental defective;
- (u) "mentally ill person" means a person other than a mental defective who is suffering from such a disorder of the mind that he requires care, supervision and control for his own protection or welfare, or for the protection of others;
- (v) "mental illness" means the condition of mind of a mentally ill person;
- (w) "mental incompetent" and "mentally incompetent person" means a person,
  - (i) in whom there is such a condition of arrested or incomplete development of mind, whether arising from inherent causes or induced by disease or injury, or
  - (ii) who is suffering from such a disorder of the mind, that he requires care, supervision and control for his protection and the protection of his property;
- (x) "mental incompetency" means the condition of mind of a mentally incompetent person;
- (y) "misdemeanour" means any crime which before the passing of *The Criminal Code, 1892* (Canada) would have been a misdemeanour under the law of Canada;
- (z) "month" means a calendar month;
- (za) "newspaper" in any statute requiring publication

- in a newspaper means a printed publication in sheet form, intended for general circulation, published regularly at intervals of not longer than a week, consisting in great part of news of current events of general interest and sold to the public and to regular subscribers upon a *bona fide* subscription list;
- (zb) “now”, “next”, “heretofore” and “hereafter” shall be construed as having reference to the date of the coming into force of the Act;
- (zc) “oath”, in the case of persons allowed by law to affirm or declare instead of swearing, includes affirmation and declaration;
- (zd) “peace officer” includes a mayor, warden, reeve, sheriff, deputy sheriff, sheriff’s officer, and justice of the peace, and also the superintendent, governor, jailer, keeper, guard or any other officer or permanent employee of a jail or reformatory and also any police officer, police constable, bailiff, constable or other person employed for the preservation and maintenance of the public peace or for the service or execution of civil process;
- (ze) “person” includes any body corporate or politic, and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law;
- (zf) “proclamation” means a proclamation under the Great Seal;
- (zg) “registrar” includes a deputy registrar; R.S.O. 1937, c. 1, s. 32, cls. (a-zg).
- (zh) “Rules Committee” means Rules Committee established under *The Judicature Act*; 1941, c. 55, s. 15. Rev. Stat., c. 190.
- (zi) “rules of court” when used in relation to any court means rules made by the authority having power to make rules or orders regulating the practice and procedure of such court, or for the purpose of any Act directing or authorizing anything to be done by rules of court;
- (zj) “security” means sufficient security, and “sureties” means sufficient sureties, and where these words are used, one person shall be sufficient therefor unless otherwise expressly required;
- (zk) “shall” shall be construed as imperative;

- (zl) "Supreme Court" means Supreme Court of Ontario;
- (zm) "swear", in the case of persons for the time being allowed by law to affirm or declare instead of swearing, includes affirm and declare; and "sworn" has a corresponding meaning;
- (zn) "Upper Canada" means all that part of Canada which formerly constituted the Province of Upper Canada;
- (zo) "writing", "written", or any term of like import, includes words printed, painted, engraved, lithographed, photographed, or represented or reproduced by any other mode in a visible form;
- (zp) "year" means a calendar year. R.S.O. 1937, c. 1, s. 32, cls. (zh-zo).

## SPECIAL INTERPRETATION CLAUSES

Rev. Stat.,  
c. 190.

**32.** The interpretation section of *The Judicature Act* shall extend to all Acts relating to legal matters. R.S.O. 1937, c. 1, s. 33.

Rev. Stat.,  
c. 243.

**33.** The interpretation section of *The Municipal Act* shall extend to all Acts relating to municipal matters. R.S.O. 1937, c. 1, s. 34.

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