

1980

# c 86 Constitutional Questions Act

Ontario

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## CHAPTER 86

## Constitutional Questions Act

**1.** The Lieutenant Governor in Council may refer to the Court of Appeal or to a judge of the Supreme Court for hearing and consideration any matter that he thinks fit, and the court or judge shall thereupon hear and consider the matter so referred. R.S.O. 1970, c. 79, s. 1.

Reference  
to court  
authorized

**2.** The court or judge shall certify to the Lieutenant Governor in Council its or his opinion on the matter referred, accompanied by a statement of the reasons therefor, and, in the case of a reference to the Court of Appeal, any judge who differs from the opinion may in like manner certify his opinion and his reasons. R.S.O. 1970, c. 79, s. 2.

Court to  
certify  
opinion

**3.** Where the matter relates to the constitutional validity of an Act of the Legislature or a provision thereof, the Attorney General for Canada shall be notified of the hearing in order that he may be heard if he sees fit. R.S.O. 1970, c. 79, s. 3.

Notice to  
Attorney  
General  
for Canada

**4.** The court or judge may direct that any person interested, or, where there is a class of persons interested, any one or more persons as representatives of the class, be notified of the hearing, and such persons are entitled to be heard. R.S.O. 1970, c. 79, s. 4.

Notice to  
persons  
interested

**5.** Where an interest affected is not represented by counsel, the court or judge may request counsel to argue the case in such interest, and the reasonable expenses thereof shall be paid by the Treasurer of Ontario out of any money appropriated by the Legislature and applicable for that purpose. R.S.O. 1970, c. 79, s. 5.

Appoint-  
ment of  
counsel

**6.** The opinion of the judge shall be deemed a judgment of the court, and an appeal lies therefrom as from a judgment in an action. R.S.O. 1970, c. 79, s. 6.

Appeal

**7.** Where an appeal is had to the Court of Appeal, sections 2 to 5 apply as if the original reference had been to the Court of Appeal. R.S.O. 1970, c. 79, s. 7.

Enactments  
applicable  
to appeals

