

The Sources of Law in Canada

Sources of Law in Canada

There are three sources
of law in Canada

Constitutional Law

Statute Law

Common Law



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Constitutional Law

Derived from the
Canadian Constitution



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Statute Law: from elected government representatives at all four levels of government



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Common :Law based
on previous legal
decisions



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Common Law:

also known as Case Law comes from English Common Law

derived from the decisions of judges from previous cases

Stare Decisis or the “rule of precedent



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Common Law:

Rule of Precedent does not apply in all cases

In all cases the presiding judge may disagree and reject previous decisions and set a new precedent

This act is called “distinguishing a case”



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Statute Law:

common law decisions
that have been
LEGISLATED into law
generally override
previous common law



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Statute Law:

Where no statutes exist,
common law applies

All levels of government
can enact statute law,
but only within their
jurisdiction as set out
in the constitution



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Statute Law:

Local or Municipal Government:

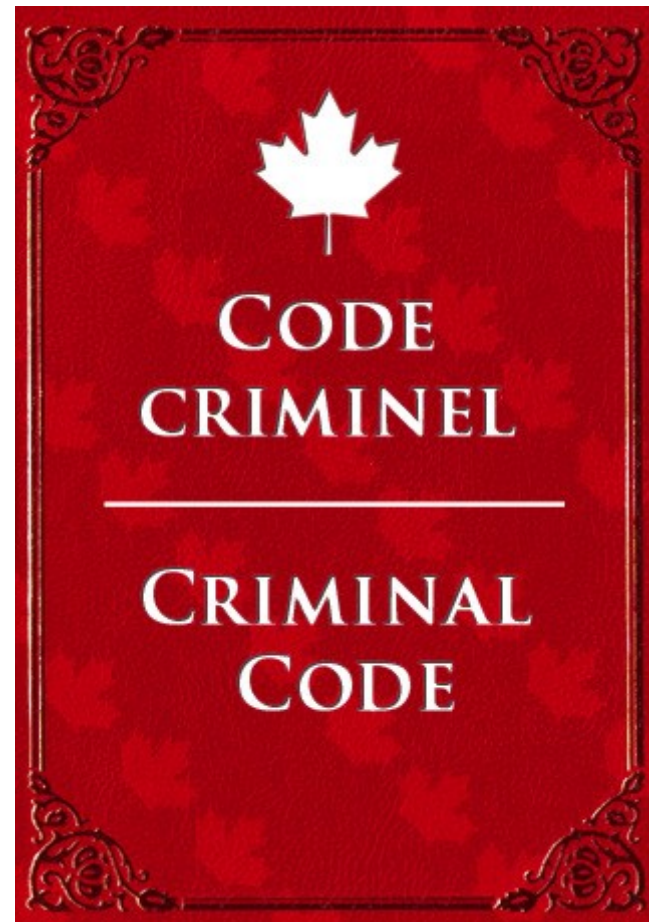
statute laws are called bylaws. Include garbage pick-up, fence height, parking etc



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Statute Law:

Examples of Statute Law are:
The Criminal Code, the Highway Traffic Act, and the Youth Criminal Justice Act



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Constitutional Law:

Based on the BNA act 1867
(Socials 10) and the
Constitution Act 1982 and
the Canadian Charter of
Rights and Freedoms

Overrides all other laws

If a law violates the
constitution it may be
struck down and declare it
unconstitutional



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Public Law vs Private Law

Public Law is where people are prosecuted in the interest of the public by government representatives

Crown Lawyers vs the Individual and their representative

Regina vs Macri



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Public Law vs Private Law

Private Law is where an individual or group wants to sue another individual group for damages to person or property.

Also know as civil Law.

JT vs Beiber

