

Explanatory Note relating to Legislative Proposals Regarding Time Limits and Other Periods in Circumstances Due to COVID-19

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Explanation:

Many provisions in federal legislation set time limits to accomplish certain things, like payment of fees or filing reports. Federal legislation also sets out periods during which certain things can be done, for example, periods of validity for licences, permits or other authorizations allowing the holder to perform specified things. With respect to civil proceedings before the courts, at the federal level alone, there are hundreds of deadlines that are fixed by statute.

Due to the current COVID-19 pandemic, there is a risk that many will be unable to meet the numerous time limits set out in Canadian federal legislation through no fault of their own. If there is no discretion in a given statute to extend time periods, then Canadians may begin to experience serious negative circumstances.

In order to respond to this problematic situation, the proposal would provide for measures to extend limitation periods in civil proceedings before courts as well as measures to address pressing regulatory time limits.

Description:

Purpose

The legislative proposals would aim to address the need for flexibility in time limits and other periods under federal legislation because of exceptional circumstances due to COVID-19.

Their purpose would therefore be to temporarily suspend some time limits and allow others to be suspended or extended where these circumstances may make compliance difficult or impossible, and to extend other periods so that their expiration does not produce unfair or undesirable effects.

The legislative proposals would indicate that they should be interpreted in a manner that would bring certainty to proceedings and respects both the rule of law and the *Canadian Charter of Rights of Freedoms*.

Sections 6 and 7

In particular, the legislative proposals would:

- suspend, as of March 13, 2020 and until September 13, 2020 or an earlier date set by the Governor in Council, certain time limits concerning proceedings, other than proceedings concerning offences, before the courts;

- allow courts to may vary the suspension within certain limits and take measures regarding the effects of a failure to meet a suspended time limit;
- allow the Governor in Council to lift such suspensions in certain circumstances;
- allow ministers, in respect of specified legislation, to suspend or extend time limits and extend other periods for no more than six months, and to give such suspensions or extensions retroactive effect to March 13, 2020; and
- allow ministers in the case described in the previous point to give specified persons, bodies or tribunals some flexibility in applying these suspensions or extensions.

The proposals would allow the Governor in Council to restrict or impose conditions on the powers granted to ministers.

Sections 8 and 9

Orders order made under subsection 6(1), (3) or (4) or 7(1) or (2) would be exempted from the application of the *Statutory Instruments Act*.

The legislative proposals would also state that these powers cannot be exercised after September 30, 2020.

Sections 10 and 11

The proposals would require that orders, along with a statement explaining the reason for their making, be published on a Government of Canada no later than five days after they are made, for a period of at least six months, followed by publication in the *Canada Gazette*.

The proposals would also provide that orders would be tabled before each House of Parliament within three days of their being made or, if a House is not sitting, as soon as possible, and that such orders would be referred to a committee of each House.

Schedule

List of acts, regulations and provisions for which Ministers can make orders suspending or extending time limits.