

Proposed legislation to address legislative time limits in response to the COVID-19 pandemic

The COVID-19 pandemic has created challenges on many fronts, both for individual Canadians and businesses. Access to justice and the effective functioning of our justice and court system are fundamental to a just and fair Canadian society. In these exceptional circumstances, many Canadians, businesses and other organizations may be unable to meet numerous time limits currently set out in federal legislation, including those for civil court proceedings and for some key regulatory matters.

This is why the Government of Canada has introduced Bill C-20: *An Act respecting further COVID-19 measures*. Part 3 of Bill C-20 would enact a new Act, *Time Limits and Other Periods Act (COVID-19)*, to address limitation periods in civil litigation and pressing regulatory time limits included in federal legislation. This new proposed Act would allow the continued protection of Canadians' rights in the context of civil legal proceedings, by ensuring that individuals are not prevented from asserting their rights because of the passage of a time limit. It would also better support Canadians, Canadian businesses, and the Government in making sure they are able to avoid irreversible legal consequences.

WHAT WOULD THE *TIME LIMITS AND OTHER PERIODS ACT (COVID-19)* DO?

The *Time Limits and Other Periods Act (COVID-19)* would automatically suspend time limits relating to civil litigation and allow federal ministers to make orders to suspend other time limits in some federal legislation and regulations.

Once Bill C-20 receives Royal Assent, the *Time Limits and Other Periods Act (COVID-19)* would:

Time limits relating to civil litigation

- automatically suspend time limits established under federal legislation for starting a legal proceeding or doing something in a legal proceeding
- valid for a maximum of 6 months, starting March 13, 2020, and ending on September 13, 2020 or on an earlier date fixed by order of the Governor in Council on recommendation of the Minister of Justice

Time limits and other periods in federal legislation

- allow federal ministers to make temporary orders to extend or suspend other time limits identified in specific federal legislation for which they are responsible, where failure to meet those time limits could have a significant impact on individuals, businesses, and the Government
- orders made under this provision of the Bill can be retroactive to March 13, 2020 and valid for a maximum of 6 months, but would not have effect beyond December 31, 2020
- these orders could not be made after September 30, 2020

HOW WOULD THE PROPOSED ACT WORK?

Upon receiving Royal Assent, the *Time Limits and Other Periods Act (COVID-19)* would automatically suspend time limits relating to civil litigation for up to 6 months and retroactive to March 13, 2020. This automatic suspension would end on September 13, 2020 or on an earlier date fixed by order of the Governor in Council on recommendation of the Minister of Justice.

Other time limits would be extended or suspended through Ministerial Order through the process outlined below:



WHAT SAFEGUARDS DOES THIS PROPOSED ACT INCLUDE?

The *Time Limits and Other Periods Act (COVID-19)* and all resulting orders must comply with the *Canadian Charter of Rights and Freedoms*. Importantly, the proposed new Act includes safeguards and Parliamentary oversight provisions to enhance transparency.

 A **sunset clause of September 30, 2020**, meaning that orders could not be made after that date, and a **second sunset clause so that such orders would not have effect beyond December 31, 2020**.

 A **number of measures to ensure transparency and accountability**, such as requirements to:

- publish all orders on a government website within 5 days of being made and for a minimum of 6 months
- publish all orders in the Canada Gazette within 14 days of being made

 A requirement for **all orders to be tabled in Parliament within three sitting days of being made** or as soon as possible if Parliament is not sitting.

 Once tabled in Parliament, all temporary orders made under this legislation would be **referred a committee of the House of Commons and of the Senate**.

By temporarily extending or suspending time limits in federal legislation, the Government is **protecting Canadians' rights** and **access to justice**, and better supporting Canadians, businesses, and the Government in **making sure they are able to avoid irreversible legal consequences**.

For more detailed information, visit justice.gc.ca