

VILLE DE DUNTON
DOWNEY, CARR & RAINVILLE DEC 21 1983

BIBLIOTHEQUE
DUNTON, RAINVILLE, TOUPIN, PERRAULT.

Construction of Statutes

Second Edition

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BUTTERWORTHS
Toronto
1983

Construction of Statutes

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Printed and bound in Canada by T. H. Best Printing Company Limited.

The Butterworth Group of Companies

Canada

Butterworth & Co. (Canada) Ltd., Toronto and Vancouver

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Butterworth & Co. (Publishers) Ltd., London

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Butterworths of New Zealand Ltd., Wellington and Auckland

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Butterworth & Co. (Asia) Pte. Ltd., Singapore

South Africa

Butterworth Publishers (Pty) Ltd., Durban and Pretoria

United States

Butterworth Legal Publishers, Boston, Seattle and Austin
Mason Publishing Company, St. Paul
D&S Publishers, Clearwater

Canadian Cataloguing in Publication Data

Driedger, Elmer A., 1913-
Construction of statutes

(Canadian legal manual series)

"Table of cases" : p.

Bibliography: p.

Includes index.

ISBN 0-409-82803-3

1. Statutes - Canada. 2. Legislation - Canada.
3. Law - Canada - Interpretation and construction.
- I. Title. II. Series.

KE265.D75 1983 349.71 C83-099119-0

THE MODERN PRINCIPLE

Today there is only one principle or approach, namely, the words of an Act are to be read in their entire context and in their grammatical and ordinary sense harmoniously with the scheme of the Act, the object of the Act, and the intention of Parliament. This principle is expressed repeatedly by modern judges, as, for example, Lord Reid in *Westminster Bank Ltd. v. Zang*,³⁴ and Culliton C.J. in *R. v. Mojelski*.³⁵ Earlier expressions, though in different form, are to the same effect; Lord Atkinson in *Victoria (City) v. Bishop of Vancouver Island*³⁶ put it this way:

In the construction of statutes their words must be interpreted in their ordinary grammatical sense, unless there be something in the context, or in the object of the statute in which they occur, or in the circumstances with reference to which they are used, to show that they were used in a special sense different from their ordinary grammatical sense.

The remaining chapters of this work seek to explain how an Act is to be so read and how problems that may be encountered on the way are to be solved.

³⁴ [1965] A.C. 182, at p. 222.

³⁵ (1968), 65 W.W.R. 565, at p. 570, *supra*, pp. 85-86. See also *Cash v. George Dundas Realty Ltd.*, (1973), 1 O.R. (2d) 241.

³⁶ [1921] A.C. 384, at p. 387; and see also *Nothman v. Barnet Council*, [1978] 1 W.L.R. 220.