



## RESEARCH GUIDE

# canadian legislation judicially considered

Judicial consideration, or noting up, of a statute or regulation involves searching for case law that interprets or applies the statute or regulation or a section thereof. The judicial decisions retrieved reveal how courts have interpreted and analyzed the legislation. Since statutes and section numbers can change over time, it is important to consider repealed or superseded legislation, with particular attention to changes to the section numbers.

### electronic resources

#### CanLII

CanLII offers a [Noteup] feature for federal and provincial statutes. From the appropriate jurisdiction page, click the [Statutes and regulations] link to browse statutes alphabetically by letter. Click on the link for the appropriate statute to retrieve the statute page; then click the [Noteup] link. You will retrieve a hyperlinked list of decisions published in CanLII citing the statute. There is no editorial input into this list. It is not possible to note-up a particular section of a statute using CanLII.

#### LawSource

Retrieve the legislation you wish to note up by title, section (if applicable) and jurisdiction using the [Find/KeyCite a Document] feature on the home page. Links to citing references will be displayed on the [Related Info] tab on the left side of the page. Click on [Citing References] to see the cases that have interpreted or applied the legislation. Citing cases are displayed by section and sub-section, and treatment symbols are included where applicable. LawSource contains federal and provincial legislation, including rules of practice for every court in Canada except Quebec. It also contains repealed statutes.

#### LexisNexis *Quicklaw*

To search for judicial consideration of a statute, retrieve the statute or section through the Legislation search page or by using the [Find Legislation] search on the home page. While viewing a specific section, click on the citator symbol or on the [Note up with QuickCITE] link located near the top of the page. You will retrieve a list of cases that have considered that section, which includes the type of treatment given by each case (e.g. considered; referred to; cited).

To search for judicial consideration of a regulation, use a proximity search in case law databases by title and section number. This will retrieve decisions where the regulation title and section number are included. The text of the decision indicates any judicial consideration.

#### Maritime Law Book

A proximity search in case law databases by legislation title and section number retrieves decisions where the title and section number are included. The text of the decision indicates any judicial consideration.

### print resources

#### *Canada statute citator*. R.S.C. 1985 ed. Canada Law Book, 1989-

This is a multi-volume looseleaf updated service that selectively covers all federal statutes except the Criminal Code, the Divorce Act, the Income Tax Act and the Youth Criminal Justice Act which, due to their length and complexity, are covered in other publications. Each entry includes a brief digest of the case explaining the consideration of the statute.

For further assistance, call 403.297.6148 (Calgary) or 780.422.2342 (Edmonton) or contact your local ALSL branch.

**Canadian statute citations.** Carswell, 1994-

This multi-volume set with supplements, a component of the *Canadian Abridgment*, provides judicial consideration of federal, provincial and territorial statutes. Every statute and every section of a statute that has been the subject of judicial consideration from Canadian courts and administrative tribunals is listed. Statutes with the same title and different versions are listed chronologically. Judicial treatment of statutes (e.g. unconstitutional, considered, pursuant to, referred to) is indicated by symbols. International treaties and conventions and foreign statutes which have been the subject of Canadian judicial consideration are included.

**Regulations judicially considered.** Carswell, 2005-

This multi-volume set with supplements, a component of the *Canadian Abridgment*, provides coverage of federal, provincial and territorial regulations considered in Canadian courts and tribunals since 1997. It is organized first by jurisdiction and then by enacting statute. Consideration is listed for regulations generally and for specific sections. Foreign regulations that have received Canadian judicial consideration are included.

**Rules judicially considered.** Carswell, 1999-

This is also a multi-volume set with supplements that is a component of the *Canadian Abridgment*. It covers federal, provincial and territorial rules of practice and procedure considered in Canadian courts and tribunals since 1986. Judicial consideration is listed for rules generally and for specific sections. Foreign rules that have received Canadian judicial consideration are included.

**Statutes of Alberta judicially considered, R.S.A. 2000.** Carswell, 2000-

This looseleaf citator service includes judicial consideration of Alberta statutes and regulations. It lists judicial consideration of statutes and regulations generally as well as judicial consideration for specific sections and subsections. A brief digest accompanies each case listed. There is also an R.S.A. 1980 volume.

**Annotated statute publications**

These publications compiled on specific statutes contain the text of the statute along with annotations. The annotations often provide in-depth information on the judicial consideration the statute has received. Examples include MacDonald, James C. and Wilton, Ann C. *The Annotated Divorce Act*. Carswell, 1992- (KF 535 M32) or Martin, John C. and Greenspan, Edward L. *Martin's annual Criminal Code*. Canada Law Book, 1955- (KF 9219 C3 M36).

**law reports****Carswell**

STATUTES CONSIDERED, TREATIES CONSIDERED, RULES CONSIDERED, REGULATIONS CONSIDERED and TARIFFS CONSIDERED tables are included in each bound volume and each *Consolidated Index* volume.

**Maritime Law Book**

The INDEX TO STATUTES NOTICED, included in each bound volume and each *Digest and Consolidated Indexes* volume, lists statutes, regulations, orders, bylaws, municipal bylaws and other subordinate legislation that have been considered in the decisions reported in that volume or in the volumes indexed.

**articles****Canadian abridgment : index to Canadian legal literature.** Carswell, 1981-

This publication includes a TABLE OF STATUTES which lists case comments, annotations and articles providing substantial treatment of a statute or section of a statute. Federal, provincial, foreign and international statutes are included.

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