

# THE EVOLUTION OF STATUE REVISION: THE NEW BRUNSWICK EXPERIENCE

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# THE EVOLUTION OF STATUTE REVISION



# THE NEW BRUNSWICK CONTEXT

- ◉ A fully centralized drafting service
- ◉ Bilingual drafting services to all government departments and agencies
- ◉ Legal advice on proposals for and drafting of ALL new and amending Acts and regulations
- ◉ On-going revision of ALL Acts

# BACKGROUND

- Last full revision and consolidation of New Brunswick legislation was published in 1973
- Statute Revision Project initiated in 2001
- In 2003 the *Statute Revision Act* was enacted and the Statute Revision Manuals were produced

# LEGISLATIVE AUTHORITY: *STATUTE REVISION ACT, s. 4(1)*

- Make changes to achieve a uniform mode of expression
- Reconcile inconsistent provisions
- Revise archaic language
- Revise language for clarity
- Improve language to make both language versions more compatible

# CHALLENGES

- Staff changes and reductions
- Staff resources redirected to other government priorities
- Parameters of the project:
  - > Not simply a consolidation
  - > Mandate to make style and language consistent across legislation and between the two language versions
  - > “Clean-up” up the French versions of the legislation

# PARTIAL PUBLICATION– COULD IT BE DONE?



# OBSTACLES TO PARTIAL PUBLICATION

- ◉ Lack of statutory authority
- ◉ External cross referencing issues
- ◉ Uncertainty over how to cite the Acts
- ◉ Alpha-numeric chapter numbers
- ◉ Schedule A – The operative repeal of the legislation revised



# OBSTACLES TO PARTIAL PUBLICATION

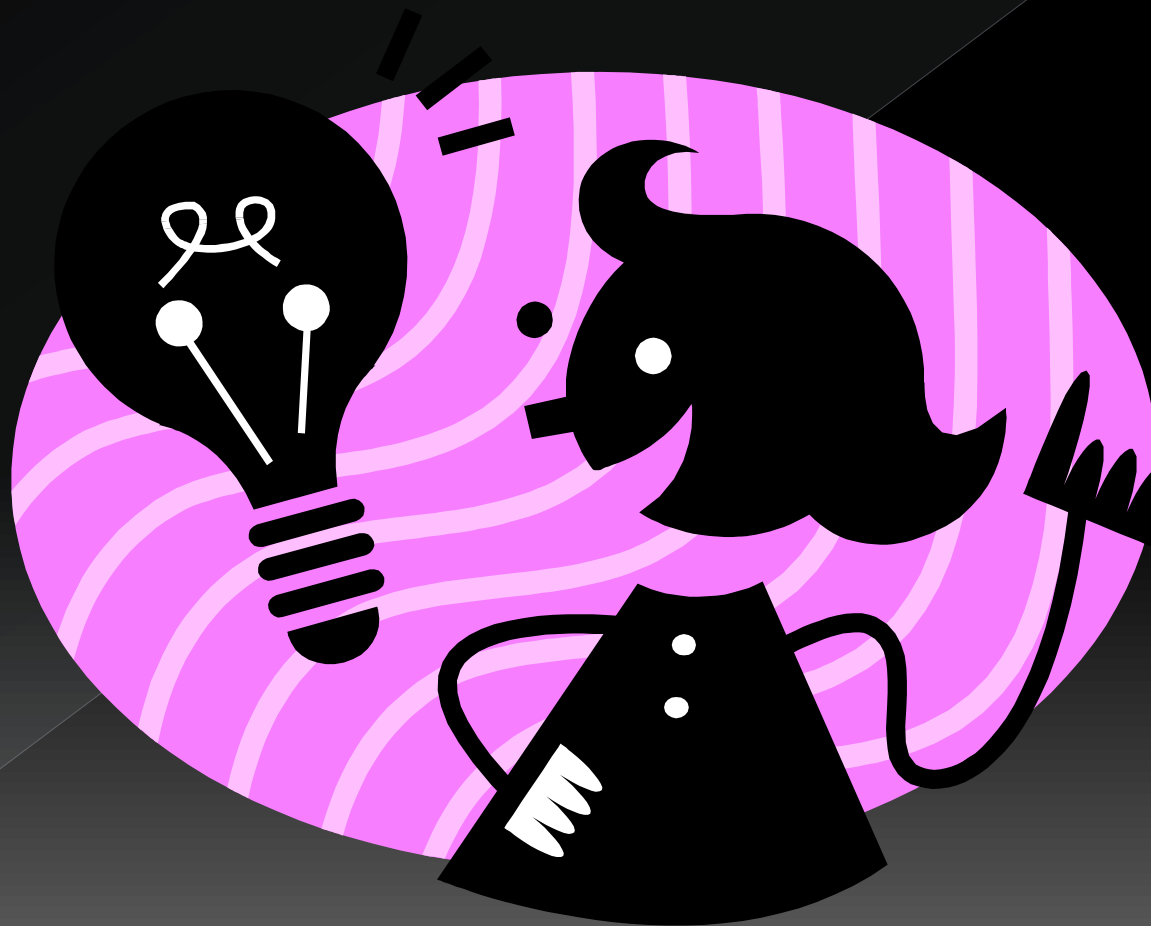
- Unproclaimed amendments
- Impact on the various schedules to the Table of Public Statutes
- Changing approaches to language and style
- Impact of criticism of published changes on revision work that was still ongoing

# PARTIAL PUBLICATION



To the question, could it be done? The answer appeared to be “No” - or was it?

# PARTIAL PUBLICATION – THE WAY FORWARD



# PARTIAL PUBLICATION: FOR EVERY OBSTACLE A SOLUTION

- Hurdles v. Barriers
- Timing
- Selecting the first group of Acts
- Goal – minimize impact of “hurdles” identified by the group



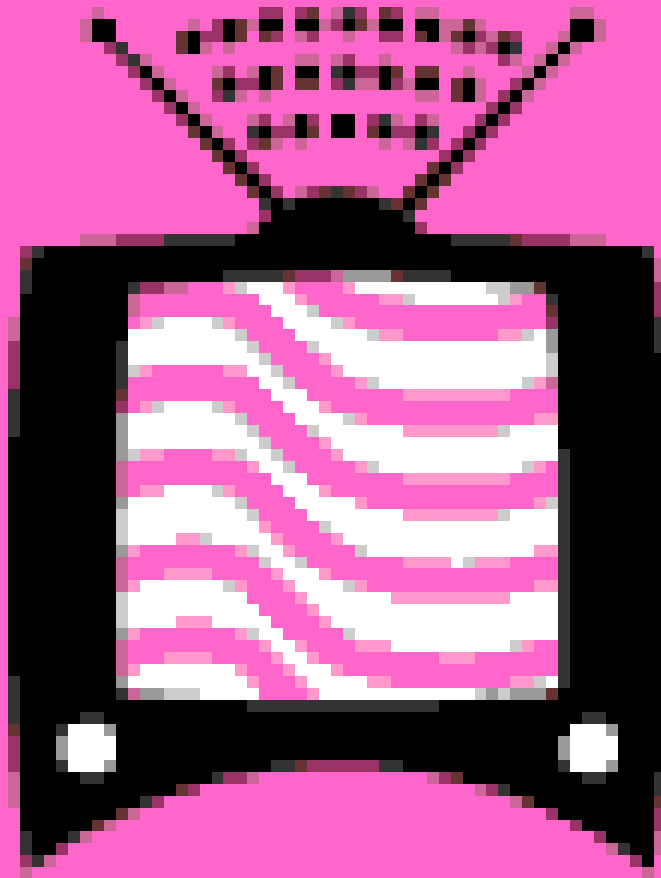
# STATUTORY AUTHORITY

## *Statute Revision Act*

### Section 3

**3** In accordance with this Act, the Committee may from time to time prepare, under the General supervision of the Deputy Attorney General, a revision of any or all of the public Acts of New Brunswick.

# TECHNICAL DIFFICULTIES



# TECHNICAL DIFFICULTIES

## External cross references

### Paragraph 4(1)(m)

**4(1)** In preparing a revision, the Committee may do any or all of the following: ...

*(m)* make consequential changes to other Acts not being revised to reconcile them with a revised Act;

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**CHAPTER 100** **CHAPITRE 100**

**Absconding Debtors Act** **Loi sur les débiteurs en fuite**

*Deposited May 13, 2011* *Déposée le 13 mai 2011*

**Table of Contents** **Table des matières**

<p>1 Definitions              judge — juge              property or estate — biens ou actif</p> <p>2 Proceedings against absconding debtor</p> <p>3 Notice of proceedings</p> <p>4 Proceedings against absent debtor</p> <p>5 Trial of claim to seized property</p>	<p>1 Définitions              biens ou actif — property or estate              juge — judge</p> <p>2 Poursuites contre les débiteurs en fuite</p> <p>3 Avis de poursuite</p> <p>4 Poursuites contre les débiteurs absents</p> <p>5 Réclamation de biens saisis</p>
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Citation of Acts and chapter numbers



# TECHNICAL DIFFICULTIES

## Schedule A

How would one deal with each of the following situations:

1. A base Act included in an edition of the Revised Statutes that consequently amends an Act that is not included?
2. A base Act not included in an edition of the Revised Statutes that consequently amends an Act that is included?
3. An Amending Act or an Act Respecting that includes both Acts that are included and not included in an edition of the Revised?

# TECHNICAL DIFFICULTIES – SCHEDULE A

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**SCHEDULE A**

Acts and parts of Acts repealed, from the date of the coming into force of the Revised Statutes of New Brunswick  
20xx.

Acts of New Brunswick, 1976		
B-7.1	Boiler and Pressure Vessel Act	The Whole except ss.27.2(2).
E-4.1	Electrical Installation and Inspection Act	The Whole.
F-18.1	Flood and Storm Damage Act, 1976	The Whole.
L-3.1	Legislative Library Act	The Whole.
L-13.1	Lotteries Act	The Whole.
M-6.1	Medical Consent of Minors Act	The Whole.
P-9.1	Plumbing Installation and Inspection Act	The Whole.
4	An Act to Amend the Anatomy Act	The Whole.
6	An Act to Amend the Coroners Act	The Whole.
21	An Act to Amend the Condominium Property Act	The Whole.
22	An Act to Amend the Executive Council Act	The Whole.

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# TECHNICAL DIFFICULTIES – SCHEDULE A

## SCHEDULE A

Acts Consolidated in the Revised Statutes of New Brunswick 2011

The following Acts and all amendments to those Acts are repealed, except those provisions that are noted in the remarks column of the Table of Concordance as being omitted but not repealed (OBNR).

<i>Chapter</i>	<i>Title of Act</i>
A-2	Absconding Debtors Act
A-4	Age of Majority Act
A-5	Agricultural Associations Act
A-8	Anatomy Act
A-9	Apiary Inspection Act
A-16	Assignments And Preferences Act
A-17	Auctioneers Licence Act
B-1	Beaverbrook Art Gallery Act
B-2	Beaverbrook Auditorium Act
C-8	Collection Agencies Act
C-9	Commissioners for Taking Affidavits Act
C-11	Community Improvement Corporation Act (New title - Regional Development Corporation Act, 1987, c.13, s.1.)
C-19	Contributory Negligence Act
C-26	Corrections Act
C-29	Council of Maritime Premiers Act
C-34	Criminal Prosecution Expenses Act
C-37	Crown Debts Act
D-5	Defamation Act
D-10	Direct Sellers Act
E-1	Easements Act
E-12	Executive Council Act
F-1	Factors and Agents Act
F-3	Farm Adjustment Act (New title – Agricultural Development Act, 1985, c.28, s.1)
F-5	Farm Improvement Assistance Loans Act
F-8	Federal Courts Jurisdiction Act
F-11	Financial Administration Act
F-19	Foreign Judgments Act
F-24	Frustrated Contracts Act
G-6	Great Seal Act
G-8	Guardianship of Children Act
H-11	Human Rights Act
I-10	Innskeepers Act
I-11	Inquiries Act
J-1	Judges Disqualification Removal Act
L-5	Libraries Act (New title – New Brunswick Public Libraries Act, 1997, c.49, s.1)
L-11	Livestock Incentives Act
M-3	Marriage Act
M-5	Marshland Reclamation Act

# OTHER CONSIDERATIONS

- Unproclaimed amendments
- Impact on the various schedules to the Table of Public Statutes
- Changing approaches to language and style
- Impact of criticism of published changes on revision work that was still ongoing

# REVISED STATUTES OF NEW BRUNSWICK, 2011

- Deposited with the Clerk of the Legislative Assembly – May 13, 2011
- Proclaimed into force – September 1, 2011
- 137 Acts



# REVISED STATUTES OF NEW BRUNSWICK, 2011

- Includes:
  - > Supplement – 7 amending Acts
  - > New format for Table of Public Statutes
- *An Act Respecting the Revised Statutes, 2011, S.N.B. 2011, c.20 – amended 21 Acts*
- *An Act to Amend the Interpretation Act, S.N.B, 2011, c.19*

STAY TUNED FOR MORE

