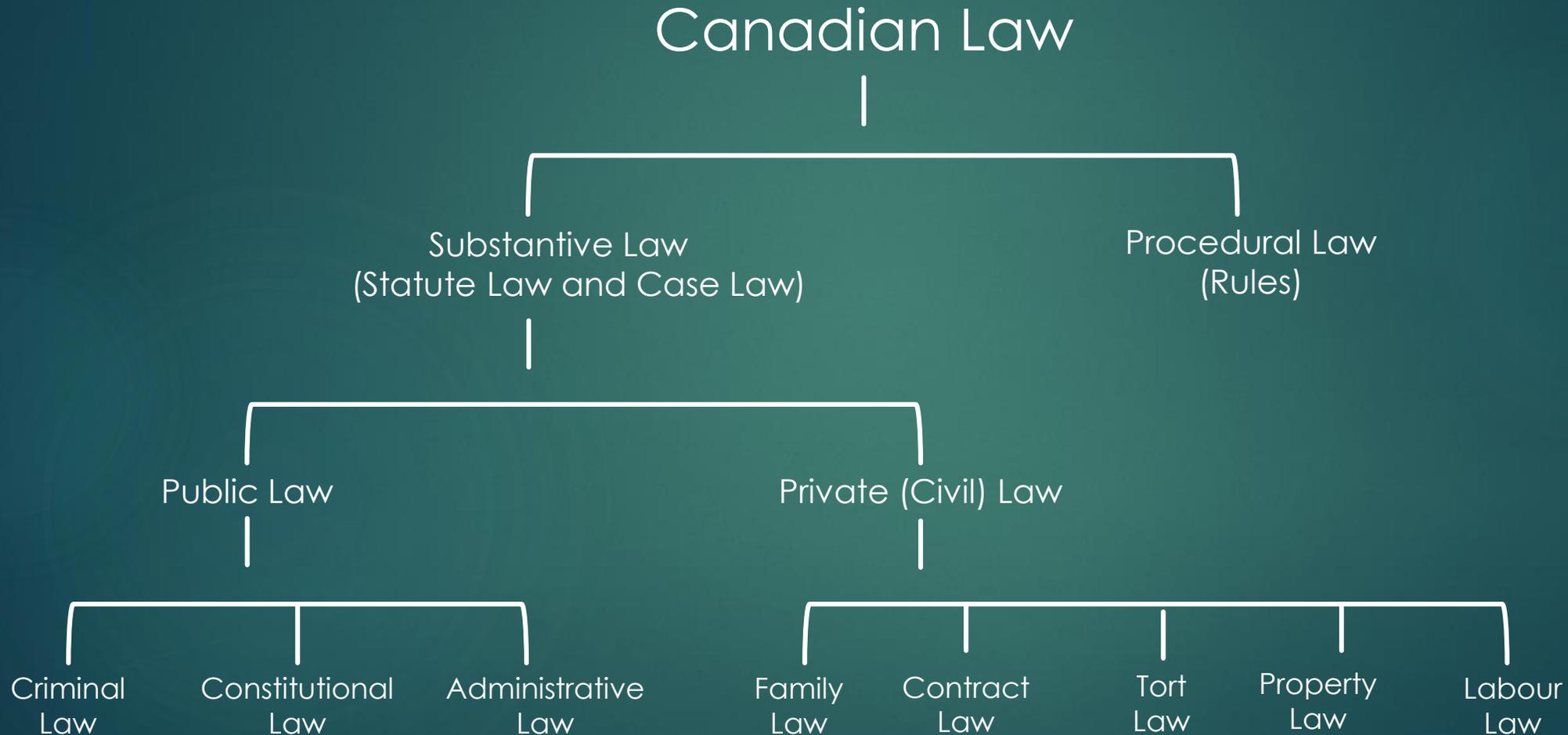




Divisions of Law

SUBSTANTIVE LAW VS PROCEDURAL LAW

The Divisions of Canadian Law



Substantive Law

- ▶ “the substance of the law”
- ▶ Consists of all laws that list the rights and obligations of each person in society
- ▶ Substantive Law can be broken into two different categories, public and private (civil)
- ▶ Ex: One type of substantive law is property law. This allows Canadians to own property and enjoy certain rights, but it also comes with obligations as well.
 - ▶ ... such as?

Procedural Law

- ▶ “The process of law”
- ▶ Outlines the steps involved in protecting the rights given under substantive law
- ▶ Ex: Brainstorm....
 - ▶ ...
 - ▶ ...
 - ▶ ...

Public Law

- ▶ Controls the relationships between governments and the people who live in society
- ▶ Represents laws that apply to all individuals
- ▶ The main types of public laws are:
 - ▶ 1. Criminal
 - ▶ 2. Constitutional
 - ▶ 3. Administrative

1. Criminal Law

- ▶ A set of rules passed by the Parliament
- ▶ These rules defined as “crimes” are any acts considered to be offences against society.
- ▶ Ex: murder, kidnapping, sexual assault, break and enter, and theft.
- ▶ Most of Canada’s criminal law is found in the Criminal Code, where many criminal acts and their punishments are described.
- ▶ You may come into contact with criminal law as a victim, a witness, a juror, or as an accused person.



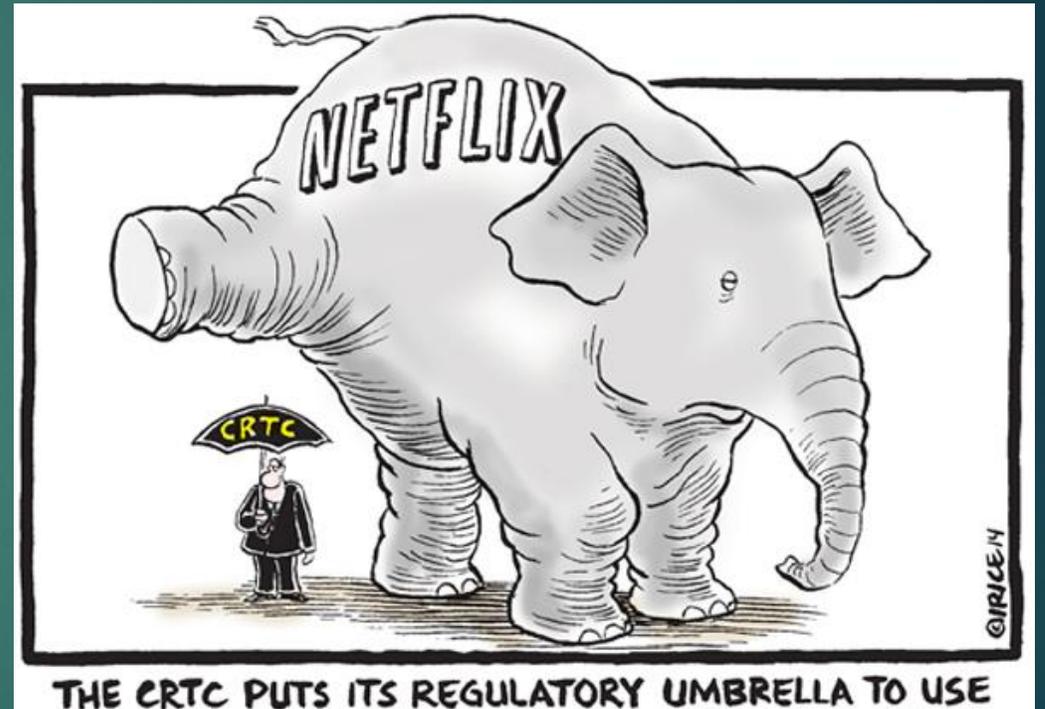
2. Constitutional Law

- ▶ Constitutional law is split up between federal, provincial, and territorial government.
- ▶ The Constitution Act, 1982 is where Canada's most basic laws are outlined.



3. Administrative Law

- ▶ The area of law that controls the relationship between citizens and government agencies.
- ▶ Ex: The Canadian Radio-Television and Telecommunications Commission (CRTC) controls broadcasting licenses, cable television services, and telephone rates.



Private (Civil) Law

- ▶ Private law outlines the legal relationships between private citizens, and between citizens and organizations.
- ▶ Private law is also more commonly known as civil law.
- ▶ Civil law's main purpose is to manage behavior of persons and organizations in conflict with each other and to pay damages to those who have been wronged.
- ▶ In civil law cases there is no Crown attorney involved, and each person is usually represented by a lawyer.
- ▶ Civil law can be subdivided into five different categories:
 - ▶ 1. Family law
 - ▶ 2. Contract law
 - ▶ 3. Tort law
 - ▶ 4. Property law
 - ▶ 5. Labour law

1. Family Law

- ▶ Deals with the relationships between individuals living together as spouses or partners, and between parents and children.
- ▶ Family law is continually changing.
- ▶ Recent issues deal with common-law and same-sex relationships, other issues include:
 - ▶ unpaid support payments to spouses and children
 - ▶ separation and divorce
 - ▶ divisions of property
 - ▶ children custody



2. Contract Law

- ▶ Outlines the requirements for legally binding agreements. These agreements impose rights and responsibilities on the parties involved.
- ▶ If someone does not fulfill the terms of a contract, there is a breach of contract and the legal agreement is broken. The injured party can take legal action in the courts and sue for damages.



3. Tort Law

- ▶ Deals with wrongs, other than a breach of contract, that one person commits against another person.
- ▶ Ex: A patient can sue a surgeon for malpractice or negligence.
- ▶ Negligence is the major cause of action in tort law.



4. Property Law

- ▶ Anything that has cash value.
- ▶ A set of legal rules that controls the use, enjoyment, and rental of property.



5. Labour Law

- ▶ Governs the relationships between employers and employees.
- ▶ Often referred to as employment law.
- ▶ Deals with issues such as:
 - ▶ Minimum wage
 - ▶ Pay equity
 - ▶ Proper dismissal
 - ▶ Working conditions
 - ▶ Workers compensation

