



Draft Legislative Proposals Regarding Time Limits and Other Periods in Circumstances Due to COVID-19

Short Title

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1 This Act may be cited as the *Time Limits and Other Periods Act (COVID-19)*.

Interpretation and Application

Definition of *period*

2 In this Act, *period* includes the time during which a licence, permit or other authorization is valid.

Effect of suspension or extension

3 If a time limit is suspended or extended or a period is extended under this Act, then, during the period that the suspension or extension is in effect, every reference in any Act of Parliament or its regulations to that time limit or period is to be read as a reference to the time limit or period as it is suspended or extended.

Non-application — offences

4 This Act does not apply in respect of a time limit or any other period related to the investigation of an offence or a proceeding respecting an offence.

Purpose

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5 (1) The purpose of this Act is

(a) to temporarily suspend certain time limits and to temporarily authorize, in a flexible manner, the suspension or extension of other time limits in order to prevent any exceptional circumstances that may be produced by coronavirus disease 2019 (COVID-19) from making it difficult or impossible to meet those time limits; and

(b) to temporarily authorize, in a flexible manner, the extension of other periods in order to prevent any unfair or undesirable effects that may result from the expiry of those periods due to those exceptional circumstances.

For greater certainty

(2) For greater certainty, this Act is to be interpreted in a manner that provides certainty in relation to proceedings and that respects the rule of law and the *Canadian Charter of Rights and Freedoms*.

Time Limits Related to Proceedings

Suspensions

6 (1) The following time limits are, if established by or under an Act of Parliament, suspended for the period that starts on March 13, 2020 and that ends on September 13, 2020 or on any earlier day fixed by order of the Governor in Council made on the recommendation of the Minister of Justice:

- (a) any limitation or prescription period for commencing a proceeding before a court;
- (b) any time limit in relation to something that is to be done in a proceeding before a court; and
- (c) any time limit within which an application for leave to commence a proceeding or to do something in relation to a proceeding is to be made to a court.

Variation

(2) The court may vary the suspension of a time limit as long as the commencement date of the suspension remains the same and the duration of the suspension does not exceed six months.

Orders of court

(3) The court may make orders respecting the effects of a failure to meet a suspended time limit, including orders that cancel or vary those effects.

Orders in council

(4) The Governor in Council may, by order made on the recommendation of the Minister of Justice, lift a suspension in circumstances specified in the order.

Other Time Limits and Periods

Ministerial orders — Acts and regulations

7 (1) The minister who is responsible for an Act of Parliament set out in column 1 of the schedule or a relevant portion of the Act may make an order

- (a) suspending or extending a time limit that is established by or under any provision of the Act that is set out in column 2;
- (b) extending any other period that is established by or under any provision of the Act that is set out in column 2;
- (c) if a regulation is set out in column 2 in respect of the Act,
 - (i) suspending or extending a time limit that is established by or under that regulation, or
 - (ii) extending any other period that is established by or under that regulation; or
- (d) extending a suspension or extension.

Ministerial orders — regulations

(2) The minister who is responsible for a regulation set out in column 1 of the schedule or a relevant portion of the regulation may make an order

- (a) suspending or extending a time limit that is established by or under any provision of the regulation that is set out in column 2;
- (b) extending any other period that is established by or under any provision of the regulation that is set out in column 2; or
- (c) extending a suspension or extension.

Total maximum duration

(3) A time limit may be suspended or extended and a period may be extended for a total maximum duration of six months.

Retroactivity

(4) An order under subsection (1) or (2) may, if it so provides, have retroactive effect, but not before March 13, 2020, and it may also include provisions respecting the effects of a failure to meet the time limit or of the expiry of the period before the day on which the order was made, including provisions that cancel or vary those effects.

Additional content

- (5) An order under subsection (1) or (2) may provide that
- (a) a suspension or extension does not apply in respect of any circumstance specified in the order without the consent of a person, court or body specified in the order;
 - (b) a suspension or extension applies in respect of any circumstance specified in the order unless a person, court or body specified in the order decides otherwise; or
 - (c) a person, court or body specified in the order may vary the effects of the order in relation to any circumstance specified in the order.

Regulations

(6) The Governor in Council may, on the recommendation of the Minister of Justice, make regulations restricting, or imposing conditions on, a power to make an order under subsection (1) or (2).

General

Statutory Instruments Act

8 The *Statutory Instruments Act* does not apply to an order made under subsection 6(1), (3) or (4) or 7(1) or (2).

Sunset provision

9 A power conferred on the Governor in Council or a minister under this Act is not to be exercised after September 30, 2020.

Transparency and Parliamentary Oversight

Publication on website

10 (1) An order made under subsection 6(1) or (4) or 7(1) or (2), together with the reasons for making it, must be published, as soon as feasible after the day on which it is made but no later than five days after the day on which it is made, on a Government of Canada website for a period of at least six months.

Publication in *Canada Gazette*

(2) An order referred to in subsection (1) must be published in Part I of the *Canada Gazette* within 14 days after the day on which it is made.

Tabling in Parliament

11 (1) An order made under subsection 6(1) or (4) or 7(1) or (2) must be tabled in each House of Parliament within three days after the day on which it is made, unless a House is not sitting within those three days, in which case the order is to be tabled in that House at the earliest opportunity.

Referral to committee

(2) An order that is tabled in a House of Parliament must be referred to a committee of that House.

SCHEDULE

(Subsections 7(1) and (2))

Acts, Regulations and Provisions

Acts	Provisions and Regulations
Bankruptcy and Insolvency Act <i>Loi sur la faillite et l'insolvabilité</i>	subsections 50.4(2), (6), (8) and (9) and 66.31(1) of the Act
Boards of Trade Act <i>Loi sur les chambres de commerce</i>	subsections 17(1) and 42(1) and (2) of the Act
Canada–Newfoundland and Labrador Atlantic Accord Implementation Act <i>Loi de mise en oeuvre de l'Accord atlantique Canada — Terre-Neuve-et-Labrador</i>	subsections 31(2), 35(3), 39(1), 69(2) and 188(1) and (2), section 202.1, paragraphs 205.013(q) and 205.019(1)(p) and subsections 205.04(1), 205.041(3), 205.042(1) and (2), 205.044(3), 205.046(4), 205.059(5), 205.06(2) and (9), 205.063(2), 205.071(1), 205.098(3) and 205.1(2) of the Act
Canada Business Corporations Act <i>Loi canadienne sur les sociétés par actions</i>	subsections 133(1), 135(1), 155(1), 159(1) and 160(1) of the Act
Canada Cooperatives Act <i>Loi canadienne sur les coopératives</i>	subsections 50(1), 52(1) and 247(1), section 251 and subsection 252(1) of the Act
Canada Not-for-profit Corporations Act <i>Loi canadienne sur les organisations à but non lucratif</i>	subsections 160(1), 162(1), 172(1), 175(1) and 176(1) of the Act

Acts	Provisions and Regulations
Canadian Forces Superannuation Act <i>Loi sur la pension de retraite des Forces canadiennes</i>	paragraph 6(b), subsections 6.1(1), 8(1), 23(1) and (2), 29(1) and (5), 41(1), (3) and (4), 42(1) and (1.2) and 43(1), sections 46, 57, 59.6 and 59.7, subsections 62(1) and (2) and 69(2), sections 71, 72 and 92 and subsection 93(1) of the Act Canadian Forces Superannuation Regulations <i>Règlement sur la pension de retraite des Forces canadiennes</i> Reserve Force Pension Plan Regulations <i>Règlement sur le régime de pension de la force de réserve</i>
Companies' Creditors Arrangement Act <i>Loi sur les arrangements avec les créanciers des compagnies</i>	section 11.001 and subsections 11.02(1) and 11.2(5) of the Act
Diplomatic Service (Special) Superannuation Act <i>Loi sur la pension spéciale du service diplomatique</i>	section 7 and subsection 11(1) of the Act
Excise Tax Act <i>Loi sur la taxe d'accise</i>	subsections 298(1) and (2) of the Act
Firearms Act <i>Loi sur les armes à feu</i>	section 64 of the Act
Garnishment, Attachment and Pension Diversion Act <i>Loi sur la saisie-arrêt et la distraction de pensions</i>	subsection 39(2) of the Act

Acts	Provisions and Regulations
Income Tax Act <i>Loi de l'impôt sur le revenu</i>	subsection 37(11), paragraph (m) of the definition <i>investment tax credit</i> in subsection 127(9) and subsections 152(3.1) and (4) of the Act
Investment Canada Act <i>Loi sur l'investissement Canada</i>	sections 25.2 and 25.3 of the Act National Security Review of Investments Regulations <i>Règlement sur les investissements susceptibles de porter atteinte à la sécurité nationale (examen)</i>
Lieutenant Governors Superannuation Act <i>Loi sur la pension de retraite des lieutenants-gouverneurs</i>	subsections 3(3) and 5(1) of the Act Lieutenant Governors Superannuation Regulations <i>Règlement sur la pension de retraite des lieutenants-gouverneurs</i>
Members of Parliament Retiring Allowances Act <i>Loi sur les allocations de retraite des parlementaires</i>	subsections 10(1) and 32(1) of the Act Former Members of Parliament Elections for Joint and Survivor Benefits Regulations <i>Règlement sur les choix relatifs à la pension de réversion des anciens parlementaires</i> Recovery of Overpayments Made to Former Members of Parliament Regulations <i>Règlement sur le recouvrement des versements payés en trop aux anciens parlementaires</i>
Offshore Health and Safety Act <i>Loi sur la santé et la sécurité dans la zone extracôtière</i>	subsections 53(5) and 92(5) of the Act
Pension Benefits Division Act <i>Loi sur le partage des prestations de retraite</i>	subsection 6(1) of the Act

Acts	Provisions and Regulations
Public Service Superannuation Act	sections 6 and 9, subsections 10(4) and (5) and 25(7), section 39, subsection 40(11), section 51 and subsection 57(2) of the Act
<i>Loi sur la pension de la fonction publique</i>	Counting of Service by Former Members of the Senate or House of Commons Regulations <i>Règlement du calcul du service des anciens membres du Sénat ou de la Chambre des communes</i>
	Portions of the Public Service General Divestiture Regulations <i>Règlement général sur la cession de secteurs de la fonction publique</i>
	Public Service Superannuation Regulations <i>Règlement sur la pension de la fonction publique</i>
	Public Service Superannuation Special Election Regulations <i>Règlement sur l'exercice d'un choix spécial aux fins de la pension de la fonction publique</i>
	Supplementary Death Benefit Regulations <i>Règlement sur les prestations supplémentaires de décès</i>
Royal Canadian Mounted Police Superannuation Act	sections 6, 6.1 and 8, subsections 9(4) and 18(4) and section 24 of the Act Former Members of Parliament Counting of Service Regulations <i>Règlement sur l'inclusion du service des anciens parlementaires</i>
<i>Loi sur la pension de retraite la Gendarmerie royale du Canada</i>	Royal Canadian Mounted Police Superannuation Regulations <i>Règlement sur la pension de retraite de la Gendarmerie royale du Canada</i>
Special Import Measures Act	subsections 31(1) and (6), section 32, paragraph 34(1)(b), subsection 34(2), sections 37 and 37.1, subsection 38(1), section 39, subsections 41(1) and 41.1(3), paragraph 41.1(4)(d), subsections 42(1) and 43(1) and (2) and sections 55, 55.1, 56, 57, 59, 66, 76.01, 76.02 and 76.03 of the Act
<i>Loi sur les mesures spéciales d'importation</i>	
Wage Earner Protection Program Act	subparagraph (a)(i) of the definition <i>eligible wages</i> in subsection 2(1) of the Act
<i>Loi sur le Programme de protection des salariés</i>	

Regulations	Provisions
Aviation Occupational Health and Safety Regulations <i>Règlement sur la santé et la sécurité au travail (aéronefs)</i>	section 9.1 and subsection 9.5(5) of the Regulations
Canada Labour Standards Regulations <i>Règlement du Canada sur les normes du travail</i>	section 30 of the Regulations
Canada Occupational Health and Safety Regulations <i>Règlement canadien sur la santé et la sécurité au travail</i>	subsection 16.12(5) of the Regulations
Food and Drug Regulations <i>Règlement sur les aliments et drogues</i>	paragraphs C.05.006(1)(b) and C.05.008(1)(b) of the Regulations
Maritime Occupational Health and Safety Regulations <i>Règlement sur la santé et la sécurité au travail en milieu maritime</i>	paragraph 111(1)(b) of the Regulations
Nunavut Mining Regulations <i>Règlement sur l'exploitation minière au Nunavut</i>	section 60 of the Regulations
On Board Trains Occupational Health and Safety Regulations <i>Règlement sur la santé et la sécurité au travail (trains)</i>	subsection 12.7(3) of the Regulations
Royal Canadian Mounted Police Pension Continuation Regulations <i>Règlement sur la continuation des pensions de la Gendarmerie royale du Canada</i>	paragraph 9(b), subsection 10(2), sections 13 and 16 and subsection 21(3) of the Regulations