

Appendix III

National Transportation Act, R.S.C. 1970, c. N-17, ss. 64(1)

Governor in Council may vary or rescind

64. (1) The Governor in Council may at any time, in his discretion, either upon petition of any party, person or company interested, or of his own motion, and without any petition or application, vary or rescind any order, decision, rule or regulation of the Commission, whether such order or decision is made *inter partes* or otherwise, and whether such regulation is general or limited in its scope and application; and any order that the Governor in Council may make with respect thereto is binding upon the Commission and upon all parties.

Appendix IV

Paragraphs 1 and 2 of the *Ninth Report of the Standing Joint Committee on Regulations and Other Statutory Instruments*, in *Minutes of Proceedings and Evidence*, 12 November 1981, 45:4

1. In accordance with its permanent reference, section 26 of the *Statutory Instruments Act*, S.C. 1970-71-72, c. 38, your Joint Committee has determined to draw to the special attention of both Houses SOR/81-892, Order Varying Canadian Transport Commission Orders and Decisions. (For convenience this regulation will be referred to as "the Order".)

2. Your Joint Committee's objections to the Order rest on four of its criteria, namely:

"Whether any Regulation or other Statutory Instrument within its terms of reference, in the judgment of the Committee;

2. has not complied with the provisions of the *Statutory Instruments Act* with respect to transmittal, recording, numbering or publication;

4. makes some unusual or unexpected use of the powers conferred by the enabling statute...

8. appears for any reason to infringe...the rules of natural justice;

10. in the absence of express authority to that effect in the enabling statute or prerogative, appears to amount to the exercise of a substantive legislative power properly the subject of direct parliamentary enactment, and not merely to the formulation of subordinate provisions of a technical or administrative character properly the subject of delegated legislation;"