

The courts

In Canada, the power to create courts is divided. Some courts are created by Parliament (for example, the Supreme Court of Canada) and others by provincial legislatures (for example, superior courts, county courts and many lesser provincial courts). However, the Supreme Court of Canada and the provincial courts are part of an integrated whole; thus, appeals may be made from the highest courts of the provinces to the Supreme Court. Generally speaking, federal and provincial courts are not necessarily given separate mandates as to the laws that they administer. For instance, although criminal law is made by the Parliament of Canada, it is administered mainly in provincial courts.

Federal courts: Federal courts in Canada include the Supreme Court of Canada, the Federal Court of Canada and various specialized tribunals such as the Tax Review Board, the Court Martial Appeal Court and the Immigration Appeal Board. These courts and tribunals are created by Parliament.

The Supreme Court, established in 1875, is the highest appeal court of Canada in civil and criminal matters. It consists of nine judges, of whom three at least must come from Quebec, a requirement added because of the special character of Quebec civil law. The conditions under which it hears appeals are

determined by the statute law of Parliament. The Supreme Court entertains appeals from the provincial courts of appeal and from the Federal Court. It also gives advisory opinions to the federal government when asked under a special reference procedure. Five judges normally sit together to hear a case, although on important matters it is customary for all judges of the court to sit.

The Federal Court of Canada was created in its present form in 1970; its predecessor, the Exchequer Court of Canada, was originally created in 1875. This court deals with: taxation cases; claims involving the federal government (for instance, claims against the federal government for damage caused by its employees); cases involving trademarks, copyrights and patents; admiralty law cases; and aeronautics cases. It has two divisions, a Trial Division and an Appeal Division; the Appeal Division hears appeals from decisions rendered by the Trial Division and by many federal boards and agencies.

Provincial courts: Provincial courts are established by provincial legislation and thus their names vary from province to province; nevertheless, their structures are roughly the same.

Provincial courts exist at three levels. Each province has inferior courts, such as family courts, juven-