

## Tracing a Statute Historically using Print Products

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Finding statutes as they appear today is easy - use an online resource. What if you have to find an older act in the annual statutes in order to see what it looked like when it was first printed? Unless the act is only a few years old, you need to use print products.

How do you do this? Use the Revised Statutes from your jurisdiction as a base. Look up the name of the act in each of the Revised Statutes as they go back in time. Assuming our jurisdiction is Canada (federal legislation), start with the R.S.C. 1985. If the act does not appear in the R.S.C. 1985, it did not exist at the time and came into being after 1985. In this scenario, look for the act in the most recent Table of Public Statutes (in print in the Annual Statutes up to 2009, in print in separate publications, or online through the Department of Justice website: <http://laws.justice.gc.ca/>); the year it was enacted should be listed. Use this information to find the statute in the annual volume.

If, however, the act does appear in the R.S.C. 1985, this means the act was in existence when the statutes were revised in 1985 – obviously it is older than 1985. Near the top of the act as it is printed in the R.S.C. 1985 (usually in s. 1 of the act but it could also be in a note under the title), it may say something to the effect of “This Act may be cited as...,” or it may just give a citation with no explanation of what it is. This is the citation information either to the original version of the act OR the citation as it appeared in the previous Revised Statutes. If you are provided with the citation to the original statute, you can use that information to find it in the annual statutes. If, however, you are provided with the citation to the previous Revised Statutes, use this information as you look for the act in the R.S.C. 1970.

If the act does appear in the R.S.C. 1970, this means the act was in existence when the statutes were revised in 1970, so it is obviously older than 1970. Go to the act in the R.S.C. 1970. Near the top of the act, the citation information either to the original version of the act OR the citation as it appeared in the previous Revised Statutes may be listed. If you are provided with the citation to the original statute, you can use that information to find it in the annual statutes. If, however, you are provided with the citation to the previous Revised Statutes, use this information as you look in R.S.C. 1952.

You would continue to do this - work your way backwards through the various Revised Statutes - until you find the act you are looking for. As you are researching, if you come across an act in the Revised Statutes that has no reference to a citation either in an annual statute or a previous Revised Statute, you will have to use a different method to find the act. To do this, look up the act in the most recent Revised Statutes (federally, 1985). If the act does appear in the R.S.C. 1985 but does not include a citation in s. 1 or in a note under the title, look up the act in the R.S.C. 1970. If the act does not appear in the R.S.C. 1970, that means that the act came into being sometime between the R.S.C. 1970 and the R.S.C. 1985; look up the act in the Table of Public Statutes in the 1988 volume – the year the statute was enacted should be listed. Take that information and find the statute in the annual volume and look up the act. **Please note:** it took four years for the R.S.C. 1985 to be printed, so it wasn't actually printed until 1989 – therefore, you can look at the Table of Public Statutes in the 1988 version to see all the amendments that happened between the R.S.C. 1970 up to the printing of the R.S.C. 1985).

If, however, the act does appear in the R.S.C. 1970 but does not include a citation in s. 1 or in a note under the title, you have to look up the act in the R.S.C. 1952. If the act does not appear in the R.S.C. 1952, that means that the act came into being sometime between the R.S.C. 1952 and the R.S.C. 1970; look up the act in the Table of Public Statutes in the 1969/70 volume - the year the statute was enacted should be listed. Take that information and find the statute in the annual volume and look

up the act. If the act does appear in the R.S.C. 1952 but does not include a citation in s. 1 or in a note under the title, you have to look up the act in the R.S.C. 1927. Continue to follow the directions above as you work your way back through the Revised Statutes until you find your act.

### History of a Section

If you need to find the history of a particular section in a statute, there are ways to do that as well. At the end of most sections in a statute there are what we call historical notes. For example, at the end of s. 5 of the *Bankruptcy and Insolvency Act*, the following information is listed:

R.S., 1985, c. B-3, s. 5; 1992, c. 27, s. 5; 1997, c. 12, s. 4; 2001, c. 4, s. 26(E); 2005, c. 47, s. 6.

This information is found in the online versions of the acts (through the Department of Justice as well as Quicklaw, Westlaw Canada, and CanLII); it is also provided in the most recent edition of the Table of Public Statutes (just look up the act and the particular section and the amending information since the last Revised Statutes will be listed). This is the history of that section – s. 5 of the *Bankruptcy and Insolvency Act* was in the last Revised Statutes of Canada, which was in 1985; it was also amended in 1992, 1997, 2001, and 2005. If we wanted to see what this section of the act looked like in 1993 that is relatively easy - we know the act was reprinted in the last Revised Statutes as that information is given in the historical note (R.S., 1985, c. B-3). We also know it was amended in 1992 (1992, c. 27, s. 5). Since we only care about 1993, we do not need to concern ourselves with the 1997, 2001, or 2005 amendments

So, we would have to go back to the R.S.C. 1985 and find the act. You would do this by using the chapter number given. Then, we know the amendment was in 1992 and it was chapter 27 – look at the 1992 annual statute volume and go to chapter 27. We also know this amendment was in s. 5 of the act, so flip to that section. In this section, whatever amendment that was made to the *Bankruptcy and Insolvency Act* s. 5 will be listed. You will then have to combine the wording of the R.S.C. 1985 version with the 1992 amendment. You would have to do this manually since these older acts are not available online. But, using these two volumes combined, you can determine what the wording of the section was back in 1993.

If you had to see what the act looked like in 1998, you would do the same thing, but you would also have to look at the amendment as indicated in 1997 (1997, c. 12, s. 4).

If you need to find the amendments to a particular section before the R.S.C. 1985 (so in older versions of the act), look at the Table of Public Statutes in 1988 and you will be given a list of all the amendments to the act between the R.S.C. 1970 (the previous R.S.C.) and the publication of the R.S.C. 1985. **Please note:** it took four years for the R.S.C. 1985 to be printed, so it wasn't actually printed until 1989 – therefore, you can look at the Table of Public Statutes in the 1988 version to see all the amendments that happened between the R.S.C. 1970 up to the printing of the R.S.C. 1985. Do the same thing for earlier R.S.C.s – if you want to see all the amendments between 1952 and 1970, look at the Table of Public Statutes in the 1969/70 volume, etc.

The British Columbia Courthouse Libraries has prepared a few videos about statutes, including one about historical statutory research. It does not talk about finding an act as it first appeared in print, but it does discuss finding the history of a particular section of a statute, which is very helpful. I suggest you look at the video entitled *Researching Legislation, Part 1: Tracing Legislation Back* (it seems that watching it on YouTube instead of the BC Courthouse Libraries website works better).

<http://www.courthouselibrary.ca/training/videos/VideoTutorials.aspx>