

Chapitre 4 : Alberta

Alberta – Lois linguistiques principales

[Loi Linguistique, R.S.A. 2000, c. L-6](#)

1. Définitions

1. Dans la présente loi

« Assemblée » désigne l'Assemblée législative de l'Alberta;

« loi » désigne une loi de la Législature de l'Alberta;

« ordonnance » désigne les Ordonnances des Territoires du Nord-Ouest en vigueur à un moment donné en Alberta ou dans la partie de ces territoires dont elle a été formée;

« règlements de l'Assemblée » désigne le document intitulé « Standing Orders of the Legislative Assembly of Alberta »;

« règlements » désigne les règlements, décrets, arrêtés, règlements administratifs ou règles édictés en application d'une loi ou d'une ordonnance.

1988 c. L-7.5 art1

2. Validation des lois et actes divers

2. (1) Il est déclaré que les lois, ordonnances et règlements édictés avant le 6 juillet 1988 sont tous valides, indépendamment du fait qu'ils ont été édictés, imprimés et publiés en anglais seulement.

2. (2) Il est déclaré qu'aucun des actes accomplis sous le régime, en conséquence ou sur le fondement de lois, ordonnances ou règlements validés par le paragraphe (1) n'est invalide du seul fait que ces lois, ordonnances ou règlements n'ont été édictés, imprimés et publiés qu'en anglais. Sont notamment visées les actions, procédures, opérations ou autres initiatives, ainsi que la création, la limitation ou la suppression de droits, obligations, pouvoirs, attributions ou autres effets, ou la prise de toute autre mesure à cet égard.

1988 c. L-7.5 art2

ANNOTATIONS

[R. c. Caron, 2014 ABCA 71 \(CanLII\)](#)

[75] La province de l'Alberta a appliqué la solution retenue par la Cour suprême. En 1988, l'Alberta a adopté, dans les deux langues, la *Loi linguistique*, R.S.A. 2000, ch. L-6. L'article 2 de la *Loi linguistique* confirme la validité de toutes les lois de l'Alberta, même si à l'origine ces lois ont été adoptées en anglais seulement. Selon l'article 3, les lois et règlements seront dorénavant

édités en anglais. L'article 4 prévoit que chacun peut employer le français ou l'anglais dans les communications verbales devant les tribunaux.

VOIR ÉGALEMENT :

[R. c. Caron](#), 2007 ABQB 262 (CanLII)

3. Langue des lois et règlements

3. Les lois et règlements peuvent être édictés, imprimés et publiés en anglais.

1988 c. L-7.5 art3

ANNOTATIONS

[R. c. Caron](#), 2009 ABQB 745 (CanLII)

[5] Les intimés et les intervenantes ont avancé que dans cet appel de la Couronne, la question à trancher est non seulement de savoir si la législation devait être publiée en français et en anglais, mais aussi de savoir s'il existait des droits linguistiques relativement aux procédures judiciaires en Alberta. À mon avis, l'objet du présent appel de la Couronne consiste simplement à déterminer si le juge de première instance a commis une erreur lorsqu'il a conclu que la Couronne provinciale de l'Alberta avait l'obligation constitutionnelle de publier la législation pertinente en français et en anglais. En effet, ce sont ces droits qui ont été bafoués selon le juge ayant instruit l'affaire. La question constitutionnelle du droit à un procès en français ne se posait pas en première instance. Donc dans cet appel, je déterminerai s'il existe un droit d'accès à la législation dans les deux langues en Alberta.

[6] Il est établi que la province d'Alberta avait l'obligation de publier la législation en anglais et en français depuis sa création en 1905. Cette obligation n'a cependant pas été respectée. En 1988, la province d'Alberta a en effet adopté l'article 3 de la *Loi linguistique* qui dispose que « [I]es lois et règlements peuvent être édictés, imprimés et publiés en anglais ». Conséquemment, la législation albertaine continue d'être publiée en anglais seulement. La question principale qui se pose dans cet appel est donc à savoir si la législation doit également être publiée en français.

[...]

[107] En fait, depuis la création de la province d'Alberta, la législation n'a jamais été adoptée ou publiée en français, sauf pour la *Loi linguistique*.

[...]

[287] La province d'Alberta a le pouvoir de légiférer ou de ne pas légiférer relativement aux droits linguistiques dans la province, comme elle l'a fait avec la *Loi linguistique* en permettant la publication de la législation provinciale en anglais seulement. Par conséquent, selon le contexte actuel, il n'existe aucune obligation constitutionnelle ou de nature législative de publier le *Traffic Safety Act* et ses règlements en français, et de dresser les contraventions en français. À mon avis, les droits linguistiques des intimés Caron et Boutet n'ont donc pas été violés.

VOIR ÉGALEMENT :

[R. c. Caron](#), [2011] 1 R.C.S. 78, 2011 CSC 5 (CanLII)

[R. c. Caron](#), 2010 ABCA 343 (CanLII)

4. Langue dans les tribunaux

4. (1) Chacun peut employer le français ou l'anglais dans les communications verbales dans les procédures devant les tribunaux suivants de l'Alberta :

- (a) la cour d'appel de l'Alberta;
- (b) la cour du banc de la Reine de l'Alberta;
- (c) abrogé RSA 2000 c16(Supp) art50;
- (d) la cour provinciale de l'Alberta.

4. (2) Le Lieutenant-gouverneur en conseil peut établir des règlements en vue de donner effet aux dispositions du présent article ou de préciser ou compléter le présent article ou les règles de procédures des tribunaux précitées déjà en vigueur.

RSA 2000 cL-6 art4; RSA 2000 c16(Supp) art50

ANNOTATIONS

[Blicharz c. Livingstone](#), 2016 ABCA 157 (CanLII) [décision disponible en anglais seulement]

[NOTRE TRADUCTION]

F. Analyse

Droits linguistiques

[17] L'appelante affirme que le juge du procès a violé son droit à un procès équitable en n'autorisant pas la traduction simultanée de l'anglais vers le polonais. À l'appui de cet argument, elle invoque diverses lois dont la *Loi constitutionnelle de 1867*, art. 133, la *Charte des droits et libertés*, art. 7, 11 et 14, la *Déclaration canadienne des droits*, al. 2g) et la *Loi linguistique*, RSA 2000, ch. L-6, al. 4(1)b).

[18] Dans les procès civils, le juge du procès a le pouvoir discrétionnaire de décider de permettre ou non l'assistance d'un interprète (Sopinka, Lederman et Bryant, *The Law of Evidence in Canada*, 4^e éd. (Markham (Ontario), Lexis Nexis, 2014), au para16.43). L'exercice de ce pouvoir discrétionnaire implique une mise en balance du droit des parties à l'équité procédurale. Dans le cadre de cet exercice de mise en balance, il s'agit de déterminer si le recours à un interprète est nécessaire pour éviter une erreur judiciaire et de s'assurer que l'on n'abuse pas des services d'interprétation (*Arnand c. Arnand*, aux para 8, 13 et 14).

[19] En l'espèce, le juge du procès a examiné la question de l'interprétation tant lors de la conférence préparatoire qu'au début du procès. Il s'est dit convaincu, après avoir entendu l'appelante faire valoir son point de vue sur diverses questions préalables au procès et après

DERNIÈRE MISE À JOUR: MARS 2018

avoir été informé que l'appelante avait participé à un long interrogatoire préalable au procès sans l'aide d'un interprète, que l'interprétation simultanée n'était pas nécessaire.

[20] Lors de la conférence préparatoire, le juge du procès a suggéré à l'appelante de se faire accompagner par un interprète lors du procès pour recourir à son assistance lorsqu'elle en ressentirait le besoin. L'appelante s'est présentée au procès en compagnie de l'interprète de son choix. Il ressort du dossier du procès que l'appelante a demandé sporadiquement l'assistance de l'interprète et que le juge du procès s'est assuré que la preuve soit présentée en des termes simples. De plus, le juge du procès a assisté l'appelante en dirigeant en partie la preuve médicale de l'appelante. Nous sommes convaincus que le juge du procès a pris des mesures appropriées pour s'assurer que le droit de l'appelante à un procès équitable soit protégé. Dans ces conditions, nous estimons que la décision du juge du procès de ne pas autoriser l'interprétation simultanée ne constituait pas un manquement à l'équité procédurale.

R. c. Pooran, 2011 ABPC 77 (CanLII)

[18] Les demandeurs plaident pour une interprétation selon *Beaulac* de l'article 4, large et téléologique.

[19] La Couronne-Intimée plaide pour une interprétation selon *Mercure/Société des Acadiens* de l'article 4 de la *Loi linguistique*, en mettant en contraste les termes détaillés du langage du *Code criminel* vis-à-vis droits linguistiques comme un exemple clair de la législation qui évoque un cadre plus large des droits linguistiques.

[20] Le 22 juin, 1988, le procureur général de l'Alberta a fait une déclaration ministérielle à l'Assemblée législative pour introduire le projet de loi, la *Loi linguistique*, ainsi que l'historique législatif derrière le projet de loi et un résumé de la décision *Mercure*, la déclaration incluse ces remarques— :

À la suite de l'adoption de la *Loi linguistique* un nouvel ordre permanent sera recommandé qui permettra que et l'anglais et le français puissent être utilisés dans l'Assemblée. Les publications officielles de l'Assemblée enregistreront les affaires ou en français ou en anglais. Hansard enregistrera ou en français ou en anglais sans traduction. Les membres peuvent utiliser d'autres langues que l'anglais et le français dans l'Assemblée, sous réserve de l'approbation du Président. Un préavis écrit et une traduction en anglais des observations seront remis au président, et la traduction sera inscrite dans les dossiers. Monsieur le Président, le gouvernement fédéral a présenté un amendement au *Code criminel du Canada* qui le rend obligatoire pour toutes les provinces, y compris l'Alberta, de mener des procès criminels ou en français ou en anglais en 1990. L'Alberta doit, par conséquent, prendre des mesures supplémentaires pour se conformer aux exigences fédérales. Les particuliers auront le droit, s'ils le souhaitent, à un juge, jury, et procureur de la Couronne qui parlent anglais ou français, en fonction de la langue de l'accusé. En outre, l'accusé et son avocat peuvent utiliser ou anglais ou français, en fonction de la langue de l'accusé. En outre, l'accusé et son avocat peuvent utiliser ou anglais ou français dans toute procédure relative à l'enquête préliminaire ou au procès de l'accusé.

... en ce qui concerne les tribunaux civils, chaque participant dans une procédure judiciaire aura le droit de parler ou le français ou l'anglais. S'il est nécessaire, un interprète sera fourni. Les procédures judiciaires seront enregistrées dans la langue parlée. Dans le domaine des infractions provinciales, les particuliers auront également le droit de parler ou le français ou l'anglais. De même, les procédures judiciaires seront enregistrées dans la langue parlée. Le développement d'une politique linguistique pour l'éducation est une priorité pour le gouvernement de l'Alberta. La politique...aura quatre grands composants. Un : nous avons pleinement reconnu les droits uniques des francophones qui sont admissibles en vertu de l'article 23 de la *Charte des droits et libertés* dans la nouvelle *School Act*. La provision pour le lieutenant-gouverneur en conseil à établir des règlements dans ce domaine reflète l'importance que ce gouvernement accorde à l'établissement de politiques pertinentes et

procédures pour assurer que les droits des francophones sont respectés. [je souligne.]
[Traduction]

[21] Si des participants à un litige ont le droit d'employer soit l'anglais, soit le français dans leurs observations orales devant les tribunaux, mais qu'ils ne sont compris que par l'intermédiaire d'un interprète, ils ne détiennent certes que des droits linguistiques fictifs. Une interprétation aussi restreinte de leur droit d'utiliser l'anglais ou le français est illogique — comme le fait d'applaudir d'une seule main et d'en espérer du son. Ainsi une telle interprétation a-t-elle été écartée avec force dans l'arrêt *Beaulac*.

[22] Si nous faisons nôtre l'assertion de la Couronne intimée selon laquelle les droits de la *Loi linguistique* sont respectés par le fait d'offrir les services d'un interprète, nous nous trouvons à écarter d'un revers de main, en lien avec les droits linguistiques, les droits de la partie au litige à l'application régulière de la loi, au respect de la justice naturelle et à un procès équitable que la *Charte* reconnaît aux justiciables. Quant à la référence dans la déclaration du ministre du 22 juin 1988, au fournissement d'un interprète si nécessaire, je déduis que ces mots veulent dire que l'interprète doit être fourni pour les témoins qui ne parlent pas la langue, ou l'anglais ou le français, du procès.

[23] À la lumière de la déclaration ministérielle (du 22 juin 1988), il est clair que dans trois institutions où interagissent des particuliers et la province — l'Assemblée législative, les tribunaux et les écoles —, les langues qui peuvent être utilisées sont l'anglais et le français.

Conclusion

[24] Par conséquent, pour les raisons suivantes, j'ai conclu que les demandeurs ont droit à un procès du *Traffic Safety Act* en français, avec un juge de langue française et un procureur de la Couronne de langue française :

Les droits linguistiques doivent recevoir une interprétation libérale et téléologique; (*Beaulac*)

Les droits linguistiques sont distincts des droits juridiques; (*Beaulac*)

L'Alberta reconnaît les droits uniques des francophones; (déclaration ministérielle, le 22 juin, 1988, Alberta Hansard)

Les langues des tribunaux de l'Alberta sont l'anglais et le français; (Article 4(1), *Loi linguistique*)

et, les droits linguistiques énoncés à l'article 4 de la *Loi linguistique* ne sont en rien amoindris parce qu'on a omis d'adopter des dispositions réglementaires pour en favoriser la mise en œuvre.

VOIR ÉGALEMENT :

[Caron c. Alberta \(Human Rights and Citizenship Commission\)](#), 2007 ABQB 525 (CanLII) [décision disponible en anglais seulement]

[Caron c. Alberta \(Human Rights and Citizenship Commission\)](#), 2007 ABQB 200 (CanLII) [décision disponible en anglais seulement]

[deHaan c. Garcia](#), 2004 ABQB 74 (CanLII) [décision en anglais seulement].

[Dubé c. Dubé](#), 2002 ABQB 1006 (CanLII) [décision en anglais seulement].

R. c. Desgagne, [1997] A.J. No. 1307 (AB PC) [hyperlien non disponible]

5. Langue de travail de l'Assemblée

5. (1) Les membres de l'Assemblée peuvent employer le français ou l'anglais dans l'Assemblée.

5. (2) Il est déclaré que les règlements de l'Assemblée et les procès-verbaux et journaux au sens de l'article 110 de l'*Acte des Territoires du Nord-Ouest (Canada)* établis avant le 6 juillet 1988 sont valides indépendamment du fait qu'ils ont été établis, imprimés et publiés en anglais seulement.

5. (3) Les règlements de l'Assemblée et ses procès-verbaux et journaux peuvent être établis, imprimés et publiés en anglais.

5. (4) L'Assemblée peut toutefois, par résolution, décider de faire établir, imprimer et publier tout ou partie de ses procès-verbaux et journaux et des règlements de l'Assemblée en français ou en anglais ou dans ces deux langues.

1988 cL-7.5 art5

6. Non-remise en vigueur

6. La déclaration de validité, par la présente loi, des lois, règlements, ordonnances ou des règlements de l'Assemblée n'a pas pour effet de remettre en vigueur ou de rendre de nouveau valides les lois, règlements, ordonnances ou les règlements de l'Assemblée, qui ont été abrogés, annulés ou remplacés ou, d'une façon générale, qui sont devenus inopérants au plus tard le 6 juillet 1988.

1988 cL-7.5 art6

7. Non-application

7. L'article 110 de l'*Acte des Territoires du Nord-Ouest (Canada)*, LRC 1886 c50, en sa version du 1er septembre 1905, ne s'applique pas à l'Alberta pour ce qui est des matières relevantes de la compétence législative de celle-ci.

1988 c. L-7.5 s. 7

8. Versions française et anglaise

8. Les versions française et anglaise de la présente loi ont également force de loi.

1988 cL-7.5 art8

Languages in the Courts Regulation – Langues Act, A.R. 158/2013 [en anglais seulement]

1. Definitions

1. In this Regulation,

(a) “Crown” means the Crown in right of Alberta;

(b) “defendant” means a person who is charged with or convicted of an offence under an enactment;

(c) “enactment” has the meaning given to it in the *Provincial Offences Procedure Act*;

(d) “judge” means,

(i) in relation to a proceeding before the Court of Appeal of Alberta, a judge of that court or, if more than one judge is hearing the proceeding, the judges,

(ii) in relation to a proceeding before the Court of Queen’s Bench of Alberta, a judge of that court, and

(iii) in relation to a proceeding before the Provincial Court of Alberta,

(A) a judge as defined in the *Provincial Court Act*, or

(B) a person appointed under the *Justice of the Peace Act* as a justice of the peace;

(e) “proceeding” means a proceeding before

(i) the Court of Appeal of Alberta,

(ii) the Court of Queen’s Bench of Alberta, or

(iii) the Provincial Court of Alberta

to which the *Provincial Offences Procedure Act* applies.

2. Where defendant wishes to use French

2. (1) Where a defendant wishes to use French, or wishes to have the defendant's counsel use French, in oral communications in a proceeding, the defendant shall give reasonable notice of that fact to the prosecutor and to the court in which the proceeding is to be heard.

2. (2) Where a defendant gives notice in accordance with subsection (1), the Crown shall arrange for an interpreter for the proceeding.

3. Holding proceeding in French

3. (1) A judge may, at the request of a defendant and with the consent of the prosecutor, conduct a proceeding in French.

3. (2) Where, under subsection (1), a proceeding is conducted in French,

(a) the prosecutor shall arrange and pay for translation into French of any written evidence adduced in English by the prosecutor in the proceeding, and

(b) the defendant shall arrange and pay for translation into French of any written evidence adduced in English by or on behalf of the defendant in the proceeding

unless the parties agree on other arrangements to pay for translation.

4. Holding proceeding in English and French

4. (1) A judge may, at the request of a defendant and with the consent of the prosecutor, conduct a proceeding in both English and French.

4. (2) If the parties are unable to agree respecting the circumstances in which, and the extent to which, the parties may use each language in a proceeding referred to in subsection (1), the judge may

(a) at the request of the parties, provide further directions for conducting the proceeding in both English and French, or

(b) direct the Crown to arrange for an interpreter for the proceeding as if the defendant had given notice in accordance with section 2(1).

5. Transcripts

5. Any transcript of a proceeding to which this Regulation applies must include everything said in English or French during the proceeding in the language in which it was said.

Alberta – Lois fédérales

North-West Territories Act, R.S.C. 1886, c. 50 (Repealed) [en anglais seulement]

110. Either the English or the French language may be used by any person in the debates of the Legislative Assembly of the Territories and in the proceedings before the courts; and both those languages shall be used in the records and journals of such Assembly; and all ordinances made under this Act shall be printed in both those languages: Provided, however, that after the next general election of the Legislative Assembly, such Assembly may, by ordinance or otherwise, regulate its proceedings, and the manner of recording and publishing the same; and the regulations so made shall be embodied in a proclamation which shall be forthwith made and published by the Lieutenant Governor in conformity with the law, and thereafter shall have full force and effect.

ANNOTATIONS

R. c. Paquette, [1990] 2 R.C.S. 1103, 1990 CanLII 37 (CSC)

Eu égard au fait que le procureur général du Canada partage l'avis de l'appelant et que, par ailleurs, le procureur général de l'Alberta ne le conteste pas, nous sommes d'avis de répondre à la question constitutionnelle comme suit :

Question : L'article 110 de l'*Acte des territoires du Nord-Ouest*, S.R.C. 1886, ch. 50, modifié par S.C. 1891, ch. 22, art. 18, est-il en vigueur en Alberta en ce qui concerne les procédures intentées selon les lois fédérales de nature criminelle ou qui comportent des conséquences pénales?

Réponse : Oui.

La véritable question qui nous est soumise dans ce pourvoi est ainsi formulée par l'appelant dans son mémoire : est-ce que « l'article 110, dans le contexte d'une procédure criminelle, oblige le tribunal, soit le juge, soit le juge et jury, à comprendre l'accusé dans sa langue officielle sans l'aide d'un interprète ou de la traduction simultanée et oblige le juge et le procureur de la Couronne à s'adresser à la cour dans la langue officielle de l'accusé durant toutes les étapes d'une poursuite criminelle »?

Nous sommes tous d'avis que l'arrêt *R. c. Mercure*, 1988 CanLII 107 (CSC), [1988] 1 R.C.S. 234, une décision récente de notre Cour, dispose de cette question.

Le pourvoi est donc rejeté.

R. c. Mercure, [1988] 1 R.C.S. 234, 1988 CanLII 107 (CSC)

[pp. 251-252] Toutefois, les mémoires de l'intimé et du procureur général de l'Alberta paraissent indiquer que l'art. 110 était de quelque façon inextricablement lié aux garanties linguistiques que prévoit l'art. 133 de la *Loi constitutionnelle de 1867*. Je ne puis comprendre totalement le fondement de cet argument. Si l'article 133 s'appliquait, il s'appliquait *proprio vigore*. Si les tribunaux des territoires du Nord-Ouest sont des tribunaux qui visent à assurer la meilleure exécution des lois du Canada aux termes de l'art. 101 de la *Loi constitutionnelle de 1867*, alors l'art. 133 s'applique à eux sans plus. Si l'article 133 ne s'applique pas à ces tribunaux, il n'exige nullement que le Parlement adopte une disposition comme l'art. 110. J'ai examiné attentivement les pages pertinentes du harsard et je n'ai rien trouvé qui amène à considérer que l'art. 110 a été adopté pour donner effet à l'art. 133, quoique, quelques années plus tard, Laurier ait déclaré que l'une des raisons pour lesquelles l'art. 110 n'avait pas été abrogé en 1890 était que l'art. 133 garantissait des droits semblables relativement aux tribunaux; voir *Débats de la Chambre des communes*, 1905, à la p. 8783. En fait, l'impression qui s'en dégage est qu'au moment où l'art.

110 a été adopté on croyait que l'art. 133 ne s'appliquait pas car, comme nous l'avons vu, M. Mills qui a présenté devant la Chambre la motion d'adoption de la modification du Sénat, a déclaré qu'il déplorait la modification parce qu'il (le gouvernement) croyait qu'il s'agissait d'une question qu'il eût mieux valu laisser au conseil territorial. Quoi qu'il en soit, le Parlement a adopté l'art. 110 séparément et cet article est donc resté de lui-même en vigueur. [...]

[p. 253] D'aucuns ont laissé entendre qu'il y a un lien précis entre l'art. 110 et les revendications des colons au moment de la cession des Territoires au Canada. Ainsi, au cours des débats qui ont précédé la *Loi sur la Saskatchewan*, M. Monk (Débats de la Chambre des communes, 1905, aux pp. 8734 et suiv.) a déclaré que l'art. 110, comme l'art. 23 de la *Loi de 1870 sur le Manitoba*, avait été établi pour répondre aux revendications des habitants des Territoires, mais ce point de vue a été contesté (*id.*, à la p. 8752 (*Lemieux*)). Les justifications données par son parrain, le sénateur Girard, selon lesquelles cette mesure était souhaitable pour des raisons de justice du fait que les Territoires comptaient autant de francophones que d'anglophones ont dû être considérées comme suffisantes à l'époque. Toutefois, il est exact de dire que cette considération ne pouvait pas avoir été entièrement étrangère à ceux auxquels elle s'appliquait, car il semblerait qu'un bon nombre de Franco-manitobains qui avaient dressé la liste des revendications avant la création du Manitoba avaient déménagé dans cette partie des Territoires qui constitue maintenant la Saskatchewan et l'Alberta (voir le juge Belzil, dissident, dans l'arrêt *R. v. Lefebvre*, précité, à la p. 137, qui a traité de la situation analogue en Alberta; *Silver, op. cit.*, à la p. 132, affirme que la colonisation française provenant de l'extérieur des Prairies après la Confédération n'avait pas été importante; voir également *Wade, op. cit.*, à la p. 405).

[pp. 253-254] La modification de 1877 a été édictée de nouveau en 1880, à l'art. 94 de l'*Acte des Territoires du Nord-Ouest*, 1880, S.C. 1880, chap. 25, pour devenir ensuite l'art. 110 du chap. 50 des *Statuts révisés du Canada de 1886*. Toutefois, le droit est resté essentiellement inchangé. Au début de 1890, cependant, M. Dalton McCarthy a déposé un projet de loi visant la suppression des dispositions concernant la langue française; voir les *Débats de la Chambre des communes*, 1890, particulièrement aux pp. 775 (*Cockburn*) et 879 et 880 (*McCarthy*). Comme l'a souligné l'avocat du procureur général de l'Alberta, ce projet de loi était considéré par son parrain simplement comme la première étape d'un processus qui visait ultimement l'élimination de la langue française dans tout le pays, un processus qui comprenait incidemment la tentative d'abolition par le Manitoba des garanties linguistiques prévues à l'art. 23 de la *Loi de 1870 sur le Manitoba*. Pour diverses raisons toutefois, le gouvernement a refusé d'accepter en entier la proposition de M. McCarthy, mais il a accepté d'ajouter une réserve habilitant l'Assemblée législative à régler ses délibérations ainsi que la manière d'en tenir procès-verbal et de les publier. L'article 110 a ainsi pris la forme citée précédemment; voir S.C. 1891, chap. 22, art. 18. Conformément à cette réserve, l'Assemblée territoriale paraît avoir adopté, en 1892, une résolution prévoyant que ses délibérations devaient être en anglais seulement, mais il est douteux que cette résolution soit valide parce que la procédure régulière n'a pas été suivie; voir *Sheppard, op. cit.*, à la p. 85. Cependant, il n'est pas pertinent pour les fins du présent pourvoi d'examiner la question d'une manière plus approfondie puisque la réserve ne se rapporte pas aux lois ni aux procédures devant les tribunaux.

[pp. 254-255] On peut également mentionner le fait qu'en 1886 l'*Acte des territoires du Nord-Ouest* a été modifié (S.C. 1886, chap. 25, art. 3) de manière à prévoir l'entrée en vigueur dans les Territoires du droit anglais tel qu'il existait en 1870. En l'absence d'autres mesures législatives, cette modification aurait eu pour effet d'incorporer dans le droit territorial une loi britannique de 1731 (4 Geo. 2, chap. 26) qui prévoyait que toutes les procédures devant les tribunaux d'Angleterre et d'Écosse devaient être en langue anglaise seulement, mais évidemment, cela ne pouvait se produire compte tenu de la disposition expresse de l'art. 110, de sorte que cette loi n'a jamais fait partie du droit des territoires du Nord-Ouest et par conséquent n'a jamais fait partie du droit de la Saskatchewan. L'argument voulant que des lois anglaises qui ont été abrogées ou qui ne sont jamais entrées en vigueur dans les Territoires aient, en quelque sorte, été remises en vigueur en Saskatchewan ou en Alberta a, à maintes reprises, été rejeté par les tribunaux, voir les arrêts *Toll v. Canadian Pacific Railway Co.* (1908), 8 W.L.R. 795 (C.A.

DERNIÈRE MISE À JOUR: MARS 2018

Alb.), *Schultz v. Wolske* (1966), 75 W.W.R. 411 (C.S. Alb.), *Stevens v. Quinney* (1979), 1979 CanLII 2157 (SK QB), 101 D.L.R. (3d) 289 (B.R. Sask.). [...]

[pp. 257-258] L'article 110 faisait partie du droit au moment de la création de la province et, donc, sous réserve d'autres considérations, il a continué à s'appliquer dans la province. Y a-t-il alors dans la Loi quelque chose qui soit incompatible avec l'art. 110 ou destiné à le remplacer? [...]

[p. 262] Il me semble que la bonne façon de procéder aurait consisté à interpréter la Loi d'une manière générale afin de réaliser l'objectif manifeste et raisonnable du Parlement qui était de maintenir les lois existantes en vigueur jusqu'à ce que la nouvelle assemblée législative puisse les examiner. [...]

[p. 264] Il est évident que je n'accepte pas que l'art. 110 était en quelque sorte destiné à constituer une mesure purement transitoire. [...]

[p. 265] Alors tout ce qui reste pour déduire que l'anglais est la langue des tribunaux, c'est que certaines règles et certains formulaires judiciaires ont été rédigés en fonction de l'hypothèse que le système judiciaire fonctionnerait en anglais. [...] À part cela, peut-on supposer qu'une règle de droit aussi profondément enracinée dans l'histoire de ce pays puisse être écartée par un moyen aussi indirect que la préparation des formulaires judiciaires et ainsi de suite? Comment une loi, en particulier une loi aussi fondamentale que celle-ci, peut-elle être abrogée de cette manière? En fait, cette situation est très loin des critères stricts qui ont été établis pour justifier la conclusion qu'une loi a été abrogée implicitement. [...]

[p. 268] Si on peut dire que la législation en matière de droits de la personne est fondamentale ou quasi constitutionnelle, c'est au moins tout aussi vrai de la loi dont il est question en l'espèce; elle a été enchâssée pendant de nombreuses années dans la mesure où les habitants de cette région auxquels elle s'appliquait étaient concernés, puisqu'elle ne pouvait être supprimée non pas par l'assemblée législative locale, mais seulement par le Parlement qui, faut-il le rappeler, avait refusé de le faire. Elle faisait partie du droit fondamental d'une vaste région de ce pays depuis les premiers jours de la fondation de la nation et elle est enracinée dans une réalité profondément délicate reconnue dans la Charte canadienne des droits et libertés, qui, parmi nos valeurs constitutionnelles fondamentales, établit que le français et l'anglais sont les langues officielles de ce pays (par. 16(1)).

[pp. 268-269] On peut difficilement nier que la langue est profondément ancrée dans la condition humaine. Les droits linguistiques, cela n'a rien d'étonnant, constituent un genre bien connu de droits de la personne et devraient être abordés en conséquence; voir le *Pacte international relatif aux droits civils et politiques*, A.G. Rés. 2200A (XXI), 21 N.U. GAOR, Supp. (n° 16) 52, Doc. A/6316 N.U. (1966), art. 27; M. Tabor, « Language Rights as Human Rights » (1980), 10 *Israel Y.B. on Human Rights* 167. À la page 578 de l'arrêt *Société des Acadiens*, précité, cette Cour à la majorité a clairement exprimé l'opinion que « les droits linguistiques relèvent de la catégorie des droits fondamentaux » (le juge Beetz), une opinion que la Cour avait déjà exprimée dans le *Renvoi relatif aux droits linguistiques au Manitoba*, précité, dans le passage suivant à la p. 744 :

L'importance des droits en matière linguistique est fondée sur le rôle essentiel que joue la langue dans l'existence, le développement et la dignité de l'être humain. C'est par le langage que nous pouvons former des concepts, structurer et ordonner le monde autour de nous. Le langage constitue le pont entre l'isolement et la collectivité, qui permet aux êtres humains de délimiter les droits et obligations qu'ils ont les uns envers les autres, et ainsi, de vivre en société.

La Cour dans ce dernier arrêt souligne ensuite, aux pp. 744 et 745, la responsabilité du pouvoir judiciaire de protéger les droits linguistiques conférés aux termes de l'art. 23 de la *Loi de 1870 sur le Manitoba* et d'assurer que le gouvernement observe la Constitution. Je souligne également l'observation de la Cour selon laquelle, compte tenu de la similarité de cette disposition avec l'art.

133 de la *Loi constitutionnelle de 1867*, la portée de ces dispositions devrait être équivalente (pp. 743 et 744). Quel que soit le pouvoir que peut avoir l'Assemblée législative pour modifier la disposition, la similarité du texte et de l'historique de l'art. 110 semble exiger la même solution.

Évidemment, je me rends compte du fait que, comme pour les autres droits de la personne, les mesures gouvernementales en matière de protection des droits linguistiques doivent répondre aux exigences pratiques et refléter la nature et l'histoire du pays. Mais lorsque le Parlement ou la législature ont prévu de telles mesures, il incombe aux tribunaux de les respecter. Tout empiètement sur ceux-ci doit être réservé au pouvoir législatif. Cela est particulièrement vrai dans le cas des droits concernant les langues française et anglaise qui sont essentiels à la viabilité de la nation. Comme l'a dit le juge en chef Dickson dans l'arrêt *Société des Acadiens*, précité, à la p. 564 :

La question de la dualité linguistique est une préoccupation de vieille date au Canada, un pays dans l'histoire duquel les langues française et anglaise sont solidement enracinées. Les garanties constitutionnelles en matière linguistique traduisent des efforts continus et renouvelés en vue de réaliser le bilinguisme. Selon moi, nous devons nous efforcer particulièrement de rester fidèles à l'esprit et à l'objet des droits linguistiques enchâssés dans la *Charte*.

[pp. 269-270] Même si les observations du Juge en chef visaient précisément la protection accordée par la *Charte*, elles sont clairement pertinentes en l'espèce. Il en va de même pour ses remarques relatives à l'art. 16 de la *Charte* qui font du français et de l'anglais les langues officielles du Canada. Il affirme, à la p. 565 :

Bien que l'importance précise de l'art. 16 soit débattue dans la doctrine, il constitue à tout le moins un indice très révélateur de l'objet des garanties linguistiques de la *Charte*. En adoptant ces garanties constitutionnelles spéciales dans la *Charte*, le gouvernement fédéral et le gouvernement du Nouveau-Brunswick ont démontré leur engagement à réaliser le bilinguisme officiel dans leurs ressorts respectifs.

Même si le juge en chef Dickson parlait pour lui-même dans cet arrêt, le jugement de la majorité rendu par le juge Beetz a également reconnu que l'art. 16 contenait « un principe d'avancement ou de progression vers l'égalité de statut ou d'usage des deux langues officielles » (p. 579). La divergence d'opinions entre le juge Beetz et le Juge en chef réside dans le fait que pour le juge Beetz c'était le processus législatif, plutôt que le processus judiciaire, qui était particulièrement apte à faire avancer le principe. Toutefois, l'art. 110 est une initiative législative conforme à ce principe et, comme toute autre garantie linguistique, elle doit, comme je l'ai déjà mentionné, être respectée par les tribunaux.

[pp. 270-271] L'appelant a adopté le point de vue selon lequel l'art. 110 ne peut être abrogé que par une modification de la Constitution du Canada apportée en vertu de l'art. 43 de la *Loi constitutionnelle de 1982*, c'est-à-dire par voie de résolutions du Parlement du Canada et de l'assemblée législative de la province concernée. [...] Non seulement la législature provinciale est-elle habilitée à légiférer relativement à la procédure devant les tribunaux aux termes du par. 92(14) de la *Loi constitutionnelle de 1867*, mais encore elle a le pouvoir en vertu de l'art. 45 de la *Loi constitutionnelle de 1982* de modifier la constitution de la province. Toutefois, ce n'est pas tout. Le Parlement savait très bien comment enchâsser une disposition s'il voulait le faire, c'est-à-dire en prescrivant expressément des droits linguistiques dans la *Loi sur la Saskatchewan* comme il l'a fait dans le cas de l'art. 23 de la *Loi de 1870 sur le Manitoba*. De telles dispositions, en accord avec l'art. 133 de la *Loi constitutionnelle de 1867*, sont protégées par la Constitution et ne relèvent pas du pouvoir législatif de la province de modifier notamment sa constitution; voir l'arrêt *Procureur général du Québec c. Blaikie*, précité, aux pp. 1023 et 1025.

[p. 272] Toutefois, l'appelant soutient que ce point de vue ne s'applique pas à l'art. 110 dans la mesure où la langue des tribunaux est visée. Il souligne d'abord que, alors que ces autres

dispositions prévoient qu'il pourra être fait usage de la langue française ou de la langue anglaise « dans toute plaidoirie ou pièce de procédure devant les tribunaux [...] ou émanant » de ces tribunaux, l'art. 110 prévoit qu'une personne peut faire usage de l'une ou l'autre de ces langues « dans les procédures devant les cours de justice » (je souligne). Par conséquent, il estime que l'art. 110 est limité aux procédures qui se déroulent devant les tribunaux. Il ajoute que cela découle d'un contexte historique différent du compromis politique qui a eu lieu en 1867. Il attire l'attention sur le fait qu'un bon nombre de juges étaient bilingues dans les Territoires au moment de leur cession au Canada. L'appelant soutient que le même système a été maintenu en vigueur après cette cession.

[p. 273] Je suis incapable d'attacher la même importance que l'appelant à cette différence dans la phraséologie. Le fait de permettre l'usage d'une langue dans les procédures devant les tribunaux peut tout aussi bien signifier qu'elle peut être utilisée dans le cadre de ces procédures, que se soit dans les plaidoiries devant la cour, dans les actes de procédure ou dans la délivrance des brefs. De toute évidence, la disposition s'inspire de l'art. 133 et, bien qu'à l'instar d'autres dispositions inspirées de la même manière elle diffère sur le plan de la forme, on pourrait naturellement présumer qu'elle vise le même but. On ne peut s'attendre à ce que des formules précises ou des termes particuliers soient reproduits religieusement. Cela est particulièrement vrai dans le cas d'une disposition comme celle-ci qui, au départ, n'a pas été présentée comme une mesure gouvernementale. Il est intéressant de noter que l'auteur du projet de loi, qui semble avoir limité ses observations aux aspects législatifs, a fait remarquer que [TRADUCTION] « la majorité des habitants des Territoires étaient d'origine française et ils avaient autant droit à la reconnaissance de leur langue que ceux du Québec et du Manitoba ... » *Débats du Sénat*, 1877, à la p. 319. Je conclus donc que les droits linguistiques conférés par l'art. 110 sont essentiellement les mêmes que ceux accordés aux termes de ces autres dispositions. J'examine maintenant ce qui a été dit au sujet de ces dispositions dans les divers arrêts de cette Cour.

[Alberta c. Lefebvre](#), 1986 ABCA 236 (CanLII) [décision disponible en anglais seulement]

[NOTRE TRADUCTION]

[18] L'article 110 de la Loi sur les Territoires du Nord-Ouest ne faisait pas partie de la constitution des Territoires du Nord-Ouest et n'était donc pas une loi constitutionnelle. En d'autres termes, il n'avait pas le même effet que l'article 133 de la Loi constitutionnelle de 1867, qui protège expressément et de la manière restreinte qui y est énoncée les droits linguistiques de la minorité francophone, et il n'avait pas le même effet que l'article 23 de la Loi sur le Manitoba [...]

[...]

[21] L'article 110 de la Loi sur les Territoires du Nord-Ouest traitait des droits linguistiques de la minorité francophone « dans les procédures devant les cours de justice » des Territoires. Ces cours étaient des tribunaux du Canada et, avant la création du Manitoba, de la Saskatchewan et de l'Alberta, le pouvoir de légiférer sur l'administration de la justice dans les Territoires relevait du Parlement du Canada. L'article 110 n'était peut-être pas nécessaire, compte tenu de l'article 133 de la Loi constitutionnelle de 1867, qui protégeait les droits linguistiques des francophones devant les tribunaux du Canada.

[22] En prévoyant que toutes les lois et tous les tribunaux qui existaient dans les Territoires continuaient d'exister comme si cette loi n'avait pas été adoptée, l'article 16 de la Loi sur l'Alberta a eu pour effet de maintenir en vigueur la compétence de ces tribunaux pendant la période de transition, c'est-à-dire jusqu'à ce que le législateur l'abroge, l'abolisse ou le modifie. Il a également maintenu en vigueur les dispositions s'y rapportant, comme celles concernant les droits linguistiques énoncés à l'article 110.

[23] Il ressort de ce qui précède que l'article 110 n'a pas été imposé aux tribunaux que la province pouvait créer, mais qu'il a plutôt été appliqué aux tribunaux du Canada dont la compétence a été étendue provisoirement à l'Alberta après le détachement de celle-ci des

Territoires du Nord-Ouest en 1905. Même durant la période transitoire, les tribunaux du Canada n'étaient pas des tribunaux albertains. Après 1905, la Cour suprême des Territoires du Nord-Ouest a été prorogée en tant que cour des Territoires du Nord-Ouest et sa compétence a été étendue provisoirement à la province de l'Alberta.

[24] Il reste à savoir si l'article 110 est toujours en vigueur.

[25] Les dispositions de la Loi sur l'Alberta et en particulier son article 16 n'ont pas fait des tribunaux des Territoires du Nord-Ouest des tribunaux de l'Alberta. Cette loi prévoyait simplement qu' « est assurée dans la province, comme si la présente loi [...] n'avait été adoptée, la continuité » des tribunaux. On peut dire la même chose en ce qui concerne l'art. 110, qui prévoyait que « [t]oute personne pourra faire usage soit de langue anglaise, soit de langue française [...] dans les procédures devant les cours de justice ». Les cours en question étaient celles créées par le Parlement du Canada qui avaient été maintenues par l'art. 16.

[26] Comme les droits linguistiques devant les tribunaux est une question de procédure, il est évident que lorsque les tribunaux des Territoires du Nord-Ouest ont été maintenus dans la province de l'Alberta lors de la période transitoire, les droits linguistiques énoncés à l'art. 110 ont été maintenus sur le plan procédural devant ces tribunaux. L'article 110 a continué à s'appliquer aux tribunaux des Territoires du Nord-Ouest « comme si la présente loi [la Loi de 1905 sur l'Alberta] [...] n'avait pas été adoptée ».

[27] Le maintien en vigueur de l'art. 110 dépendait de la continuité des tribunaux des Territoires du Nord-Ouest. Lorsque la période de transition relative aux tribunaux des Territoires du Nord-Ouest a pris fin à la suite de l'adoption par la province de lois créant ses propres tribunaux, l'art. 110 a cessé totalement de s'appliquer dans la province.

[28] Avec l'adoption de lois créant les « tribunaux de l'Alberta », la province a occupé son champ de compétence en ce qui concerne les tribunaux et tout ce qui les concernait, et la période de transition a pris fin. L'article 110 n'a pas été adopté dans le but d'étendre des droits linguistiques devant les tribunaux de l'Alberta après que les tribunaux des Territoires du Nord-Ouest eurent cessé d'avoir compétence dans la province après avoir été remplacés par la Cour suprême de l'Alberta.

[...]

[30] La Loi créant les tribunaux albertains ne renfermait aucune disposition sur les droits linguistiques. Les seuls droits linguistiques qui existaient alors étaient ceux qui faisaient de l'anglais la langue des tribunaux.

VOIR ÉGALEMENT :

Alberta c. Lefebvre, 1993 CarswellAlta 286 (AB CA) [hyperlien non disponible] [décision disponible en anglais seulement]

Alberta – Autres lois linguistiques

[Agrology Profession Act, S.A. 2005, c. A-13.5](#) [en anglais seulement]

22. Application for registration

22. (1) An application for registration as a regulated member is complete for the purpose of consideration under section 23(3) if it is in the required form and given to the registrar by the applicant along with

[...]

(f) evidence of meeting standards of language proficiency, if required by the regulations, and

103. Council regulations

103. (1) The council may make regulations

(a) respecting requirements for and applications for registration and practice permits, including but not restricted to

[...]

(vii) providing evidence respecting meeting standards of language proficiency;

[Agrology Profession Regulation – Agrology Profession Act, Alta. Reg. 71/2007](#) [en anglais seulement]

33. Application information

33. (1) The registrar may require applicants for registration and regulated members applying for practice permits to provide the following information:

(a) demographic and agrology practice information about the applicant, including

[...]

(vii) languages in which the applicant provides professional services;

[Business Corporations Act, R.S.A. 2000, c. B-9](#) [en anglais seulement]

10. Corporate name

10. (1) Subject to section 15.4(1), the word “Limited”, “Limitée”, “Incorporated”, “Incorporée” or “Corporation” or the abbreviation “Ltd.”, “Ltée”, “Inc.” or “Corp.” shall be the last word of the name of every corporation, and a corporation may use and may be legally designated by either the full or the abbreviated form.

[...]

10. (3) Subject to section 15.4(2), no person other than a body corporate shall carry on business within Alberta under any name or title that contains the word “Limited”, “Limitée”, “Incorporated”, “Incorporée” or “Corporation” or the abbreviation “Ltd.”, “Ltée”, “Inc.” or “Corp.” or the words “Professional Corporation”.

[...]

10. (6) Subject to section 12(1), the name of the corporation or an additional form of its name in a notice filed under subsection (5) may be in an English form or a French form or

in a combined English and French form and the corporation may use and may be legally designated by any of those forms.

280. Application for registration

280. (1) An extra-provincial corporation shall apply for registration by sending to the Registrar a statement in the prescribed form.

280. (2) The statement shall be accompanied with

- (a) a copy of the charter of the extra-provincial corporation verified in a manner satisfactory to the Registrar,
- (b) documents relating to corporate names that are prescribed by the regulations, and
- (c) the appointment of its attorney for service, in the prescribed form.

280. (3) If all or any part of the charter is not in the English language, the Registrar may require the submission to the Registrar of a translation of the charter or that part of the charter, verified in a manner satisfactory to the Registrar, before the Registrar registers the extra-provincial corporation.

[Business Corporations Regulation – Business Corporations, Alta. Reg. 118/2000](#) [en anglais seulement]

11. Permitted characters in name

11. (1) The name of a corporation and extra-provincial corporation registered in Alberta may contain only the following:

- (a) letters of the alphabet of the English language;
- (b) arabic numerals;
- (c) the following punctuation or other marks: [...]
- (d) any combination of letters, numerals and marks referred to in clauses (a), (b) and (c).

11. (2) The first character of the name of a corporation or of an extra-provincial corporation registered in Alberta must be an arabic numeral or an alphabetic letter of the English language.

17. Name search reports

17. (3) Where a proposed name is in

- (a) an English form and a French form, or

(b) a combined English and French form,

and the English and French forms of the names are phonetically dissimilar, a separate printed Alberta Search Report under subsection (1) must be obtained for the English form and the French form of the name.

[Companies Act, R.S.A. 2000, c. C-21](#) [en anglais seulement]

162. Annual Report

162. (3) Except when the company is a private company, the annual return shall include a written copy, certified by a director or the manager or secretary of the company to be a true copy, of the last balance sheet that has been audited by the company's auditors, including every document required by law to be annexed thereto, together with a copy of the report of the auditors thereon, certified as aforesaid, and if a balance sheet is not in English, there shall also be annexed to it a translation thereof in English, certified in the prescribed manner to be a correct translation.

[Cooperatives Act, S.A. 2001, c. C-28.1](#) [en anglais seulement]

16. Names of cooperatives

16. (2) Subject to section 19, the name of a cooperative may be in an English form or a French form or in a combined English and French form, and the cooperative may use and be legally designated by any of those forms.

[Cooperatives Regulation – Cooperatives Act, Alta Reg. 55/2002](#) [en anglais seulement]

10. Permitted Characters

10. (1) The name of a cooperative or an extra-provincial cooperative registered in Alberta may contain only the following:

- (a) Letters of the alphabet of the English language;
- (b) Arabic numerals;
- (c) the following punctuation or other marks

[...]

any combination of letters, numerals and marks referred to in clauses (a), (b) and (c).

10. (2) The first character of the name of a cooperative or of an extra-provincial cooperative registered in Alberta must be an Arabic numeral or an alphabetic letter of the English language.

12. Objectionable names

12. (1) No cooperative or extra-provincial cooperative registered in Alberta may have a name that contains a word or expression in any language that is obscene or connotes a business that is scandalous, obscene or immoral or that is otherwise objectionable on public grounds.

12. (2) No cooperative may have a name that contains a word or expression that might lead to the inference that the cooperative is not a cooperative to which the Act applies.

[Credit Union Act, R.S.A. 2000, c. C-32](#) [en anglais seulement]

231. Ministerial Regulations

231. The Minister may make regulations

(a) respecting the execution, certification, proof, authentication and alteration of documents relating to this Act or any of their contents, the issue of and the correction of errors in certificates, the registration system and process and other matters relating to the administration of this Act;

**[Credit Union \(Ministerial\) Regulation – Credit Union Act, Alta. Reg. 250/1989](#)
[en anglais seulement]**

6. Essential components of name

6. (1) The name of a credit union must not contain anything other than

(a) letters of the alphabet in the English or French language,

(b) arabic numerals, and

punctuation marks, symbols or other marks in common usage in the English or French language.

[Education Act, S.A. 2012, c. E-0.3](#) [en anglais seulement]

N.B. – Cette loi n'est pas encore entrée en vigueur.

Preamble

[...]

WHEREAS the Government of Alberta believes in and is committed to one publicly funded education system that provides a choice of educational opportunities to students and that honours the rights guaranteed under the Constitution of Canada in respect of minority language and minority denominational education through the dimensions of public, separate and Francophone schools;

1. Interpretation

1. (1) In this Act,

[...]

(i) “Francophone” means an individual who has rights under section 23 of the *Canadian Charter of Rights and Freedoms*;

(j) “Francophone education program” means an education program offered by a Francophone regional authority that is intended for the children of Francophones, but does not include an alternative program established under section 19;

(k) “Francophone education region” means a Francophone education region established under section 126;

(l) “Francophone regional authority” means a composite Francophone regional authority established under section 129 or a public Francophone regional authority or separate Francophone regional authority established under section 131;

Part 1 – Access to Education

14. Francophone education

14. (1) If an individual has rights under section 23 of the *Canadian Charter of Rights and Freedoms* to have the individual’s children receive school instruction in French, the individual’s children are entitled to receive that instruction in accordance with those rights wherever in Alberta those rights apply.

14. (2) The Minister may make regulations

(a) respecting the education generally of students whose parents are Francophones, and

(b) notwithstanding any other provision of this Act, respecting any matter required to give effect to subsection (1).

14. (3) A student who is enrolled in a school operated by a Francophone regional authority is entitled to receive school instruction in French.

15. Enrolment in Francophone school

15. (1) If a student’s parent is a Francophone who requests that the student be enrolled in a school operated by a Francophone regional authority and the student resides in the Francophone education region within the distance from the school, as determined by the Francophone regional authority, the student is entitled to attend that school, and the Francophone regional authority shall

(a) enrol the student in that school, and

(b) ensure that the student is provided with an education program consistent with the requirements of this Act and the regulations that will give the student the opportunity to meet the standards of education set by the Minister.

15. (2) If a student's parent is a Francophone who requests that the student be enrolled in a school operated by a Francophone regional authority and the student does not reside in the Francophone education region within the distance from the school, as determined by the Francophone regional authority, the Francophone regional authority

(a) may enrol the student in that school under the terms set by the Francophone regional authority, and

(b) if the student is enrolled under clause (a), shall ensure that the student is provided with an education program consistent with the requirements of this Act and the regulations that will give the student the opportunity to meet the standards of education set by the Minister.

15. (3) If a student is the child of a Francophone and is enrolled in a school operated by a Francophone regional authority, the student continues to be a resident student of a board of a school division or, if section 4(6) applies to the student, of the Government, but section 11(1) does not apply to that board or the Minister, as the case may be, with respect to that student while the student is enrolled in a school operated by a Francophone regional authority.

15. (4) Notwithstanding subsections (1) and (2), a Francophone regional authority that is requested to enrol a student in a senior high school program beyond a 3rd school year may direct the student to attend a school designated by the Francophone regional authority.

15. (5) A Francophone regional authority shall enrol a resident student of the Government in a school operated by the Francophone regional authority as requested by the Minister.

17. Language of instruction

17. (1) Every student is entitled to receive instruction in English.

17. (2) Notwithstanding subsection (1), a board may authorize the use of French or any other language as a language of instruction.

17. (3) The Minister may make regulations governing the provision of instruction in any language authorized under subsection (2).

Part 2 – Opportunities for Learning

Division 1 – Diverse and Flexible Learning

19. Alternative programs

19. (1) In this section, “alternative program” means an education program offered by a board that

- (a) emphasizes a particular language, culture, religion or subject-matter, or
- (b) uses a particular teaching philosophy,

but that is not a religious education program offered by a separate school board of that religious denomination, a Francophone education program or specialized supports and services under section 11.

19. (2) A board may offer an alternative program to a student whose parent requests it where, in the opinion of the board,

- (a) the board has sufficient resources and facilities to offer the alternative program, and
- (b) the alternative program is appropriate to meet the student's education needs.

19. (3) A board may offer an alternative program under subsection (2) that operates within the geographic boundaries of another board only if the other board has been requested to offer the alternative program and has refused.

19. (4) A board that offers an alternative program shall continue to offer an education program consistent with the requirements of this Act and the regulations to those students not enrolled in the alternative program.

19. (5) If a parent enrolls a student in an alternative program, the board may charge that parent fees related to the alternative program only for the purpose of defraying all or a portion of any non-instructional costs that

- (a) may be incurred by the board in offering the alternative program,
- (b) are necessary for the delivery of the alternative program, and
- (c) are in addition to the costs incurred by the board in providing education programs other than the alternative program.

Division 5 – Establishment and Dissolution of Francophone Education Regions

124. Definitions

124. In this Division,

- (a) “public school” means a school designated as a public school by a Francophone regional authority under section 130;
- (b) “public school elector” means an individual described in section 135(1) other than a separate school elector;
- (c) “public school trustee” means an individual who is appointed or elected as a public school trustee of a Francophone regional authority;
- (d) “separate school” means a school designated as a separate school by a Francophone regional authority under section 130;

(e) “separate school elector” means an individual described in section 135 who declares that the individual is of the same faith, whether Protestant or Roman Catholic, as the minority of all individuals living within the boundaries of a Francophone education region as determined by the Minister under section 128;

(f) “separate school trustee” means an individual who is appointed or elected as a separate school trustee of a Francophone regional authority.

125. Application

125. (1) The following provisions and any regulations made under them apply to a Francophone regional authority and a reference in those provisions or those regulations to a board or a trustee is deemed to include a reference to the Francophone regional authority or a trustee of a Francophone regional authority, as the case may be:

(a) sections 1 and 2;

(b) Part 1, except sections 4, 10 and 11(1);

(c) Part 2, except sections 29 and 30;

(d) Part 3;

(e) Part 4, except sections 74 and 77;

(f) Part 5, Division 4;

(g) in Part 6, Division 1, section 171, Division 7 and Division 8 except section 192(3);

(h) Part 7;

(i) Part 8.

125. (2) Sections 114, 116 to 122 and the provisions of Division 4 of Part 5 and any regulations made under them apply to a Francophone education region, and a reference in those provisions or those regulations to a school division is deemed to include a reference to a Francophone education region.

125. (3) If a provision of this Act applies to a Francophone regional authority, a reference to an elector in the provision is deemed to be a reference to an individual referred to in section 135.

125. (4) If in any other Act a reference is made

(a) to a school division, the reference is deemed to include a Francophone education region, or

(b) to a board of a school division or the trustees of a board of a school division, the reference is deemed to include a Francophone regional authority or the trustees of a Francophone regional authority, as the case may be.

125. (5) Subsection (4) does not apply to a reference in the following Acts:

(a) *Condominium Property Act*;

- (b) *Drainage Districts Act*;
- (c) *Health Insurance Premiums Act*;
- (d) *Northland School Division Act*;
- (e) *Parks Towns Act*.

125. (6) Notwithstanding subsections (1), (2) and (4), the Minister may exempt a Francophone regional authority or a Francophone education region from the application of a provision of this or any other Act.

2012 c. E-0.3 s. 125; 2015 c. 6 s. 24.

126. Establishment of Francophone education region

126. (1) The Minister may, by order, establish any portion of Alberta as a Francophone education region.

126. (2) The order establishing a Francophone education region must describe the boundaries of the region and give it a name in the following form:

The _____ Francophone Education Region.

127. Effect of establishment

127. The establishment of a Francophone education region does not affect a public school division or a separate school division established in respect of all or part of the portion of Alberta in which the Francophone education region is established.

128. Minority in Francophone education region

128. For the purposes of this Division, the Minister may by order determine for each Francophone education region, on evidence satisfactory to the Minister, whether the Protestant or Roman Catholic faith is the faith of the minority of all individuals living within the boundaries of the Francophone education region.

129. Composite Francophone regional authority

129. (1) For each Francophone education region, the Minister shall by order establish a composite Francophone regional authority, and the trustees of the composite Francophone regional authority are a corporation under the name of:

The Francophone Regional Authority of _____ Francophone Education Region.

129. (2) A composite Francophone regional authority must be composed of at least 3 trustees.

129. (3) Subject to subsection (4), the number of public school trustees of a composite Francophone regional authority must, if practicable, be in the same proportion to the total number of trustees of the composite Francophone regional authority as the total number of public school electors in the Francophone education region is to the combined total number of public school electors and separate school electors in the Francophone education region.

129. (4) A composite Francophone regional authority must have at least one public school trustee and at least one separate school trustee.

129. (5) The separate school trustees of a composite Francophone regional authority are a corporation under the name of:

The Separate School Trustees of the Francophone Regional Authority of _____.

130. Designation of schools

130. A composite Francophone regional authority must designate each school either as a public school or as a separate school.

131. Public and separate Francophone regional authorities

131. (1) If, within a Francophone education region, the public school electors exceed 30% of the combined total number of all public school electors and separate school electors and there are at least 500 students registered in the public schools, the Minister may dissolve the existing composite Francophone regional authority and establish both a public Francophone regional authority and a separate Francophone regional authority.

131. (2) The trustees of the public Francophone regional authority established under subsection (1) are a corporation under the name of:

The Francophone Regional Authority of _____ Public Francophone Education Region.

131. (3) The trustees of the separate Francophone regional authority established under subsection (1) are a corporation under the name of:

The Francophone Regional Authority of _____ Separate Francophone Education Region.

132. Appointment of trustees on establishment

132. (1) The Minister may appoint the first trustees of a Francophone regional authority.

132. (2) Trustees of a Francophone regional authority appointed under subsection (1) hold office until the first organizational meeting of the Francophone regional authority held after the first general election held after the Francophone regional authority is established.

133. Agreements with school divisions

133. (1) The board of a school division required by the Minister to do so must enter into an agreement with the Francophone regional authority respecting any matter the Minister considers necessary, including, but not limited to, dealing with assets and liabilities and the transfer of employees.

133. (2) If a board referred to in subsection (1) and the Francophone regional authority do not enter into an agreement under subsection (1) within a period that the Minister considers reasonable, the Minister may make an order respecting any matter the Minister considers necessary.

134. Responsibility and authority of Francophone regional authority

134. (1) A Francophone regional authority has the responsibility and authority to ensure that minority language educational rights guaranteed under the Constitution of Canada are protected in the Francophone education region.

134. (2) The separate school trustees of a composite Francophone regional authority have the responsibility and authority to ensure that the rights and privileges with respect to separate schools guaranteed under the Constitution of Canada are protected in the Francophone education region.

134. (3) A separate Francophone regional authority has the responsibility and authority to ensure that both minority language educational rights and the rights and privileges with respect to separate schools guaranteed under the Constitution of Canada are protected in the Francophone education region.

135. Eligibility

135. (1) For the purposes of this Act and the *Local Authorities Election Act*, an individual is eligible to vote in an election of trustees of a Francophone regional authority if

(a) the individual

(i) is a Francophone,

(ii) is 18 years of age or older,

(iii) is a Canadian citizen, and

(iv) has been a resident of Alberta for the 6 consecutive months immediately preceding election day and resides in the Francophone education region on election day,

or

(b) the individual is a member of a class of individuals prescribed by the Lieutenant Governor in Council as being eligible to vote.

135. (2) For the purposes of this Act and the *Local Authorities Election Act*, an individual is eligible to be elected as a trustee of a Francophone regional authority if the individual

(a) is a Francophone,

(b) is 18 years of age or older,

(c) is a Canadian citizen,

(d) has been a resident of Alberta for the 6 consecutive months immediately preceding nomination day and resides in the Francophone education region on election day, and

(e) is not otherwise ineligible under the *Local Authorities Election Act*.

135. (3) An individual who is a public school elector is eligible only

(a) to vote for, and

(b) to be nominated as a candidate for election as,

a public school trustee of a Francophone regional authority.

135. (4) For the purposes of this Act, an individual who is a separate school elector is eligible

(a) to vote for, and

(b) to be nominated as a candidate for election as,

either a public school trustee or a separate school trustee of a Francophone regional authority, but not both.

135. (5) A person who is eligible to vote in an election for a board other than a Francophone regional authority and in an election for a Francophone regional authority may only vote in one election.

135. (6) A person may not be a trustee of a Francophone regional authority and of a board at the same time.

136. Dissolution of Francophone regional authority

136. (1) A Francophone regional authority may pass a resolution requesting the Minister to dissolve the Francophone regional authority.

136. (2) The Minister, subject to any terms or conditions the Minister imposes, may, by order, dissolve a Francophone regional authority whether or not the Minister receives a resolution requesting the dissolution.

136. (3) If on the dissolution of a Francophone regional authority the Minister considers an adjustment of assets or liabilities to be necessary, the Minister shall, by order, give directions with respect to the assets or liabilities of the Francophone regional authority.

Part 9 – Transitional Provisions, Consequential Amendments, Repeals and Coming into Force

Transitional Provisions

260. Transitional provisions

260. (1) In this section, “former Act” means the *School Act*, R.S.A. 2000 c. S-3.

[...]

260. (7) A Francophone Education Region established under the former Act is deemed to be a Francophone education region established under this Act.

260. (8) A board of trustees of a Francophone Regional authority established under the former Act is deemed to be a board of trustees of a Francophone Regional authority established under this Act.

[Election Act, R.S.A. 2000, c. E-1](#) [en anglais seulement]

78. Interpreters

78. (1) An interpreter may be appointed in the prescribed form to translate questions and answers about voting procedures for persons not conversant in the English language.

RSA 2000 cE-1 s78;2004 c23 s42

[Engineering and Geoscience Professions Act, R.S.A. 2000, c. E-11](#) [en anglais seulement]

19. Regulations

19. (1) The Council may make regulations

[...]

(d) respecting the eligibility of applicants generally for registration to engage in the practice of engineering or geoscience

RSA 2000 cE-11 s19;2007 c13 s11;2011 c3 s9

[ASET Regulation – Engineering and Geoscience Professions Act, Alta. Reg. 282/2009](#) [en anglais seulement]

13. Eligibility

13. (1) A person who meets the following requirements and applies to the ASET Registrar for registration is entitled to be registered as a regulated member:

[...]

(d) the applicant demonstrates to the ASET Board of Examiners that the applicant has a proficiency in the English language that is sufficient to enable the applicant to responsibly practice the profession of applied science, information or engineering technology;

**Engineering and Geoscience Professions General Regulation –
Engineering and Geoscience Professions Act, Alta. Reg. 150/1999** [en
anglais seulement]

Part 1

Division 5 – Professional Members

13. Eligibility

13. (1) A person who meets the following requirements and applies to the Registrar for registration is entitled to be registered as a professional member:

[...]

(d) the applicant demonstrates to the Board of Examiners that the applicant has a proficiency in the English language that is sufficient to enable the applicant to responsibly practice the profession of engineering or geoscience;

AR 150/99 s13;37/2003;346/2009;55/2012

Part 10

Professional Licensees

77. Eligibility

77. (1) A person who meets the following requirements and applies to the Registrar for registration is entitled to be registered as a professional licensee:

[...]

(d) the applicant demonstrates to the Board of Examiners that the applicant has a proficiency in the English language that is sufficient to enable the applicant to responsibly practise the profession of engineering or geoscience;

AR 150/99 s77;281/2009;55/2012

Professional Technologists Regulation – Engineering and Geoscience Professions Act, Alta. Reg. 283/2009 [en anglais seulement]

5. Eligibility

5. (1) A person who meets the following requirements and applies to the ASET Registrar for registration is entitled to be registered as a professional technologist:

[...]

(d) the applicant demonstrates to the Joint Board of Examiners that the applicant has a proficiency in the English language that is sufficient to enable the applicant to responsibly practice the profession of engineering or geoscience within the prescribed scope of practice;

AR 283/2009 s5;57/2012

Family Law Act, S.A. 2003, c. F-4.5 [en anglais seulement]

Part 2 – Guardianship, Parenting and Contact Orders and Enforcement of Time with a Child

18. Best interests of the child

18. (1) In all proceedings under this Part except proceedings under section 20, the court shall take into consideration only the best interests of the child.

18. (2) In determining what is in the best interests of a child, the court shall

[...]

(b) consider all the child's needs and circumstances, including

[...]

(iii) the child's cultural, linguistic, religious and spiritual upbringing and heritage;

2003 cF-4.5 s18;2010 c16 s1(16)

ANNOTATIONS

Rensonnet c. Uttl, 2016 ABQB 95 (CanLII) [décision disponible en anglais seulement]

[NOTRE TRADUCTION]

F. Les études

[230] Comme nous l'avons déjà dit, il semble préférable d'aborder spécifiquement la question de savoir quelle école les enfants devraient fréquenter, même si cette décision est souvent laissée au parent qui a la garde légale. Dans ce cas-ci, il s'agit d'un point de désaccord majeur.

[231] Le rôle du tribunal est d'examiner ce qui est dans l'intérêt supérieur des enfants ou, en l'espèce, s'il est dans l'intérêt supérieur des enfants de demeurer inscrits à l'école francophone. Il n'appartient pas au tribunal de décider si l'école francophone est la meilleure école pour les enfants dans l'abstrait.

[232] M^{me} Rensonnet a invoqué des raisons bien formulées et raisonnables pour justifier sa préférence que les enfants demeurent à l'école francophone au moins pour les prochaines années. Elle souligne que les deux parents s'entendent pour dire que les enfants tireraient bénéfice d'une langue seconde, car cela leur donne des possibilités supplémentaires et aide à développer leurs habiletés cognitives. Elle croit que le français est l'autre langue de préférence, en raison de son statut au Canada et du fait que le français est la langue maternelle de M^{me} Rensonnet et fait partie de sa culture. Elle peut fournir un environnement en français pour faciliter l'apprentissage de la langue. Elle a expliqué que M. Uttl ne voyait pas l'utilité pour les enfants d'apprendre le tchèque, parce que c'est une [TRADUCTION] « langue morte ». Enfin, elle croit que le fait d'être parfaitement bilingue en français et en anglais ouvrirait de nombreuses possibilités de carrière pour les enfants au Canada.

[233] La principale objection de M. Uttl est le fait que, si les enfants fréquentent une école francophone, il sera mis à l'écart et isolé parce qu'il ne pourra pas les aider dans leurs études ou participer à leurs activités parascolaires comme les voyages de ski. Il ne pourra pas les aider à faire leurs devoirs en français. Il préfère de loin que les enfants soient inscrits à une école du Calgary Board of Education qui, dit-il, comportera un certain contenu obligatoire en français.

[234] Je comprends les préoccupations de M. Uttl et j'y suis sensible. Toutefois, il ressort clairement de la correspondance et du témoignage des deux parties que M. Uttl a aggravé le problème en adoptant une attitude très négative à l'égard de l'école que les enfants fréquentent. Il n'est pas le seul parent non francophone dont les enfants fréquentent un établissement francophone. D'après les éléments de preuve, je conclus que quelqu'un qui a l'intelligence et le parcours de M. Uttl pourrait trouver un moyen de travailler de façon constructive avec ses enfants pendant qu'ils fréquentent l'école francophone, s'il s'engage à respecter cette approche.

[...]

[237] M^{me} Rensonnet propose comme solution de rechange que les enfants continuent à fréquenter l'école francophone au moins jusqu' à la fin de la troisième année, alors que la question de l'école qu'ils fréquentent pourra être réexaminée. Après la troisième année, les enfants pourraient plus facilement s'adapter à une école uniquement anglophone, car l'école francophone introduit graduellement l'anglais dans le programme au cours des premières années.

[238] Je conclus qu'il est dans l'intérêt supérieur des enfants qu'ils continuent à fréquenter l'école francophone au cours des prochaines années. Les arguments de M^{me} Rensonnet m'ont convaincu que, compte tenu de ses antécédents et de la culture française qu'elle peut offrir, les voyages en Europe auxquels les enfants sont et continueront vraisemblablement d'être exposés par l'entremise de leurs deux parents, et l'environnement linguistique canadien, un programme bilingue anglais-français convient le mieux aux enfants en ce moment. De plus, la preuve démontre qu'ils réussissent bien à l'école francophone, comme d'autres enfants dont un parent est incapable de parler français. Enfin, M. Uttl n'a proposé aucune solution de rechange précise à laquelle le programme d'études actuel pourrait être comparé.

[239] Cependant, malgré l'élément d'incertitude que cette décision créera, j'estime que je devrais fixer une date à laquelle la question de l'école que les enfants devraient fréquenter devrait être réexaminée. Cette solution permettra aux deux parties de faire de leur mieux pour s'impliquer dans les études de leurs enfants pendant cette période transitoire. Ils auront tous les deux amplement le temps d'examiner équitablement la prochaine étape de l'éducation et, espérons-le, de se consulter avant de recourir au processus de réexamen prévu par le tribunal. Ainsi, la

prochaine décision à prendre en ce qui concerne l'établissement scolaire que les enfants devraient fréquenter pourrait avoir lieu dès le 15 janvier 2019, pour qu'une décision soit prise à temps pour l'année scolaire 2019-2020. C'est, selon la preuve, un délai raisonnable pour examiner si les enfants devraient continuer à fréquenter l'école francophone.is, on the evidence, a reasonable time to review whether Francophone schooling should continue.

Division 1 – Guardianship

21. Powers, responsibilities and entitlements of guardianship

21. (1) A guardian shall exercise the powers, responsibilities and entitlements of guardianship in the best interests of the child.

21. (6) Except where otherwise limited by law, including a parenting order, each guardian may exercise the following powers:

[...]

(d) to make decisions regarding the child's cultural, linguistic, religious and spiritual upbringing and heritage;

2003 cF-4.5 s21;2005 c10 s7

Freedom of Information and Protection of Privacy Act, R.S.A. 2000, c. F-25 [en anglais seulement]

94. Power to make regulations

94. (1) The Lieutenant Governor in Council may make regulations

[...]

(e) respecting the making of requests under this Act orally instead of in writing;

RSA 2000 cF-25 s94;2003 c21 s21;2006 c17 s9; 2011 cC-11.5 s30

Freedom of Information and Protection of Privacy Regulation – Freedom of Information and Protection of Privacy Act, Alta. Reg. 186/2008 [en anglais seulement]

5. Oral requests

5. An applicant may make an oral request for access to a record if

(a) the applicant's ability to read or write English is limited, or

(b) the applicant has a physical disability or condition that impairs the applicant's ability to make a written request.

[Health Disciplines Act, R.S.A. 2000, c. H-2](#) [en anglais seulement]

55. Regulations

55. (1) The Board may make regulations

[...]

(b) prescribing the conditions or restrictions, if any, under which registered members of each designated health discipline may provide health services;

RSA 2000 cH-2 s55;2006 c23 s39

[Acupuncture Regulation – Health Disciplines Act, Alta. Reg. 42/1988](#) [en anglais seulement]

2. Initial registration

2. (1) A person is eligible to be registered as a member of the designated health discipline of acupuncturist if the person

[...]

(f) provides evidence satisfactory to the Registrar of sufficient competence in and comprehension of the English language to be able to practice as an acupuncturist in Alberta.

AR 42/88 s2;206/2010

12. Patient records

12. (1) An acupuncturist shall, in the English language, complete a records of management for each patient.

AR 42/88 s12;206/2010

18. Advertisement contents

18. (1) Only the following information may be included by an acupuncturist in an announcement, business card, letterhead or an advertisement in any regularly published publication or on a sign:

[...]

(e) languages the acupuncturist speaks;

AR 42/88 s18;206/2010

Health Professions Act, R.S.A. 2000, c. H-7 [en anglais seulement]

131. Council regulations

131. (1) A council may make regulations

(a) respecting requirements for and applications for registration and practice permits, including but not restricted to

(i) education, experience, enrolment in programs of studies, successful completion of examinations, including limiting the number of times examinations may be taken, and holding of certificates and diplomas;

(ii) recognizing professions in other jurisdictions for the purposes of section 28(2)(b);

(iii) requirements for the purposes of section 28(2)(b);

(iv) carrying professional liability insurance and governing the minimum coverage and type of insurance required to be carried;

(v) providing evidence of being a Canadian citizen or lawfully permitted to work or study in Canada;

(vi) providing evidence of having good character and reputation;

(viii) for the purposes of section 28(2)(c), determining the combination of education, experience, practice and other qualifications that demonstrates the competence required for registration as a regulated member;

(b) respecting the evaluation of education, training, experience, practice and competence required of applicants for registration as regulated members and of applicants for practice permits, including the establishment or designation of an entity that may conduct all or part of an evaluation;

RSA 2000 cH-7 s131;2001 c21 s22; 2005 c13 s4(3); 2006 c19 s2(11);2007 c32 s1(29);2008 c34 s14

Combined Laboratory and X-ray Technologists Profession Regulation – Health Professions Act, Alta. Reg. 224/2005 [en anglais seulement]

9. English language requirements

9. (1) An applicant for registration as a regulated member must be sufficiently proficient in the English language to be able to provide professional services in English.

9. (2) An applicant may be required by the Registrar to demonstrate proficiency in the English language in accordance with the standards approved by the Council.

Dental Assistants Profession Regulation – Health Professions Act, Alta. Reg. 252/2005 [en anglais seulement]

31. Requested information

31. (1) A regulated member must provide the following information on the initial application for registration, when there are any changes to the information and on the request of the Registrar:

[...]

(h) languages other than English;

Dental Hygienists Profession Regulation – Health Professions Act, Alta. Reg. 255/2006 [en anglais seulement]

10. English language requirements

10. (1) An applicant for registration as a regulated member on the general register or on the courtesy register must be sufficiently proficient in English to be able to engage safely and competently in the practice of the profession of dental hygienists.

10. (2) An applicant may be required by the Registrar to demonstrate proficiency in the English language in accordance with the requirements approved by the Council.

31. Request information

31. (1) An applicant for registration, a general member and a courtesy member must provide the following information in addition to that required under section 33(3) of the Act, on the initial application for registration, when there are any changes to the information or at the request of the Registrar:

[...]

(o) languages in which the member can provide professional service;

Denturists Profession Regulation – Health Professions Act, Alta. Reg. 186/2002 [en anglais seulement]

8.1 English language requirements

8.1 (1) An applicant for registration as a regulated member must be sufficiently proficient in English to be able to engage safely and competently in the practice of denturism.

8.1 (2) An applicant may be required by the Registrar to demonstrate proficiency in the English language in accordance with the requirements approved by the Council.

Licensed Practical Nurses Profession Regulation – Health Professions Act, Alta. Reg. 81/2003 [en anglais seulement]

11. English language requirements

11. (1) An applicant for registration as a regulated member must be sufficiently proficient in the English language to be able to provide professional services in English.

11. (2) An applicant may be required by the Registrar to demonstrate proficiency in the English language in accordance with the standards approved by the Council.

Medical Diagnostic and Therapeutic Technologists Profession Regulation – Health Professions Act, Alta. Reg. 61/2005 [en anglais seulement]

9. English language requirements

9. (1) An applicant for registration as a regulated member must be reasonably proficient in English to be able to engage safely and competently in the practice of medical diagnostic and therapeutic technology.

9. (2) An applicant may be required by the Registrar to demonstrate proficiency in the English language in accordance with the requirements approved by the Council.

AR 61/2005 s9;113/2009

Medical Laboratory Technologists Profession Regulation – Health Professions Act, Alta. Reg. 255/2001 [en anglais seulement]

10. English language requirements

10. (1) In addition to the other registration requirements in this Regulation, an applicant for registration as a regulated member must be sufficiently proficient in the English language to be able to provide professional services in English.

10. (2) An applicant may be required by the Registrar to demonstrate proficiency in the English language in accordance with the standards approved by the Council.

24. Requested information

24. (1) A regulated member must provide the following information on the initial application for registration, when there are any changes to the information, an application for a practice permit and on request of the Registrar:

[...]

(c) the educational history, including the name of the institution from which the regulated member graduated, the year of graduation and the language of instruction;

AR 255/2001 s24;76/2007

Naturopaths Profession Regulation – Health Professions Act, Alta. Reg. 126/2012 [en anglais seulement]

11. English language requirements

11. (1) An applicant for registration as a regulated member must be reasonably proficient in English to be able to engage safely and competently in the practice of naturopathic medicine.

11. (2) An applicant may be required by the Registrar to demonstrate proficiency in the English language in accordance with the requirements approved by the Council.

37. Information to be provided

37. (1) A regulated member or an applicant for registration must provide the following information, in addition to the information required under section 33(3) of the Act, to the Registrar on the request of the Registrar, on application for registration and when there are any changes to the information:

[...]

(c) the languages in which a regulated member or an applicant for registration can provide professional services;

Occupational Therapists Profession Regulation – Health Professions Act, Alta. Reg. 217/2006 [en anglais seulement]

10. English language requirements

10. (1) Every applicant for registration as a regulated member must be sufficiently proficient in English to be able to engage safely and competently in the practice of occupational therapy.

10. (2) An applicant may be required by the Registrar to demonstrate proficiency in the English language in accordance with the requirements approved by the Council.

Opticians Profession Regulation – Health Professions Act, Alta. Reg. 45/2011 [en anglais seulement]

31. Duty to provide information

31. (1) An applicant for registration or a regulated member must provide the following information, in addition to that required under section 33(3) of the Act, to the Registrar on the request of the Registrar, on application for registration and when there are changes to the information:

[...]

(b) the following practice information:

[...]

(ix) languages in which a regulated member or an applicant for registration provides professional services;

31. (2) On the request of a member of the public, the College may disclose the following information with respect to a regulated member:

[...]

(c) languages in which professional services are provided.

Paramedics Profession Regulation – Health Professions Act, Alta. Reg. 151/2016 [en anglais seulement]

13. Other requirements

13. (1) An applicant for registration as a regulated member must be reasonably proficient in English to be able to engage safely and competently in the practice of the paramedic profession.

13. (2) An applicant may be required by the Registrar or Registration Committee to demonstrate proficiency in the English language in accordance with the requirements approved by the Council.

36. Providing information

36. (1) A regulated member or an applicant for registration must provide the following information, in addition to that required under section 33(3) of the Act, to the Registrar when applying for registration or to renew a registration, whenever requested by the Registrar and whenever there are any changes to the information:

[...]

(b) the following information respecting the regulated member's or applicant's practice:

[...]

(iii) the languages in which the regulated member or applicant is able to provide professional services;

Pharmacists and Pharmacy Technician Profession Regulation – Health Professions Act, Alta. Reg. 129/2006 [en anglais seulement]

12. English language requirements

12. (1) An applicant for registration as a regulated member must be sufficiently proficient in English to be able to engage safely and competently in the practice of pharmacists or the practice of pharmacy technicians, as the case may be.

12. (2) An applicant may be required by the Registrar to demonstrate proficiency in the English language in accordance with the requirements approved by the Council.

Physical Therapists Profession Regulation – Health Professions Act, Alta. Reg. 64/2011 [en anglais seulement]

10. English language requirements

10. (1) An applicant for registration as a regulated member must be reasonably proficient in English to be able to engage safely and competently in the practice of physical therapy.

10. (2) An applicant may be required by the Registrar to demonstrate proficiency in the English language in accordance with the requirements approved by the Council.

Physicians, Surgeons and Osteopaths Profession Regulation – Health Professions Act, Alta. Reg. 350/2009 [en anglais seulement]

15. English language requirements

15. (1) An applicant for registration as a regulated member must be reasonably proficient in English to be able to engage safely and competently in the practice of medicine or osteopathy.

15. (2) An applicant may be required by the Registrar to demonstrate proficiency in the English language in accordance with the requirements approved by the Council.

40. Providing information

40. (1) A regulated member or an applicant for registration must provide the following information in addition to that required under section 33(3) of the Act to the Registrar on the request of the Registrar, on application for registration and when there are changes to the information:

[...]

(h) languages in which a regulated member or an applicant for registration can provide professional services;

Podiatrists Profession Regulation – Health Professions Act, Alta. Reg. 60/2012 [en anglais seulement]

9. English language requirements

9. (1) An applicant for registration as a regulated member must be reasonably proficient in English to be able to engage safely and competently in the practice of podiatry.

9. (2) An applicant may be required by the Registrar to demonstrate proficiency in the English language in accordance with the requirements approved by the Council.

30. Providing information

30. (1) A regulated member or an applicant for registration must provide the following information in addition to that required under section 33(3) of the Act to the Registrar, on the request of the Registrar, on application for registration and when there are changes to the information:

[...]

(h) languages in which a regulated member or an applicant for registration can provide professional services;

Registered Dietitians and Registered Nutritionists Profession Regulation – Health Professions Act, Alta. Reg. 79/2002 [en anglais seulement]

5. Equivalent competence

5. (1) An applicant who does not meet the requirements under section 3 or 4 but whose qualifications have been determined by the Registrar or Registration Committee to be substantially equivalent to the registration requirements set out in section 3 is eligible for registration on the general register.

5. (2) For the purposes of subsection (1), the Registrar or the Registration Committee may require the applicant to undertake one or more of the following:

[...]

(b) language fluency assessments;

26. Information under s33 of the Act

26. (1) A regulated member must provide the following information at the request of the Registrar in addition to that required under section 33(3) of the Act and advise the Registrar of any change to the information:

[...]

(b) practice information including:

[...]

(viii) languages in which the member provides professional services;

Registered Nurses Profession Regulation – Health Professions Act, Alta. Reg. 232/2005 [en anglais seulement]

13. English language requirements

13. An applicant for registration as a regulated member whose first language is not English must demonstrate to the Registrar in accordance with the standards approved by the Council proficiency in the English language sufficient to enable the applicant to engage in safe and competent nursing practice.

Registered Psychiatric and Mental Deficiency Nurses Profession Regulation – Health Professions Act, Alta. Reg. 231/2005 [en anglais seulement]

12. English language requirements

12. (1) An applicant for registration as a regulated member must be sufficiently proficient in the English language to be able to provide professional services in English.

12. (2) An applicant may be required by the Registrar to demonstrate proficiency in the English language in accordance with the standards approved by the Council.

Respiratory Therapists Profession Regulation – Health Professions Act, Alta. Reg. 137/2009 [en anglais seulement]

10. English language requirements

10. (1) An applicant for registration as a regulated member must be reasonably proficient in English to be able to engage safely and competently in the practice of respiratory therapy.

10. (2) An applicant may be required by the Registrar to demonstrate proficiency in the English language in accordance with the requirements approved by the Council.

32. Providing information

32. (1) A regulated member or an applicant for registration must provide the following information in addition to that required under section 33(3) of the Act on the initial application for registration, when there are changes to the information or at the request of the Registrar:

[...]

(m) languages in which a regulated member or an applicant for registration is proficient in providing respiratory therapy services;

[Social Workers Profession Regulation – Health Professions Act, Alta. Reg. 82/2003 \[en anglais seulement\]](#)

30. Providing information

30. (1) A regulated member must provide the following information in addition to that required under section 33(3) of the Act when there is a change to the information or at the request of the Registrar:

[...]

(h) languages spoken or understood;

[...]

(n) languages in which professional services are provided;

[Speech-Language Pathologists and Audiologists Profession Regulation – Health Professions Act, Alta. Reg. 124/2002 \[en anglais seulement\]](#)

11. English language requirements

11. (1) All applicants for registration as regulated members must be sufficiently proficient in the English language to be able to provide professional services in English.

11. (2) An applicant may be required by the Registrar to demonstrate proficiency in the English language in accordance with the standards approved by the Council.

[Insurance Act, R.S.A. 2000, c. I-3 \[en anglais seulement\]](#)

Licensing Requirements

21. Names

21. (1) No insurer may be licensed with a name that does not meet the requirements of section 211(1) and the regulations under section 212.

21. (2) Subject to this Act and the regulations, an insurer may be licensed with a name in an English form, a French form, an English form and a French form or a combined English and French form, and it may be legally designated in Alberta by any such name.

1999 cl-5.1 s21

Division 13 – General

211. Names

211. (2) Subject to this Act and the regulations, a provincial company may have a name in an English form, a French form, an English form and a French form or a combined English and French form, and it may be legally designated by any such name.

1999 ci-5.1 s211

213. Use of “insurance” in names

213. No entity incorporated or formed by or under an enactment, other than a provincial company, may use the words “insurance company” or “insurance corporation” or the French equivalents of those words in its name.

1999 ci-5.1 s213

Certificates of Authority

466. Names

466. (1) No business may be issued a new certificate of authority or have a certificate of authority renewed or reinstated if the name of the business

(a) includes the words “insurance company” or “insurance corporation” or the French equivalent of those words, or

(b) is identical or similar to the name of an insurer formed under the laws of Canada or of a province or territory.

466. (2) The Minister may refuse to issue a new certificate of authority or to renew or reinstate a certificate of authority to a business if the Minister is satisfied that the name of the business is confusing or misleading.

1999 ci-5.1 s466

[Interjurisdictional Support Orders Act, S.A. 2002, c. I-3.5](#) [en anglais seulement]

40. Translation

40. (1) An order or other document that is to be sent to a reciprocating jurisdiction that requires it to be translated into another language must be accompanied with a translation into that language and a certificate of the translator authenticating the accuracy of the translation.

40. (2) The person for whom the order or document is being sent to a reciprocating jurisdiction must provide the translation and certificate.

40. (3) An order or other document from a reciprocating jurisdiction that is written in a language other than English must be accompanied with a translation into English and a certificate of the translator authenticating the accuracy of the translation.

[International Child Abduction Act, R.S.A. 2000, c. I-4](#) [en anglais seulement]

Schedule – Convention of the Civil Aspects of International Child Abduction

Article 24

Any application, communication or other document sent to the Central Authority of the requested State shall be in the original language, and shall be accompanied by a translation into the official language or one of the official languages of the requested State or, where that is not feasible, a translation into French or English.

However, a Contracting State may, by making a reservation in accordance with Article 42, object to the use of either French or English, but not both, in any application, communication or other document sent to its Central Authority.

[International Commercial Arbitration Act, R.S.A. 2000, c. I-5](#) [en anglais seulement]

Schedule 1 – Convention on the Recognition and Enforcement of Foreign Arbitral Awards

Article IV

1. To obtain the recognition and enforcement mentioned in the preceding article, the party applying for recognition and enforcement shall, at the time of the application, supply:

- a) The duly authenticated original award or a duly certified copy thereof;
- b) The original agreement referred to in article II or a duly certified copy thereof.

2. If the said award or agreement is not made in an official language of the country in which the award is relied upon, the party applying for recognition and enforcement of the award shall produce a translation of these documents into such language. The translation shall be certified by an official or sworn translator or by a diplomatic or consular agent.

Schedule 2 – UNCITRAL Model Law on International Commercial Arbitration

Chapter V

Article 22. Language

(1) The parties are free to agree on the language or languages to be used in the arbitral proceedings. Failing such agreement, the arbitral tribunal shall determine the language or languages to be used in the proceedings. This agreement or determination, unless otherwise specified therein, shall apply to any written statement by a party, any hearing and any award, decision or other communication by the arbitral tribunal.

(2) The arbitral tribunal may order that any documentary evidence shall be accompanied by a translation into the language or languages agreed upon by the parties or determined by the arbitral tribunal. [...]

Chapter VIII – Recognition and Enforcement of Awards

Article 35. Recognition and enforcement

(1) An arbitral award, irrespective of the country in which it was made, shall be recognized as binding and, upon application in writing to the competent court, shall be enforced subject to the provisions of this article and of article 36.

(2) The party relying on an award or applying for its enforcement shall supply the duly authenticated original award or a duly certified copy thereof, and the original arbitration agreement referred to in article 7 or a duly certified copy thereof. If the award or agreement is not made in an official language of this State, the party shall supply a duly certified translation thereof into such language.

[International Conventions Implementation Act, R.S.A. 2000, c. I-6](#) [en anglais seulement]

Schedule 3 – Convention Between Canada and the United Kingdom of Great Britain and Northern Ireland Providing for the Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters

Part IV

Article VI

4. The registering court may require that an application for registration be accompanied by

(a) the judgment of the original court or a certified copy thereof;

(b) a certified translation of the judgment, if given in a language other than the language of the territory of the registering court;

(c) proof of the notice given to the defendant in the original proceedings, unless this appears from the judgment; and

(d) particulars of such other matters as may be required by the rules of the registering court.

International Interests in Mobile Aircraft Equipment Act, S.A. 2006, c. I-6.5
[en anglais seulement]

Schedule 1 – Convention on International Interests in Mobile Equipment

Article 62 – Depositary and its functions

[...]

Done at Cape Town, this sixteenth day of November, two thousand and one, in a single original in the English, Arabic, Chinese, French, Russian and Spanish languages, all texts being equally authentic, such authenticity to take effect upon verification by the Joint Secretariat of the Conference under the authority of the President of the Conference within ninety days hereof as to the conformity of the texts with one another.

Schedule 2 – Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment

Article XXXVII – Depositary and its functions

[...]

Done at Cape Town, this sixteenth day of November, two thousand and one, in a single original in the English, Arabic, Chinese, French, Russian and Spanish languages, all texts being equally authentic, such authenticity to take effect upon verification by the Joint Secretariat of the Conference under the authority of the President of the Conference within ninety days hereof as to the conformity of the texts with one another.

Interpretation Act, R.S.A. 2000, c. I-8 [en anglais seulement]

16. Corporate rights and powers

16. Words in an enactment establishing or continuing a corporation

[...]

(e) in the case of a corporation having a name consisting of an English and a French form or a combined English and French form, vest in the corporation power to use either the English or French form of its name, or both forms, and to show on its seal both the English and French forms of its name or to have 2 seals, one showing the English and the other showing the French form of its name.

R.S.A. 2000 c. I-8 s. 16; 2005 c. 8 s. 61

[Jury Act, R.S.A. 2000, c. J-3](#) [en anglais seulement]

5. Exemption from jury service

5. (1) The following persons may be exempted from serving as jurors:

[...]

(g) a person who is unable to understand, speak or read the language in which the trial is to be conducted;

1982 cJ-2.1 s5

12. Challenge of jurors

12. (2) In addition to any challenges that may be made under subsection (1), a party is entitled to any number of challenges for cause on the following grounds:

[...]

(f) the person is unable to understand, speak or read the language in which the trial is to be conducted.

[Jury Act Regulation – Jury Act, Alta. Reg. 68/1983](#) [en anglais seulement]

2. (2.1) Notwithstanding subsection (2), the selection of a jury panel for a jury of French-speaking persons may be made from a list, compiled by the sheriff, of French-speaking persons who have been previously summoned for a jury panel.

AR 68/83 s2;243/89;251/2001

[Legal Profession Act, R.S.A. 2000, c. L-8](#) [en anglais seulement]

41. Transfer of Canadian lawyers to Alberta

41. (3) The Benchers may make rules respecting the enrolment of a person under subsection (1), including but not limited to rules establishing conditions to which the enrolment is subject, including

[...]

(b) the condition that a person must be sufficiently proficient in English to be able to engage competently in the practice of law, and

RSA 2000 cL-8 s41;2003 c42 s12;2009 c7 s7; 2011 c20 s9

Loan and Trust Corporations Act, R.S.A. 2000, c. L-20 [en anglais seulement]

Letters Patent and Incidents of Incorporation

20. Names

20. (2) Subject to this Act and the regulations, a provincial corporation may have a name in an English form, a French form, an English form and a French form or a combined English and French form, and it may be legally designated by any such name.

1991 cL-26.5 s20

Registration

34. Names

34. (3) Subject to this Act and the regulations, a corporation may be registered that has a name in an English form, a French form, and English form and a French form or a combined English and French form, and it may be legally designated in Alberta by any such name.

1991 cL-26.5 s34;1992 c21 s24

Loan and Trust Corporations (Ministerial) Regulation – Loan and Trust Corporations Act, Alta. Reg. 172/1992 [en anglais seulement]

6. Name requirements

6. (1) No letters patent may be issued to a corporation and no corporation may be registered unless the name of the corporation meets the following requirements:

(a) the name must not contain anything other than

(i) letters of the alphabet used in the English or French language,

(ii) arabic numerals, and

(iii) punctuation marks, symbols or other marks in common usage in the English or French language;

(b) the first character of the name must be an arabic numeral or a letter of the alphabet;

(c) the name may not contain a year unless the corporation is an amalgamated corporation and the year is the year the amalgamation took place.

AR 172/92 s6;206/2001

[Local Authorities Election Act, R.S.A. 2000, c. L-21](#) [en anglais seulement]

72. Interpreter

72. (1) If an elector is unable to read or does not understand the English language, the deputy may allow an interpreter to read or to translate the statement as well as any question necessary for the proper purposes of the election put to the elector, and the elector's answers.

72. (2) Before acting as an interpreter, the interpreter shall make a statement in the prescribed form.

RSA 2000 cL-21 s72;2003 c27 s24

[Local Authorities Election Forms Regulation – Local Authorities Election Act, Alta. Reg. 106/2007](#) [en anglais seulement]

1. Forms

1. (1) The forms set out in Schedule 1 are the English forms for use under the *Local Authorities Election Act*.

1. (2) The forms set out in Schedule 2 are the French forms for use under the *Local Authorities Election Act*.

[Marriage Act, R.S.A. 2000, c. M-5](#) [en anglais seulement]

10. Witnesses to marriage

10. (2) No person shall solemnize a marriage when one or both of the parties do not understand the language in which the marriage ceremony is to be performed unless an interpreter is present to interpret and explain clearly to the party or parties the meaning of the ceremony.

RSA 1980 cM-6 s9;1983 c86 s4

VOIR ÉGALEMENT :

[Marriage Act Regulation – Marriage Act, Alta. Reg. 162/2000](#), Form 3: Affidavit of Interpretation [en anglais seulement].

[Mental Health Act, R.S.A. 2000, c. M-13](#) [en anglais seulement]

14. Duties toward patients

14. (2) In the event of language difficulty, the board or the designated person referred to in subsection (1.1), as the case may be, shall obtain a suitable interpreter and provide the information and the written statement referred to in subsection (1) or (1.1),

(a) in the case of a formal patient, in the language spoken by the formal patient or the patient's guardian, or

(b) in the case of a person who is subject to a community treatment order, in the language spoken by the person or the person's guardian.

RSA 2000 cM-13 s14;2007 c35 s11

Municipal Government Act, R.S.A. 2000, c. M-26 [en anglais seulement]

208. Performance of major administrative duties

208. (1) The chief administrative officer must ensure that

(a) minutes of each council meeting

(i) are recorded in the English language without note or comment,

RSA 2000 cM-26 s208;2015 c8 s22

362. Exemptions for Government, churches and other bodies

362. (1) The following are exempt from taxation under this Division:

[...]

(c) property, other than a student dormitory, used in connection with school purposes and held by

[...]

(i.1) the Regional authority for a Francophone Education Region established under the *School Act*;

RSA 2000 cM-26 s362;2003 cP-19.5 s142;2017 c13 s1(35)

Community Organization Property Tax Exemption Regulation – Municipal Government Act, Alta. Reg. 281/1998 [en anglais seulement]

13. Definitions

13. In this Part,

[...]

(c) “ethno-cultural association” means an organization formed for the purposes of serving the interests of a community defined in terms of the racial, cultural, ethnic, national or linguistic origins or interests of its members;

(d) “linguistic organization” means an organization formed for the purpose of promoting the use of English or French in Alberta;

AR 281/98 s13;283/2003;204/2011

15. Day cares, museums and other facilities

15. A non-profit organization that holds property on which any of the following facilities are operated may apply to the municipality within whose area the property is located for an exemption from taxation:

[...]

(e) a facility used by a linguistic organization if

(i) the use of the property by the general public is actively encouraged, and

(ii) a sign is prominently posted in the facility indicating the hours that the whole or part of the facility is accessible to the public;

(f) a facility used by an ethno-cultural association for sports, recreation or education or for charitable or other benevolent purposes if

(i) the use of the property by the general public is actively encouraged, and

(ii) a sign is prominently posted in the facility indicating the hours that the whole or part of the facility is accessible to the public;

AR 281/98 s15;283/2003;182/2008;77/2010

[Personal Property Security Act, R.S.A. 2000, c. P-7](#) [en anglais seulement]

73. Regulations

73. (1) The Lieutenant Governor in Council may make regulations

[...]

(e) respecting

(i) the form, contents and manner of use of financing statements and other writings;

RSA 2000 cP-7 s73;2009 c53 s129

**Personal Property Security Regulation – Personal Property Security Act,
Alta. Reg. 95/2001 [en anglais seulement]**

21. Specifying names of artificial bodies

21. (7) Notwithstanding subsection (2)(a), if

(a) the debtor is a corporation,

(b) the name of the debtor is in more than one of the following forms

(i) an English form,

(ii) a French form, or

(iii) a combined English-French form,

and

(c) the debtor uses more than one form of its name in Alberta at the time of registration,

the financing statement or financing change statement must set out, as separate debtor names, all forms of the name of the debtor that are used by it in its business dealings in Alberta.

Post-secondary Learning Act, S.A. 2003, c. P-19.5 [en anglais seulement]

Part 2 – Colleges and Technical Institutes

42. Powers and duties of initial governing authority

42. (2) Notwithstanding anything in this Act, the initial governing authority of a public college or technical institute

(a) shall, subject to section 58.6 of the *Labour Relations Code*, after consulting with the academic staff association and with any other bargaining agent representing employees of the public college or technical institute affected by the designation, do one or both of the following:

(i) designate categories of employees as academic staff members of the public college or technical institute;

(ii) designate individual employees as academic staff members of the public college or technical institute,

(b) shall prescribe procedures respecting the election of

(i) the first executive of the academic staff association at the public college or technical institute, and

(ii) the first councils of the student organizations at the public college or technical institute,

and

(c) may, subject to section 58.6 of the *Labour Relations Code*, change a designation made under this subsection after consulting with the academic staff association and with any other bargaining agent representing employees of the public college or technical institute affected by the change in designation.

2003 cP-19.5 s42;2017 c4 s2

Part 3 – The Banff Centre

51. Continuation

51. The Banff Centre is continued with the object of providing the public with access to a broad range of learning experience with emphasis on the fine arts, management studies, language training and environmental training.

2003 cP-19.5 s51;2008 c25 s6

[Programs of Study Regulation – Post-Secondary Learning Act, Alta. Reg. 91/2009](#) [en anglais seulement]

Other Programs

13. Programs under s. 45(2) of Act

13. For the purposes of section 45(2) of the Act, the board of a vocational college must provide the following programs:

- (a) academic upgrading programs;
- (b) career entry programs with a duration of one year or less;
- (c) where deemed necessary, any English as a second language program.

[Reciprocal Enforcement of Judgments Act, R.S.A. 2000, c. R-6](#) [en anglais seulement]

4. Translation

4. When a judgment sought to be registered under this Act is in a language other than the English language, the judgment or the exemplification or certified copy of it, as the case may be, shall have attached to it for all purposes of this Act a translation in the English language approved by the Court, and on the approval being given the judgment is deemed to be in the English language.

R.S.A. 1980 c. R-6 s. 4

Regulated Forestry Profession Act, R.S.A. 2000, c. R-13 [en anglais seulement]

22. Application for registration

22. (1) An application for registration as a regulated member is complete for the purpose of consideration under section 23(3) if it is in the required form and given to the registrar by the applicant along with

[...]

(f) evidence of meeting standards of language proficiency, if required by the regulations, and

RSA 2000 cR-13 s22;2001 c26 s4

100. Council regulations

100. (1) A council may make regulations

(a) respecting requirements for and applications for registration and practice permits, including but not restricted to,

[...]

(vii) providing evidence respecting standards of language proficiency;

RSA 2000 cR-13 s100;2001 c26 s23

Registered Professional Foresters Regulation – Regulated Forestry Profession Act, Alta. Reg. 75/2002 [en anglais seulement]

21. Information provided by regulated members and applicants

21. (1) The registrar may require applicants for registration and regulated members applying for practice permits to provide the following information:

(a) demographic and forestry practice information, including:

[...]

(vii) language(s) in which the applicant provides professional services;

Registered Professional Forest Technologists Regulation – Regulated Forestry Profession Act, Alta. Reg. 76/2002 [en anglais seulement]

18. Information provided by regulated members

18. (1) The registrar may require applicants for registration and regulated members applying for practice permits to provide the following information:

(a) demographic and forestry practice information, including

[...]

(vii) language(s) in which the applicant provides professional services;

School Act, R.S.A. 2000, c. S-3 [en anglais seulement]

Preamble

[...]

WHEREAS the Regional authority of a Francophone Education Region has a unique responsibility and the authority to ensure that both minority language educational rights and the rights and privileges with respect to separate schools guaranteed under the Constitution of Canada are protected in the Region, such that the principles of francophone educational governance are distinct from, not transferrable to nor a precedent for, the English educational system;

1. Interpretation

1. (1) In this Act,

[...]

(k) “Francophone” means an individual referred to in section 10(1);

[...]

(u) “Region”, except in Division 3 of Part 8, means a Francophone Education Region established pursuant to this Act;

4. Application to Francophone Education Regions

4. (1) The following apply to a Francophone Education Region and its Regional authority, if any, as if the Region were a district and the Regional authority were a board:

sections 1 to 4;

Part 1;

Part 2 except section 28;

Part 3 except sections 44 and 45;

Part 4;

Part 5;

sections 145 to 152, 178, 183 and 184 to 189;

Part 7 except section 200(3);

sections 238 to 245 and 247 to 252;

Part 10.

4. (2) If a provision of this Act applies to a Region, a reference to a board in the provision is deemed to include a reference to the Regional authority, if any.
4. (3) If a provision of this Act applies to a Region, a reference to a trustee in the provision is deemed to include a reference to a member of the Regional authority, if any.
4. (4) If a provision of this Act applies to a Region, a reference to a resident student in the provision as it applies to the Region is deemed to be a reference to a student enrolled in a school operated by the Regional authority, if any.
4. (5) If a provision of this Act applies to a Region, a reference to an elector in the provision as it applies to the Region is deemed to be a reference to an individual referred to in section 256(1).
4. (6) If in any other Act a reference is made
- (a) to a school district or division, the reference is deemed to include a Region governed by a Regional authority, or
 - (b) to a school board or the trustees of a school board, the reference is deemed to include a Regional authority or the members of a Regional authority, as the case may be.
4. (7) Subsection (6) does not apply to a reference in the following Acts:
- Condominium Property Act;*
 - Drainage Districts Act;*
 - Health Insurance Premiums Act;*
 - Hospitals Act;*
 - Northland School Division Act;*
 - Parks Towns Act.*
4. (8) Notwithstanding subsections (1) and (6), the Minister may exempt a Region or a Regional authority from the application of a provision of this or any other Act.

1993 c. 24 s. 3; 1994 c. S-13.3 s. 13; 1995 c. 24 s. 99(31); 1995 c. 27 s. 2

6. Enrolment in Francophone school

6. (1) If a student's parent is a Francophone who requests that the student be enrolled in a school operated by a Regional authority and the student resides in the Region within the distance from the school prescribed by regulation, the student is entitled to attend that school and the Regional authority shall enrol the student in that school.

6. (2) If a student's parent is a Francophone who requests that the student be enrolled in a school operated by a Regional authority and the student does not reside in the Region within the distance from the school prescribed by regulation, the Regional authority may enrol the student in that school under the terms set by the Regional authority.

6. (3) If a student is the child of a Francophone and is enrolled in a school operated by a Regional authority, the student continues to be a resident student of a board of a district, of a division or, if section 44(7) applies to the student, of the Government, but section 45 does not apply to that board or the Minister, as the case may be, with respect to that student while the student is enrolled in a school operated by a Regional authority.

1993 c. 24 s. 3; 1994 c. 29 s. 4

7. Regulations

7. The Minister may make regulations

(a) respecting the distance from a school operated by a Regional authority referred to in section 6;

(b) respecting the amount of fees or costs payable and by whom the fees or costs are payable in respect of a student who is the child of a Francophone and who is enrolled in a francophone program operated by a board.

1993 c. 24 s. 3; 1994 c. 29 s. 5

9. Language of instruction - English

9. Every student is entitled to receive school instruction in English.

1988 c. S-3.1 s. 4

10. Language of instruction - French

10. (1) If an individual has rights under section 23 of the *Canadian Charter of Rights and Freedoms* to have the individual's children receive school instruction in French, the individual's children are entitled to receive that instruction in accordance with those rights wherever in the Province those rights apply.

10. (2) The Lieutenant Governor in Council may make regulations

(a) respecting the education generally of students whose parents are Francophones;

(b) repealed 2001 c. 27 s. 4;

(c) notwithstanding any other provision of this Act, respecting any matter required to give effect to subsection (1).

10. (3) A student who is enrolled in a school operated by a Regional authority is entitled to receive school instruction in French.

10. (4) A Regional authority shall provide to each student enrolled in a school operated by it an education program consistent with the requirements of this Act and the regulations.

R.S.A. 2000 c. S-3 s. 10; 2001 c. 27 s. 4.

11. Other languages of instruction

11. (1) A board may authorize the use of French or any other language as a language of instruction.

11. (2) The Minister may make regulations governing the provision of instruction in any language authorized under subsection (1).

1988 c. S-3.1 s. 6

Part 9 – Establishment and Dissolution of Francophone Education Rights

253. Establishment of Region

253. (1) The Minister may establish any portion of Alberta as a Francophone Education Region.

253. (2) The order establishing a Francophone Education Region shall describe the boundaries of the Region and give it a name and number in the following form:

The _____ Francophone Education Region No. _____

1993 c. 24 s. 24

254. Effect of establishment

254. The establishment of a Francophone Education Region does not affect a public school district or division or a separate school district established in respect of all or part of the portion of Alberta in which the Francophone Education Region is established.

1993 c. 24 s. 24

255. Regional authority

255. (1) The Minister may by order establish a Regional authority for a Region, and the members of the Regional authority are a corporation under the name of:

The Regional authority of _____ Francophone Education Region No. ____

255. (2) A Regional authority must be composed of at least 3 members and not more than 7 members.

255. (2.1) Subject to subsection (2.2), the number of public school members of a Regional authority must, if practicable, be in the same proportion to the total number of members of the Regional authority as the total number of public school electors in the Region is to the combined total number of public school electors and separate school electors in the Region.

255. (2.2) A Regional authority must have at least one public school member and at least one separate school member.

255. (2.3) The Minister may appoint the first members of a Regional authority.

255. (3) Members of a Regional authority appointed under subsection (2.3) hold office until the first organizational meeting of the Regional authority held after the first general election held after the Regional authority is established.

255. (4) The board of a district or division required by the Minister to do so must enter into an agreement with the Regional authority respecting any matter the Minister considers necessary, including, but not limited to, dealing with assets and liabilities and the transfer of employees.

255. (5) If a board referred to in subsection (4) and the Regional authority do not enter into an agreement under subsection (4) within a period that the Minister considers reasonable, the Minister may make an order respecting any matter the Minister considers necessary.

R.S.A. 2000 c. S-3 s. 255; 2001 c. 27 s. 24

255.1 Public and Separate Regional authorities

255.1 (1) If, within a Region, the public school electors exceed 30% of all public school electors and separate school electors and there are at least 500 students registered in the public schools, the Minister may dissolve the existing Regional authority and establish both a Public Regional authority and a Separate Regional authority.

255.1 (2) The members of the Public Regional authority established under subsection (1) are a corporation under the name of:

The Regional authority of _____ Public Francophone Education Region No. ____

255.1 (3) The members of the Separate Regional authority established under subsection (1) are a corporation under the name of:

The Regional authority of _____ Separate Francophone Education Region No.

255.1 (4) A Public Regional authority must be composed of at least 3 members, all of whom must be public school members.

255.1 (5) A Separate Regional authority must be composed of at least 3 members, all of whom must be separate school members.

2001 c. 27 s. 25

255.2 Transitional

255.2 (1) In this section, “amending Act” means the *School Amendment Act, 2001*.

255.2 (2) The members of a Regional authority established before the coming into force of sections 22 to 27 of the amending Act continue as members of the Regional authority until the next election of its members.

255.2 (3) The Regional authority of the Greater Southern Public Francophone Education Region No. 4 established before the coming into force of sections 22 to 27 of the amending Act is continued and deemed to be established as a Public Regional authority.

255.2 (4) The Regional authority of the Greater Southern Separate Catholic Francophone Education Region No. 4 established before the coming into force of sections 22 to 27 of the amending Act is continued and deemed to be established as a Separate Regional authority.

255.2 (5) Notwithstanding section 256(1.1), a separate school elector who has a child enrolled in a public school in the Greater Southern Public Francophone Region No. 4 may vote for a candidate who is standing for election as a public school member.

2001 c. 27 s. 25

255.5 Responsibility and authority of Regional authority

255.5 (1) Subject to subsections (2) and (3), a Regional authority has the responsibility and authority to ensure that both minority language educational rights and the rights and privileges with respect to separate schools guaranteed under the Constitution of Canada are protected in the Region.

255.5 (2) Subject to subsection (3), the separate school members of a Regional authority have the responsibility and authority to ensure that the rights and privileges with respect to separate schools guaranteed under the Constitution of Canada are protected in the Region.

255.5 (3) If a Public Regional authority and a Separate Regional authority are established under section 255.1 or continued under section 255.2,

(a) the Public Regional authority has the responsibility and authority to ensure that minority language educational rights guaranteed under the Constitution of Canada are protected in the Region, and

(b) the Separate Regional authority has the responsibility and authority to ensure that both minority language educational rights and the rights and privileges with respect to separate schools guaranteed under the Constitution of Canada are protected in the Region.

2001 c. 27 s. 25

256. Electors for Region

256. (1) For the purposes of this Act and the *Local Authorities Election Act*, an individual is eligible to vote in an election of members of a Regional authority if

(a) the individual

(i) is a Francophone,

NOTA – Le *Education Act*, qui a été adoptée par la legislature mais n'est pas encore entré en vigueur, abrogera le *School Act*.

VOIR ÉGALEMENT :

[Mahe c. Alberta](#), 1985 CanLII 1199 (AB QB) [décision disponible en anglais seulement]

[Certification of Teachers Regulation – School Act, Alta. Reg. 3/1999](#) [en anglais seulement]

12. Refusal to issue, re-issue or extend

12. (1) The Registrar may refuse to issue or re-issue an interim professional certificate or extend the term of an interim professional certificate

(a) if the applicant

[...]

(v) in the Registrar's opinion, is not proficient in at least one of the official languages of Canada, or

AR 3/99 s12;213/2003

[Disposition of Property Regulation – School Act, Alta. Reg. 181/2010](#) [en anglais seulement]

1. Interpretation

1. (1) In this Regulation,

[...]

(b) “board” includes

(i) a Regional Authority of a Francophone Education Region, and

(ii) except in sections 2 to 7, an operator of a charter school;

Part 2 – Lease, Sale or Transfer of Real Property

9. Method for sale of property

9. (1) If a board intends to sell

(a) an item of real property that has a value of more than \$50 000, or

(b) an item of personal property that has a value of more than \$10 000,

the board must conduct the sale in accordance with this section.

[...]

9. (4) The board shall advertise the sale at least twice in a newspaper circulating in the district, division or Francophone Education Region prior to the sale.

[Home Education Regulation – School Act, Alta. Reg. 190/2000](#) [en anglais seulement]

Schedule – Learning Outcomes for Students Receiving Home Education Programs That Do Not Follow the Alberta Programs of Study

1. A basic education must provide students with a solid core program including language arts, mathematics, science and social studies.

[Private Schools Regulation – School Act, Alta. Reg. 190/2000](#) [en anglais seulement]

6. Right to hire non-certificated teachers

6. The operator of an accredited private school may employ a competent individual to teach a language, culture or religion in the school under the supervision of a teacher who holds a certificate of qualification as a teacher issued under the Act.

Student Record Regulation – School Act, Alta. Reg. 225/2006 [en anglais seulement]

2. Information included in student record

2. (1) The student record of a student must contain all information affecting the decisions made about the education of the student that is collected or maintained by a board, regardless of the manner in which it is maintained or stored, including

[...]

(s) if the parent of the student is eligible to have the student taught in the French language pursuant to section 23 of the *Canadian Charter of Rights and Freedoms*, a notation to indicate that and a notation to indicate whether the parent wishes to exercise that right, and

7. Disclosure of information

7. (5) A board shall, at the written request of a Regional authority for a Francophone Education Region, disclose

(a) the name, address, date of birth, sex and school of a student whose parents has been noted under section 2(1)(s) as being eligible to have the student taught in the French language pursuant to section 23 of the *Canadian Charter of Rights and Freedoms*, and

[...]

to the superintendent or to a person designated by the superintendent for the purpose of contacting the parent of the student and advocating for minority language education rights.

AR 225/2006 s7;229/2009;170/2012

Security Services and Investigators Act, S.A. 2008, c. S-4.7 [en anglais seulement]

48. Ministerial regulations

48. (1) The Minister may make regulations

[...]

(l) respecting the information that must be provided and conditions that must be met by an applicant for a licence or the renewal of a licence;

[Security Services and Investigators \(Ministerial\) Regulation – Security Services and Investigators Act, Alta. Reg. 55/2010](#) [en anglais seulement]

5. Application for or renewal of licence

5. (1) An application for an individual licence must be accompanied by

[...]

(f) a statement that the applicant has sufficient fluency in the English language to be able to converse in English with the public while carrying out his or her duties;

AR 55/2010 s5;73/2015

[Settlement of International Investment Disputes Act, S.A. 2013, c. S-7.8](#) [en anglais seulement]

Schedule

(Section 1)

Convention on the settlement of investment disputes between states and Nationals of Other States

Article 75

[...]

DONE at Washington, in the English, French and Spanish languages, all three texts being equally authentic, in a single copy which shall remain deposited in the archives of the International Bank for Reconstruction and Development, which has indicated by its signature below its agreement to fulfil the functions with which it is charged under this Convention.

[Societies Act, R.S.A. 2000, c. S-14](#) [en anglais seulement]

39. Regulations

39. The Lieutenant Governor in Council may make regulations

[...]

(f) respecting names of societies;

RSA 2000 cS-14 s39;2014 c8 s8

Societies Regulation – Societies Act, Alta. Reg. 122/2000 [en anglais seulement]

10. Permitted characters in name

10. (1) The name of a society may contain only the following:

(a) letters of the alphabet of the English language;

(b) Arabic numerals;

(c) The following punctuation or other marks:

[...]

(d) Any combination of letters, numerals and marks referred to in clauses (a), (b) and (c).

10. (2) The first character of the name of a society must be an Arabic numeral or an alphabetic letter of the English language.

11. Prohibited names

11. (1) No society may have a name that contains either of the following:

(a) A word or expression in any language, that is obscene or connotes a business that is scandalous, obscene or immoral or that is otherwise objectionable on public grounds;

Ukrainian-Canadian Heritage Day Act, S.A. 2016, c. U-0.3 [en anglais seulement]

Preamble

[...]

WHEREAS 2016 marks the 40th anniversary of both the Ukrainian bilingual education program in Alberta and the Canadian Institute of Ukrainian Studies;

[...]

Vital Statistics Act, S.A. 2007, c. V-4.1 [en anglais seulement]

77. Ministerial regulations

77. The Minister may make regulations

[...]

(c) respecting the information, registration documents and records to be delivered to the Registrar or to other persons;

2007 cV-4.1 s77;2016 c26 s58

Vital Statistics Information Regulation – Vital Statistics Act, Alta. Reg. 3/2012 [en anglais seulement]

32. Translation

32. (1) Where a document required for the purposes of this Regulation is in a language other than English, the applicant must provide

- (a) an English translation acceptable to the Registrar, and
- (b) the notarized affidavit of the translator stating that the translation is accurate.

32. (2) The expense of providing an English translation of a document and the notarized affidavit of the translator is to be borne by the applicant.

Vital Statistics Ministerial Regulation – Vital Statistics Act, Alta. Reg. 12/2012 [en anglais seulement]

16. Translation

16. (1) Where a document required for the purposes of this Regulation is in a language other than English, the applicant must provide

- (a) an English translation acceptable to the Registrar, and
- (b) the notarized affidavit of the translator stating that the translation is accurate.

16. (2) The expense of providing an English translation of a document and the notarized affidavit of the translator is to be borne by the applicant.

Wills and Succession Act, S.A. 2010, c. W-12.2 [en anglais seulement]

Schedule – Convention Providing a Uniform Law on the Form of an International Will

Article I

2. Each Contracting Party may introduce the provisions of the Annex into its law either by reproducing the actual text, or by translating it into its official language or languages.

Article V

1. The conditions requisite to acting as a witness of an international will shall be governed by the law under which the authorized person was designated. The same rule shall apply as regards an interpreter who is called upon to act.

Annex – Uniform Law on the Form of an International Will

Article 3

3. It may be written in any language, by hand or by any other means.

Alberta – Other Regulations

[Alberta Rules of Court – Judicature Act, Alta. Reg. 124/2010](#) [en anglais seulement]

9.43 Affidavit in support of application for order to register conventional judgment

9.43 (2) The affidavit referred to in subrule (1) must have attached to it

(a) a certified copy of the convention judgment and, where applicable, a translation into English authenticated by affidavit or any other method acceptable to the Court;

11.32 Procedure for service

11.32 If the court clerk receives a written request from a court of tribunal in a foreign country to serve on a person in Alberta a process or citation in respect of a civil or commercial matter, the following rules apply:

[...]

(b) if the request, process or citation is not in the English languages, 2 copies of an English translation of any document that is not in the English language must be provided to the court clerk;

13.23 Understanding affidavit

13.23 (1) If it seems to the person administering the oath that the person swearing a written affidavit does not understand the language in which the affidavit is written, before the affidavit is sworn the contents of the affidavit must be translated for the person swearing the affidavit by a person competent to do so.

13.23 (2) Before the affidavit is translated, the translator must be sworn to accurately translate the affidavit and oath.

13.23 (3) The person administering the oath must certify as to the person's belief that the affidavit was translated for the person swearing the affidavit by the sworn translator.

13.23 (4) Unless otherwise permitted by the Court, a sworn affidavit that is not in the English language must be translated into English by a translator competent to do so and, when the affidavit is filed, be accompanied with a certificate of the translator that the translation is accurate and complete.

Surrogate Rules – Judicature Act, Alta. Reg. 130/1995 [en anglais seulement]

17. Proving signing of will

17. If the deceased at the time a will was made

[...]

(a) did not fully understand English,

[...]

the applicant must satisfy the court that the deceased and the witnesses were present when the will was signed, that the will was fully explained to the deceased and that the deceased appeared to the witnesses to fully understand the will.

18. Will not in English

18. If a will is written in a language other than English, the applicant must give an affidavit in Form NC 10 verifying the will's translation into English.

Chartered Professional Accountants Regulation – Chartered Professional Accountants Act, Alta. Reg. 84/2015 [en anglais seulement]

10. Application for registration as a member by an applicant with a recognized accounting designation outside of Canada

10. For the purposes of section 38(2)(c) of the Act, if an applicant for registration as a member of the CPAA holds an accounting designation from an organization outside Canada that regulates accounting and is recognized by the board as having substantially equivalent competence, experience and practice requirements,

(a) through a mutual recognition agreement, reciprocal membership agreement, memorandum of understanding or similar agreement, or

(b) following a review by the board or a body approved by the board,

the applicant must provide satisfactory evidence to the registrar that the applicant has met the competence requirements referred to in section 38(1)(a) of the Act by providing evidence that the applicant

[...]

(g) has met the language proficiency requirements established by the board, and

[Child, Youth and Family Enhancement Regulation – Child, Youth and Family Enhancement act, Alta. Reg. 160/2004](#) [en anglais seulement]

Form 8 – Home Study Report for Private Guardianship

To prepare the Home Study Report, provide information under each heading below.

Part 1: Applicant's Information

Provide information about EACH applicant.

[...]

Languages spoken

VOIR ÉGALEMENT :

[Residential Facilities Licensing Regulation – Child, Youth and Family Enhancement Act, Alta Reg 161/2004](#), Schedule, Part 1: Applicant's Information [en anglais seulement].

[Designation and Transfer of Responsibility Regulation – Government Organization Act, Alta. Reg. 80/2012](#) [en anglais seulement]

13. Justice and Solicitor General

13. (1) The responsibility for the following enactments is transferred to the Minister of Justice and Solicitor General:

[...]

(yy) *Languages Act/Loi linguistique*;

AR 80/2012 s13;81/2012;107/2013;8/2014;45/2014;

110/2015;50/2016;5/2017;152/2017

[Identification Card Regulation – Government Organization Act, Alta. Reg. 221/2003](#) [en anglais seulement]

3. Application

3. (4) For the purposes of subsection (3), an applicant's last name and first name

(a) must be expressed in letters of the alphabet of the English language,

Off-highway Vehicle Regulation – Traffic Safety Act, Alta. Reg. 319/2002 [en anglais seulement]

13. Form of application

13. (1) A person shall apply for the registration of an off-highway vehicle in a form and manner approved by the Registrar.

[...]

13. (4) A person's last name and first name

(a) must be expressed in letters of the alphabet of the English language;

Operator Licensing and Vehicle Control Regulation – Traffic Safety Act, Alta. Reg. 320/2002 [en anglais seulement]

10. Application

10. (1) A person who is a resident of Alberta and who wishes to operate a motor vehicle on a highway in Alberta must apply to the Registrar for an operator's licence in the form and manner approved by the Registrar.

[...]

10. (3) The following information about the applicant must be included in an application for an operator's licence:

(a) last name and first name expressed in accordance with subsection (4);

(b) postal address;

(c) physical address;

(d) telephone number, if any;

(e) sex;

(f) date of birth;

(g) hair and eye colour;

(h) height and weight;

(i) a disease or disability that may be expected to interfere with the applicant's safe operation of a motor vehicle.

10. (4) For the purposes of subsection (3), a person's last name and first name

(a) must be expressed in letters of the alphabet of the English language,

AR 320/2002 s10;161/2006

Public Interest Disclosure (Whistleblower Protection) Regulation – Public Interest Disclosure (Whistleblower Protection) Act, Alta. Reg. 71/2013 [en anglais seulement]

2. (1) For the purposes of section 2(1) of the Act, the following are designated as public entities to which the Act applies:

(a) a Provincial corporation as defined in section 1(1)(r)(i) or (ii) of the *Financial Administration Act*;

(b) an entity designated in Schedule 1.

2. (2) The chief officer for a public entity is

(a) the individual designated in Schedule 2, or

(b) if no individual has been so designated, the individual charged with the administration and operation of the public entity.

Schedule 1 – Public Entities [Section 2(1)(b)]

1. Education sector

1. The following are designated as public entities in the education sector to which the Act applies:

[...]

(b) the regional authority of a Francophone Education Region under the *School Act*;

Schedule 2 – Chief Officers [Section 2(2)]

1. Education sector

1. The following are prescribed as chief officers for public entities in the education sector:

[...]

(b) the superintendent of the regional authority of a Francophone Education Region under the *School Act*;

**Veterinary Profession General Regulation – Veterinary Profession Act, Alta.
Reg. 44/1986 [en anglais seulement]**

Part 1 – Registration

2. Registration requirements

2. No person shall be approved for registration as a registered member unless the person provides the Registration Committee with the following:

[...]

(e) a notarized translation of any document that is not in English;

AR 44/86 s2;58/2012;9/2017

8. Technologists

8. (2.3) No person except an individual who is registered under subsection (2) or (2.01) as a registered veterinary technologist shall use

(a) the title “registered veterinary technologist” or “registered animal health technologist”, or

(b) a variation or abbreviation of either of those titles or an equivalent in another language.

AR 44/86 s8;231/95;58/2012;9/2017

DERNIÈRE MISE À JOUR: MARS 2018