

MULTIPLE-CHOICE SAMPLE QUESTIONS & ANSWERS

(Key to Answers on Last Page)

1) Federalism – Judicial Review

What procedure will a court adopt when faced with a question on judicial review as regards whether legislation is ultra or intra vires the enacting body?

- a. First step, the court will identify the ‘matter’ or pith and substance of that legislation. Second step, the court will assign the ‘matter’ to one of the ‘classes of subjects’ as listed in ss. 91 and 92 of the Constitution Act, 1867.
- b. First step, the court will identify the heads of legislative power of that legislation. Second step, the court will assign the ‘matter’ to one of the ‘classes of subjects’ as listed in ss. 91 and 92 of the Constitution Act, 1867.
- c. First step, the court will examine the constitutional power of the maker of that legislation. Second step, the court will then assign the ‘matter’ to one of the heads of legislative powers as listed in ss. 91 and 92 of the Constitution Act, 1867.
- d. First step, the court will identify the ‘matter’ or pith and substance of that legislation. Second step, the court will assign the ‘matter’ according to the remedies provided for that subject under s. 24 of the Constitution Act, 1982.

2) Distribution of Powers – GAP Branch

Which of the following classes of subjects would come under the GAP branch of the Peace, Order and Good Governance (POGG) power?

- a. Incorporation of companies, treaty-making power, national capital region, criminal law.
- b. New matters, patents and copyrights, consumer protection, atomic energy.
- c. Official languages, securities regulation, labour relations, gun licensing
- d. Treaty-making power, official languages, incorporation of companies, new matters.

3) **Distribution of Powers – Criminal Law**

For a law to be recognised as criminal in nature and as a valid exercise of the criminal law power, such a law must be:

- a) (1) a prohibition, and (2) directed towards a public purpose. **Margarine Reference Case**
- b) (1) a prohibition with a penal sanction, and (2) directed towards a public purpose. **Margarine Reference Case.**
- c) (1) a law made by Parliament, and (2) directed at prevention of crime.
- d) (1) a regulation that has a penal sanction, (2) directed towards the protection of morality.

4) **Distribution of Powers – Characterization of Laws**

The Lethbridge City Council enacted a Regulation which on its face was designed to regulate land zoning but in reality was directed at aeronautics. If challenged, the Regulation may be struck down on the ground of:

- a. Singling Out
- b. Double Aspect
- c. Colourability
- d. Ancillary Power

5) **Amending Procedure**

The Amending procedure in the 1982 Constitution itself is sought to be altered. Which of the following formulas for constitutional amendment must be adopted?

- a) Section 38 – General Amending formula
- b) Section 41 –Unanimity Formula

c) Section 43 – Province only formula

d) Section 44 – Parliament only formula