



Classifying the Law

Sources of Law

Primary Sources of Law:

- Religion (ie. Bible, Torah, Quran, Tao Te Ching)
- Customs & Conventions
- Social & Political Philosophy

Secondary Sources of Law:

- Constitution (Constitution Act, 1982)
- Statutes or Acts (ie. Criminal Code)
- Regulations and Orders-in-Council (ie. Regulation 298 regarding the operation of schools)
- Case Law (ie. Fenn v. City of Peterborough)

Substantive Vs Procedural Law

Substantive Law: Law which outlines obligations or responsibilities to which citizens must adhere.

Example: Speed Limit under the Highway Traffic Act

Procedural Law: Law which outlines how the state will administer and enforce substantive law.

Example: Obtaining a search warrant under the Canada Evidence Act

Man charged as accessory in shooting death of Mountie

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An RCMP spokesman said Saturday that details about the slaying of Worden, 30, likely wouldn't be made public unless the suspect in the death goes to trial.

Cpl. Wayne Oakes said the courts are the only avenue where there's a legal ability to get that type of information into the public domain.

"If we were to start releasing those details [about the crime] ... we'd be in violation of privacy laws and it might be viewed as infringing on the accused's guarantee of a fair trial by putting evidence out into the public domain," Oakes said in an interview.

RCMP have declined to answer questions about Worden's death, including what they know about the fatal attack, the cause of death and the type of firearm used.

"It's not that we don't want to [release information], or we're refusing to, we can't," Oakes said.

"We have to be very careful that we don't violate those aspects of the law."

Case Law Vs Statute Law

Case Law: Law established through court rulings. Rule of "Stare Decisis" requires lower courts to follow precedents established in higher courts.

Example: R. v. Stinchcombe, 1991, Supreme Court

Statute Law: Law established through a legislative process. Exists in the form of legislation.

Example: Criminal Code of Canada (Federal), Sale of Goods Act (Provincial)

Domestic vs International Law

Domestic Law: All law (case, statute, or otherwise) that exists within a nation's borders.

Example: Constitution, Criminal Code, rulings of domestic courts, bylaws.

International Law: Voluntary agreements governing conduct between nations.

Example: North American Free Trade Agreement

Private Law

Law governing relationships between citizens.

- contract law: governs implied, oral, & written agreements
- property law: governs transfer of title regarding property
- tort law: governs civil "wrongs" between citizens that require compensation
- family law: governs divorce, division of assets and custody of children
- corporate law: governs establishment, dissolution, mergers, operation, title and control of corporate entities



Public Law

Law governing relationships between the state and its citizens.

- Constitutional Law: fundamental principles upon which ALL substantive and procedural laws must be based. A "rulebook" or "guide" for the formation of laws.
- Criminal Law: Laws regarding offences so serious that the state will prosecute a citizen. State sanctioned punishment may follow a guilty verdict.
- Administrative Law: procedures created by administrative agencies (governmental bodies of a city, province or federal government) ie, regulations, applications, licenses, permits, etc.

