Federal Post

New Federal Act to Permit Extensions to Time Limits in Federal Legislation as a Result of COVID-19

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Bill C-20, An Act respecting further COVID-19 measures, which passed on July 27, 2020, has enacted new legislation that permits the temporary suspension or extension of time limits or other periods specified in federal legislation or in court proceedings governed by federal legislation that are difficult or impossible to meet in light of the COVID-19 pandemic.

The *Time Limits and Other Periods Act (COVID-19)* (Time Limit Act), in force on July 27, 2020, provides for the following.

Time Limits Relating to a Proceeding Under an Act of Parliament

It is important to note that the time limits under the Time Limit Act **only** provide relief against time limits imposed under **federal** statutes; for example, the Time Limit Act does **not** govern provincial court proceedings which are subject to their own rules.

The following time limits are suspended for six months from March 13, 2020 to September 1, 2020 (unless an earlier date is fixed):

a. any limitation or prescription period for commencing a proceeding before a court
b. any time limit in relation to something that is to be done in a proceeding before a court, and
c. any time limit within which an application for leave to commence a proceeding or to do something in relation to a proceeding is to be made to a court. [s. 6(1)]

The courts are given certain discretion to vary the suspension of a time limit or to make orders respecting the effects of a failure to meet a suspended time.

Other Time Limits and Periods – Ministerial Orders

A Minister may make orders to extend time limits or other time periods found in specified federal Acts and Regulations. The Schedule annexed to the Time Limit Act sets out the Acts and Regulations to which this discretion applies, and their corresponding provisions (and, in the case of Acts, corresponding regulations). This authority to make orders does not apply to a time limit or other period that ends on or after December 31, 2020.

Ministerial orders that suspend time limits or other periods cannot exceed six months but in any event must end on December 31, 2020. The orders may be retroactive to March 13, 2020.

The orders may also provide that the suspension or extension does not apply without the consent of the person, court or body specified in the order, among other things.

Among the provisions listed in the Schedule is section 30 of the *Canada Labour Standards Regulations* (temporary layoffs), and ss. 16.12(5) of the *Canada Occupational Health and Safety Regulations* (First Aid), which leaves open the possibility for the time periods set out in these provisions to be suspended or extended by order.

Miscellaneous

The Time Limit Act does not apply in respect of time limits or periods in investigations or proceedings related to offences.

It also contains transparency requirements. Any orders made under the Time Limit Act, together with the reasons for the order, must be published as soon as possible but in any event not later than five days after which it was made, on a government of Canada website. The orders must also be published with 14 days after being made in Part I of the Canada Gazette.

We recommend that federal employers carefully review the federal Acts and Regulations listed in the Schedule to the Time Limit Act to determine if any of them affect their operations, and watch for any suspension or extension of time limits / other periods that may be ordered.