Federal Courts Act

The Federal Courts Act establishes and governs the jurisdiction, powers, and procedures of the Federal Court of Appeal and the Federal Court. These courts handle matters related to federal law, including judicial reviews of decisions by federal boards, commissions, and tribunals, maritime law, and cases involving the Canadian government. The Act consolidates and updates the legal framework for these courts, emphasizing their role in resolving disputes under federal jurisdiction, particularly in areas such as administrative law, immigration, intellectual property, and admiralty (sections 22, 27–28). It also outlines rules for procedural uniformity and the enforcement of judgments (section 46).

- RSC 1985, c F-7.

Institutions, Courts, Tribunals, and Rules

- Federal Court of Appeal and Federal Court: Created as distinct judicial bodies, with the Federal Court of Appeal hearing appeals from the Federal Court and other designated tribunals (Section 27). The Federal Court has original jurisdiction over matters like maritime law, admiralty, and judicial reviews of federal administrative decisions (Section 22).
- Federal Tribunals and Agencies: The Act includes provisions for judicial review of decisions by specific federal agencies, such as the Canadian International Trade Tribunal, Canadian Energy Regulator, and Social Security Tribunal (Section 28).
- Rules Committee: Established under Section 45.1 to create procedural rules governing the courts, including uniformity in procedures, service of documents, and cost regulations (Section 46).
- Rules and Orders: The Act authorizes the creation of rules for practice and procedure, including evidence, appeals, and enforcement of judgments (Section 46).

Powers Conferred by the Act

Federal Court Powers

- Original jurisdiction to issue injunctions, certiorari, mandamus, and prohibition against federal boards or tribunals (Section 18(1)).
- Exclusive jurisdiction to hear judicial reviews of federal administrative decisions within 30 days of the decision (Section 18.1(2)).
- Authority to determine questions of law, jurisdiction, or practice referred by federal tribunals (Section 18.3).

Federal Court of Appeal Powers

- May quash proceedings lacking jurisdiction or good faith (Section 52(a)).
- Can order new trials if justice demands it (Section 52(b)(ii)).
- Has discretion to stay proceedings to avoid duplicate litigation (Section 50(1)).

Judicial Review Authority

- The Federal Court can annul decisions by federal bodies that exceed jurisdiction, violate procedural fairness, or are based on legal errors (Section 18.1(4)).

Exceptions and Nuances

- Jurisdictional Limits: The Federal Court lacks jurisdiction over matters already assigned to other federal tribunals or courts (Section 17). For example, appeals from the Supreme Court of Canada or Tax Court of Canada are excluded (Section 18.5).
- Maritime Jurisdiction Exceptions: The Federal Court cannot exercise in rem jurisdiction over claims involving collisions or salvage unless the vessel is beneficially owned by the claimant at the time of the incident (Section 43(3)).
- Time Limits: Judicial reviews of federal tribunal decisions must be filed within 30 days of the decision's communication (Section 18.1(2)).
- Provincial Law Application: For causes of action arising within a province, provincial interest rates and prescription laws apply (Sections 37, 39).

Additional Observations

- Procedural Flexibility: The Act allows for expedited hearings (Section 18.4) and discretionary stays of proceedings (Section 50(1)).
- Prescription Rules: Non-provincial causes of action are subject to a 6-year limitation period (Section 39(2)).
- Enforcement of Judgments: The Federal Court may use provincial-style writs of execution to enforce judgments (Section 56), aligning with provincial laws where possible.
- Costs and Fees: The Rules Committee may establish fees for court processes, including sheriffs and process servers (Section 46(f)).
- Vexatious Litigation: Courts may bar individuals persistently filing frivolous claims (Section 40).

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