

SUPREME COURT OF CANADA -- JUDGMENT IN APPEAL

OTTAWA, 2005-09-29. THE SUPREME COURT OF CANADA HAS TODAY DEPOSITED WITH THE REGISTRAR JUDGMENT IN THE FOLLOWING APPEAL.

FROM: SUPREME COURT OF CANADA (613) 995-4330

COUR SUPRÊME DU CANADA -- JUGEMENT SUR APPEL

OTTAWA, 2005-09-29 . LA COUR SUPRÊME DU CANADA A DÉPOSÉ AUJOURD'HUI AUPRÈS DE LA REGISTRAIRE LE JUGEMENT DANS L'APPEL SUIVANT.

SOURCE: COUR SUPRÊME DU CANADA (613) 995-4330

COMMENTS/COMMENTAIRES: comments@scc-csc.gc.ca

(Reasons for judgment will be available shortly at: / Motifs des jugement disponibles sous peu à:

<http://www.lexum.umontreal.ca/csc-scc/en/rec/html/2005scc049.wpd.html>

<http://www.lexum.umontreal.ca/csc-scc/fr/rec/html/2005csc049.wpd.html>)

30411 Imperial Tobacco Canada Limited v. Her Majesty the Queen in Right of British Columbia - and between - Imperial Tobacco Canada Limited v. Attorney General of British Columbia - and between - Rothmans, Benson & Hedges Inc. v. Her Majesty the Queen in Right of British Columbia - and between - Rothmans, Benson & Hedges Inc. v. Attorney General of British Columbia - and between - JTI-Macdonald Corp. v. Her Majesty the Queen in Right of British Columbia - and between - JTI-Macdonald Corp. v. Attorney General of British Columbia - and between - Canadian Tobacco Manufacturers' Council v. Her Majesty the Queen in Right of British Columbia - and between - British American Tobacco (Investments) Limited v. Her Majesty the Queen in Right of British Columbia - and between - Philip Morris Incorporated and Philip Morris International Inc. v. Her Majesty the Queen in Right of British Columbia - and - Attorney General of Ontario, Attorney General of Quebec, Attorney General of Nova Scotia, Attorney General of New Brunswick, Attorney General of Manitoba, Attorney General for Saskatchewan, Attorney General of Alberta and Attorney General of Newfoundland and Labrador (B.C.) (Civil) (By leave) 2005 SCC 49 / 2005 CSC 49

Coram: McLachlin C.J. and Major, Bastarache, Binnie, LeBel, Deschamps, Fish, Abella and Charron JJ.

The appeals from the judgments of the Court of Appeal for British Columbia (Vancouver), Numbers CA030975, CA030976, CA030977 and CA030978, dated May 20, 2004, heard on June 8, 2005 are dismissed with costs to the respondents throughout. The stay of proceedings granted by McLachlin C.J. on January 21, 2005 is vacated. The constitutional questions are answered as follows:

1. Is the *Tobacco Damages and Health Care Costs Recovery Act*, S.B.C. 2000, c. 30, *ultra vires* the provincial legislature by reason of extra-territoriality?

Answer: No.

2. Is the *Tobacco Damages and Health Care Costs Recovery Act*, S.B.C. 2000, c. 30, constitutionally invalid, in whole or in part, as being inconsistent with judicial independence?

Answer: No.

3. Is the *Tobacco Damages and Health Care Costs Recovery Act*, S.B.C. 2000, c. 30, constitutionally invalid, in whole or in part, as offending the rule of law?

Answer: No.

Les appels interjetés contre les arrêts de la Cour d'appel de la Colombie-Britannique (Vancouver), numéros CA030975, CA030976, CA030977 et CA030978, en date du 20 mai 2004, entendus le 8 juin 2005 sont rejetés avec dépens en faveur des intimés dans toutes les cours. Le sursis d'exécution ordonné par la juge en chef McLachlin le 21 janvier 2005 est annulé. Les questions constitutionnelles reçoivent les réponses suivantes:

1. La *Tobacco Damages and Health Care Costs Recovery Act*, S.B.C. 2000, ch. 30, est-elle *ultra vires* de la législature provinciale pour cause d'extraterritorialité?

Réponse : Non.

2. La *Tobacco Damages and Health Care Costs Recovery Act*, S.B.C. 2000, ch. 30, est-elle inconstitutionnelle, en tout ou en partie, en raison de son incompatibilité avec l'indépendance judiciaire?

Réponse : Non.

3. La *Tobacco Damages and Health Care Costs Recovery Act*, S.B.C. 2000, ch. 30, est-elle inconstitutionnelle, en tout ou en partie, parce qu'elle va à l'encontre de la primauté du droit?

Réponse : Non.
