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Quebec secession law challenge postponed after 16-year wait because of administrative error

By Graeme Hamilton

When the mistake was discovered, it was too late to find a bilingual judge, considered essential because a constitutional expert will be pleading in...

A trial set to start Wednesday in the constitutional challenge of Quebec's secession law, Bill 99, has been delayed following what lawyers were told was an "administrative error" by the court.

Charles O'Brien, who is representing former Equality Party leader Keith Henderson, said the Superior Court chief justice informed the parties Monday that the case had not been placed on the rolls.

"I haven't heard of this (happening) before," O'Brien said.

When the mistake was discovered, it was too late to find a bilingual judge, considered essential because Henderson's constitutional expert will be pleading in English.

The trial is not expected to begin before 2017.

The Parti Québécois government brought in Bill 99 in 2000 to counter the federal Clarity Act setting rules for future referendums. Quebec's law declared that no other government could "impose constraint on the democratic will of the Quebec people to determine its own future."

Henderson contends Bill 99 is unconstitutional because it asserts Quebec's right to unilaterally declare independence.

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