



## LEGISLATIVE PROCESS

### Overview

#### Stages in the Legislative Process

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- **Third Reading and Adoption of Bills**
- **Senate Consideration**
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#### More Information – Legislative Process

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### OVERVIEW

Law-making is regarded as one of the most significant tasks of Parliament. It is therefore not surprising that the legislative process takes up a major portion of Parliament's time. The parliamentary stages described here are the culmination of a much longer process that starts with the proposal, formulation and drafting of a bill.

In the Parliament of Canada, as in all legislative assemblies based on the British model, there is a clearly defined method for enacting legislation. A bill must go through a number of specific stages in the House of Commons and the Senate before it becomes law:

- notice of motion for leave to introduce and placement on *Order Paper*;
- preparation of a bill by a committee (where applicable);
- introduction and first reading;
- reference to a committee before second reading (where applicable);
- second reading and reference to a committee;
- consideration in committee;
- report stage;
- third reading (and passage);
- consideration and passage by the Senate;
- passage of Senate amendments by the Commons (where applicable);
- Royal Assent, and
- coming into force.

All bills must go through the same stages of the legislative process, but they do not necessarily follow the same route. Three possible avenues now exist for the adoption of legislation:

- After appropriate notice, a Minister or a Member may introduce a bill, which will be given first reading immediately. The bill is then debated generally at the second reading stage and sent to a committee for clause-by-clause study.
- A Minister may move that a bill be referred to a committee for study before second reading.
- A Minister or a Member may propose a motion that a committee be instructed to prepare a bill. A bill will be presented by the committee and carried through the second reading stage without debate or amendment.

Regardless of the avenue that the sponsor decides to take, the bill will then have to go through report stage, be read a third time and sent to the Senate for passage before receiving Royal Assent. At the start of a new session,

a government public bill may be reinstated at the stage it had reached at the time of prorogation, if the House agrees. Private Members' bills are automatically reinstated at the same stage.

The process is complex, but a bill can become law only once the same text has been approved by both Houses of Parliament and received Royal Assent.

## **DETAILED ARTICLES**

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**Types of Bills**

**Structure of Bills**

**Drafting of Bills**

**Private Members' Bills**

**Private Bills**

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## **STAGES IN THE LEGISLATIVE PROCESS**

### **Notice**

The introduction of any public bill requires 48 hours' written notice. A Member or a Minister who intends to introduce a bill in the House of Commons must first give notice to the Clerk of the House before 6:00 p.m. (2:00 p.m. on Friday). The title of the bill to be introduced is then placed on the *Notice Paper* for the next sitting of the House.

The day after it appears on the *Notice Paper*, the title of the bill will appear in the *Order Paper* for introduction in the House. The title will remain on the *Order Paper* until the day when the Member or Minister decides to introduce the bill.

Once notice is given for the introduction of a bill, no further notice is required for motions to consider the bill at the other stages (with the exception of motions to amend at the report stage and motions to deal with Senate amendments). There are separate requirements that apply to the notice for private bills.

There are special rules dealing with the introduction of bills that involve the expenditure of public funds and bills based on ways and means motions.

## **DETAILED ARTICLES**

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***Order Paper and Notice Paper* [Parliamentary Publications]**

**Business of Ways and Means [Financial Procedures]**

**Royal Recommendation for a Bill [Financial Procedures]**

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### **Introduction and First Reading of Bills**

The first real stage in the legislative process is the introduction and first reading of the bill in the House of Commons. Once the notice period has passed, the Member or Minister seeks leave to introduce his or her bill when the item "Introduction of Government Bills" or "Introduction of Private Members' Bills" is called during Routine Proceedings.

A Member normally provides a brief summary of the bill he or she is introducing. A Minister rarely provides any explanation when requesting leave to introduce a bill, but is permitted to and often does so later, under "Statements by Ministers", during Routine Proceedings.

## **DETAILED ARTICLES**

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**Introduction and First Reading of Bills**

**Preparation of a Bill by a Committee**

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## **Second Reading and Referral of a Bill to a Committee**

The second reading stage of the legislative process gives Members an opportunity to debate the general scope of the bill. Unless a bill has been referred to committee prior to second reading, debate at this stage must focus on the principle of the bill and, accordingly, the text of the bill may not be amended before being read a second time and referred to committee.

The motion for second reading may be amended. Three types of amendments are permitted:

- a three months' or six months' hoist, which seeks to postpone consideration of the bill for three or six months;
- a reasoned amendment, which requests that the House not give second reading to a bill for a specific reason; or
- a motion to refer the subject matter of the bill to a committee.

### **DETAILED ARTICLES**

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#### **Second Reading and Referral of a Bill to a Committee**

##### **Hoist Amendments to Bills**

##### **Reasoned Amendments to Bills**

##### **Referral of the Subject Matter of a Bill to Committee**

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## **Referral of a Bill to Committee before Second Reading**

A Minister may move that a government bill be referred to a committee before second reading. This allows members of a committee to examine the principle of a bill before approval by the House of Commons and to propose amendments to alter its scope. This procedure can also apply to bills based on Ways and Means motions.

After the committee reports the bill to the House, the next stage is essentially a combination of the report stage and second reading. Members may propose amendments, after giving written notice two sitting days before the bill is debated in the Chamber.

Once agreed to at report stage and read a second time, the bill is slated for third reading.

### **DETAILED ARTICLE**

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#### **Referral of a Bill to Committee before Second Reading**

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## **Committee Stage of Bills**

Most bills are referred to the standing committee whose mandate most closely corresponds to the bill's subject matter. However, the House may choose to refer a bill to a legislative committee, a distinct type of committee created solely to undertake the consideration of legislation.

A legislative committee is appointed by the House on an ad hoc basis to deal with a particular bill and ceases to exist once it presents its report to the House. This type of committee may also be created to prepare and bring a bill.

The role of the committee is to review the text of the bill and approve or modify it. It is at this stage that witnesses may be invited to appear before the committee to present their views and answer members' questions. Once the witnesses have been heard, the committee proceeds to study the bill clause-by-clause. It is at this point that members may propose amendments to the bill. Each clause is considered separately. Once all the parts of the bill have been considered and adopted, with or without amendment, the committee votes on the bill as a whole.

Once the bill is adopted, the Chair asks the committee for leave to report the bill to the House. Committees must report to the House on all bills referred to them. If numerous amendments have been adopted, the committee may order that the bill be reprinted for the use of the Members at report stage.

## **DETAILED ARTICLES**

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### **Committee Stage of Bills**

#### **Clause-by-Clause Consideration of a Bill**

#### **Rules of Admissibility for Amendments to Bills at Committee and Report Stages**

#### **Legislative Committees**

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### **Report Stage of a Bill**

Following consideration in committee, there is an opportunity for further study of the bill in the House during what is known as report stage. Members, particularly those who were not members of the committee, may, at this stage, propose motions to amend the text of the bill. Written notice is required and debate focuses on the amendments and not on the bill as a whole.

Generally, the same rules relating to the admissibility of amendments proposed at committee stage apply to those at report stage. However, in order to prevent report stage from merely becoming a repetition of committee stage, the Speaker is authorized to select and group amendments for debate. The Speaker also determines whether each motion should be voted on separately or as part of a group. This ruling is made at the beginning of the report stage debate.

The Speaker will not normally select any amendment that was considered, or could have been considered in committee, or amendments that were ruled inadmissible in committee.

When deliberations at report stage are concluded, a motion is put forward to approve the bill (with any amendments). The question is put immediately, without amendment or debate. The wording of the motion will vary depending on whether or not the original bill was amended, and on the stage at which the amendments were made.

There is no debate at report stage unless amendments are proposed. If the bill as reported by committee is adopted at report stage with no amendments it may go immediately to third reading for adoption. A bill that has been reported by a Committee of the Whole, with or without amendment, must be put to a vote immediately at report stage and may proceed to third reading the same day.

## **DETAILED ARTICLES**

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### **Report Stage of a Bill**

#### **Report Stage Rulings**

#### **Rules of Admissibility for Amendments to Bills at Committee and Report Stages**

#### **Committees of the Whole [Committees]**

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### **Third Reading and Adoption of Bills**

Third reading is the final stage that a bill must pass in the House of Commons. It is at this point that Members must decide whether the bill should be adopted.

Debate at this stage of the legislative process focuses on the final form of the bill. The amendments that are admissible at this stage are similar to those at second reading stage. Amendments for a three- or six-month hoist, as well as reasoned amendments are permitted. An amendment to recommit the bill to a committee with instructions to reconsider certain clauses is also acceptable.

Third reading and passage of a bill are moved in the same motion. Once the motion for third reading has been adopted, the Clerk of the House certifies that the bill has passed. The bill is then sent to the Senate with a message requesting that it consider the bill.

## **DETAILED ARTICLES**

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### **Third Reading and Adoption of Bills**

#### **Hoist Amendments to Bills**

## Reasoned Amendments to Bills

### Recommittal of a Bill to Committee at Third Reading

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#### Senate Consideration

The Senate follows a legislative process that is very similar to the one in the House of Commons.

In cases where the Senate adopts a Commons bill without amendment, a message is sent to the House of Commons to inform it that the bill has been passed and Royal Assent is normally granted shortly thereafter.

Since most government bills originate in the House of Commons, the Government sometimes requests that the Senate consider a bill as quickly as possible. The *Rules of the Senate of Canada* provide for a procedure known as pre-study whereby the subject matter of a bill that has been introduced in the House of Commons, but has not yet been sent to the Senate, is sent to a Senate standing committee. In this way, the Senate can consider the bill and form its opinion even before it receives the bill from the House of Commons. When the bill is received, the Senate is then in a position to adopt or amend it within a very short time.

The Senate often makes amendments to bills, some of which involve corrections to drafting errors or improvements to administrative aspects. The House normally accepts such amendments.

If the House does not agree with the Senate amendments, it adopts a motion stating the reasons for its disagreement, which it communicates in a message to the Senate. If the Senate wishes the amendments to stand nonetheless, it sends a message back to the House, which then accepts or rejects the proposed changes. If an agreement cannot be reached by exchanging messages, the House that has possession of the bill may ask that a conference be held, although this practice has fallen into disuse.

#### DETAILED ARTICLES

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#### House Consideration of Senate Amendments to Bills

#### Conferences between the Commons and the Senate Regarding Amendments to Bills

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#### Royal Assent and Coming into Force of a Bill

The ceremony of Royal Assent is one of the oldest of all parliamentary proceedings and brings all three elements of Parliament together (the Crown, the Senate and the House of Commons). Royal Assent is the stage that a bill must complete before officially becoming an Act of Parliament. A bill will not be given Royal Assent unless it has gone through all of the stages of the legislative process and been passed by both Houses in identical form.

Royal Assent may be granted in one of two ways – through a written procedure and through the traditional ceremony, where Members of the House of Commons join with their Senate colleagues in the Senate Chamber.

The written procedure involves the Clerk of the Parliaments (the Clerk of the Senate), and the Clerk of the Commons, or their Deputies, meeting with the Governor General, or his or her Deputy, to present the bills with a letter indicating that they have been passed by both Houses and requesting that the bills be assented to.

An Act that has been given Royal Assent in written form is considered assented to on the day on which the two Houses of Parliament have been notified of the declaration. The *Royal Assent Act* preserves the traditional ceremony by requiring that it be used at least twice in each calendar year, including for the first bill in each session that authorizes government spending.

The traditional procedure for Royal Assent involves a formal ceremony that takes place in the Senate Chamber. When the House is sitting it suspends its proceedings in order that its Members may proceed to the Senate Chamber, where the Governor General or his or her Deputy grants Royal Assent.

Once a bill has been granted Royal Assent, it becomes law and comes into force either on that date or at a date provided for within the Act or specified by an order of the Governor in Council.

#### DETAILED ARTICLES

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#### Royal Assent to a Bill

#### Coming into Force of Legislation

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## **MORE INFORMATION – LEGISLATIVE PROCESS**

*House of Commons Procedure and Practice*, Robert Marleau & Camille Montpetit, (2000):

Chapter 16, The Legislative Process

Chapter 21, Private Members' Business

Chapter 23, Private Bills Practice

### *Standing Orders of the House of Commons*

Chapter VI, Process of Debate

Chapter VIII, Motions

Chapter IX, Public Bills

Chapter XI, Private Members' Business

Chapter XIII, Committees

Chapter XV, Private Bills

*Amending Bills at Committee and Report Stages*, Legislative Services, House of Commons.

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Find this and other articles on House of Commons procedure by visiting the *Compendium of Procedure* Web site at <http://www.parl.gc.ca/compendium-e>.

For further information about the procedures of the House of Commons, please contact the Table Research Branch at (613) 996-3611 or by e-mail at [trbdrb@parl.gc.ca](mailto:trbdrb@parl.gc.ca).

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