



*A*mending Bills
*at Committee
and Report Stages*

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AMENDING BILLS

AT COMMITTEE AND REPORT STAGES

IN THE HOUSE OF COMMONS



*prepared by the Legislative Services
October 2008*



THIS SUMMARY is intended to provide basic information to Members and their staff on how to amend bills at committee and report stages. It is not intended to cover all aspects of the legislative process.

STRUCTURE OF A BILL

A bill is the text of a legislative initiative submitted to Parliament to be approved and possibly amended before becoming law. A bill may amend a current law or create a new one. Bills contain:

- a title (a short title may also be included for easy reference);
- clauses, which are numbered 1, 2, 3, etc.;
- lines of text, which are also numbered; and perhaps
- schedules, which are usually lists pertinent to the bill.

Titles, clauses and most schedules are amendable. The clause, line and page numbers are always included in an amendment so that everyone can determine its exact location in the text of the bill.



STAGES OF A BILL

In the days before printing was common, bills were quite literally read three times so that Members had a clear idea of what they were voting on. Bills still have three readings but two more stages have been added. These readings and stages occur in the following order:

- First reading simply introduces the bill, thus making it public. It is then printed and distributed; there is no debate at this stage.
- Second reading and reference to committee is a debatable motion on the general principles of the bill and once the motion is passed, the principle and scope of the bill are fixed.

(Note: Bills can be sent to committee before second reading. This enables Members to examine the principle of the bill and to propose amendments that may alter its scope.)

- Committee stage of a bill usually begins with the hearing of witnesses followed by clause-by-clause consideration. This is the line-by-line, word-by-word examination of the bill and is the Member's first, and maybe only, opportunity to amend the provisions of the bill. Once the committee has adopted the bill, it reports the bill, with or without amendments, to the House.
- Report stage takes place in the House and gives the House a chance to examine, and further amend, the bill as reported by the committee. If there are no report stage amendments, the House may concur in the bill as reported by the committee and proceed immediately to third reading.
- Third reading is the House's final look at the bill before it is sent to the Senate; the Senate goes through a similar process when it examines a bill.

COMMITTEE STAGE

The entire committee decides how and when it will study each bill that it receives. Usually, the committee hears first from the sponsor of the bill or from departmental officials, who explain the provisions



of the bill, and then from interested groups and individuals. The committee also decides when to begin clause-by-clause consideration of the bill.

Drafting service

Each member of a committee should carefully consider which amendments, if any, he or she wishes to make to the bill. Once the Member has a proposal for an amendment, he or she may wish to use the services of the legislative counsel. Based on written instructions given to them by Members, counsel will draft amendments on a confidential basis in the correct legal form in both official languages. The amendments, once drafted, will be sent to the Member, who can then decide whether he or she wishes to propose them.

Procedural advice

The drafting of amendments requires legal expertise, but parliamentary procedure is not a field of law. An amendment may be properly drafted in a legal sense but be inadmissible under the rules and practices of the House of Commons. Members may want to have legislative clerks comment on the procedural admissibility of their amendments. On occasion, a slight rewording can rescue an otherwise inadmissible amendment. Like the drafting service, this service is confidential.

Submitting amendments

Notice is *not* required to propose an amendment at committee stage unless the committee itself adopts a rule to that effect. However, in order to have an orderly and thorough examination of the bill, Chairs often request that members submit their amendments to the clerk of the committee in advance of the clause-by-clause study of the bill. The amendments do not need to be signed. The legislative clerk arranges the amendments in a package in the order in which they appear in the bill. When there is sufficient time, and if the committee agrees, the package can be circulated to the committee in advance of the clause-by-clause meeting. This way, all the members of the committee can see what changes their colleagues wish to make to the bill.



Debate on clause-by-clause

The Chair will call Clause 1 unless it is the short title, in which case it will be considered after all the other clauses. The rest of the clauses will be considered one by one in the order they appear in the bill. *(Note: Some clauses may be “stood”, which means that the committee has decided to postpone consideration of these clauses until later in the process.)*

A Member may ask questions about provisions in the clause or may debate any part of a clause, even if he or she has no amendments to propose.

Any Member wishing to move an amendment should keep the following rules in mind:

- Only members of the committee may propose amendments.
- No seconders are required to move amendments in committee.
- Amendments may be proposed in either official language and should be in writing.
- The committee may consider only one amendment at a time.
- An amendment must modify only a single clause.
- Amendments are taken up in the order of the lines in the bill that they propose to amend.
- A quorum of the committee must be present to make any decision.

The amendment will be debated and voted on by the committee. The committee then will vote on the clause (whether amended or not). The committee next proceeds to the following clause and any amendments proposed to it, until all the clauses of the bill have been considered.

Subamendments

Subamendments are amendments to amendments. The committee can have only one subamendment before it at a time, and that subamendment cannot be amended. When a subamendment



is moved to an amendment, it is voted on first. Then, another subamendment may be moved or the committee may consider the main amendment and vote on it.

Admissibility rules

To be admissible, amendments should conform to the rules and practices of the House in order to preserve the integrity of the bill. The committee Chair rules on the admissibility of amendments and is advised by the legislative clerk.

The following are the most common rules of admissibility:

- **Principle of the bill:** The principle of the bill is the object or purpose which the bill seeks to achieve. The principle of the bill is fixed when the bill is adopted at second reading. Any amendment contrary to the principle of the bill is inadmissible.
- **Scope of the bill:** The scope of the bill means the schemes or ways by which the principles of the bill are achieved; the scope of the bill is fixed when the bill is adopted at second reading. Any amendment that goes beyond the scope of the bill is inadmissible.

When a bill is referred to a committee before second reading, amendments may alter the principle and scope of the bill.

- **Relevance:** Any amendment must be relevant or pertinent to the subject matter of the bill or to the clause under consideration. This applies to bills both before and after second reading.
- **Parent Act rule:** Many bills amend existing laws and these laws are called “parent Acts”. Any amendment to a section of the parent Act not amended by the bill is inadmissible; any amendment to an Act not mentioned in the bill is inadmissible.
- **Financial initiative of the Crown:** This refers to the exclusive power of the Crown to spend public money and impose taxes; Crown approval is signified by a Royal Recommendation for spending and a Ways and Means motion for taxation. Any amendment calling for additional public spending or changing the terms and conditions of such spending is inadmissible, as it would infringe on the Royal



Recommendation if one is attached to the bill or would require one. Only the Government can provide a Royal Recommendation.

Any amendment to impose a charge on the people, such as creating or increasing a tax, is inadmissible; all such taxes require a Ways and Means motion that only the Government can move.

Any amendment to reduce or restrict public spending or to reduce or restrict a tax is admissible.

- **New clauses:** New clauses are subject to the same admissibility criteria as amendments to clauses; they must respect the principle and scope of the bill, they must be relevant to it and they must not infringe the financial prerogative of the Crown.
- **Deletion of a clause:** Any amendment proposed in committee to delete a clause is inadmissible, as the proper course of action is to vote against the clause.

Report to House

Once the committee has concluded its clause-by-clause consideration of a bill, it reports the bill to the House with or without amendment. The report contains only the actual text of the adopted amendments.

If the number or nature of amendments made by the committee necessitates it, the committee generally orders that a bill be reprinted as a working copy for use at report stage.

REPORT STAGE

After a bill is adopted in committee and reported to the House, the next stage is report stage, which takes place in the House.

Report stage is not a detailed line-by-line examination of a bill, but a review of the bill as reported from the committee. Since there is no clause-by-clause consideration of a bill, the only subjects for debate are the amendment proposed at report stage. These are called “report stage motions”. If none are proposed or selected, there is no report stage debate. The House votes on the bill as reported and may then proceed immediately to third reading.



Drafting amendments

As with amendments for committee stage, each Member should carefully consider which amendments, if any, he or she wishes to make to the bill. Once the Member has a proposal for an amendment, he or she may wish to use the services of the legislative counsel. Based on written instructions given to them by Members, counsel will draft amendments on a confidential basis in the correct legal form in both official languages. Once drafted, the amendments will be sent to the Member, who can then decide whether he or she wishes to proceed with them.

Since report stage can begin as soon as two sitting days following the presentation of the committee report to the House, it is important for Members to act quickly.

Deadline for notice

Notice is required for report stage motions and the deadlines vary. The motions, signed by the Member, must be submitted to the Journals Branch for publication on the *Notice Paper*. Once the report stage debate has begun, no further motions can be submitted.

Admissibility of motions

All report stage motions are reviewed to determine whether they are procedurally admissible. Motions found to be inadmissible are returned to the sponsoring Member with an explanation and are not printed on the *Notice Paper*.

The rules of admissibility at report stage are identical to those applied at committee stage (*see “Admissibility rules” under Committee stage*), with the following two exceptions:

- a report stage motion to delete a clause is admissible;
- a report stage motion requiring the expenditure of public funds is admissible if it is accompanied by a Royal Recommendation.

Selection of motions for debate

Even though they meet the criteria for admissibility, not all report stage motions published on the *Notice Paper* go forward for debate in



the House. The Standing Orders give the Speaker the authority to select those which will be debated. This is done to avoid a repetition of committee stage, and to ensure that report stage retains its purpose, which is to enable the House to examine the committee's work on a bill. Thus, the Speaker does not normally select motions which

- could have been presented in committee;
- were defeated in committee, or considered and withdrawn, unless the Speaker judges them to be of exceptional significance to Members and therefore to warrant further consideration;
- are repetitive, frivolous or vexatious; or
- would unnecessarily prolong the proceedings at report stage.

Motions may be selected if they

- further amend an amendment adopted by the committee;
- make consequential changes to the bill based on an amendment in committee; or
- delete a clause.

Speaker's ruling

At the beginning of each report stage debate, the Speaker delivers a ruling regarding the motions published on the *Notice Paper*. The ruling lists which motions have been selected, how they are grouped for debate and what the voting pattern is (e.g.: a vote on one motion may apply to another).

The groups are based on the subject matter of the motions and their location in the bill. A single debate takes place on each group. The voting pattern for each group is available at the Clerk's Table.

Debate at report stage

A Member who has given notice of report stage motions must be present in the House to move them. A seconder is also required. Members may speak once for a maximum of ten minutes to each group of motions. Amendments to report stage motions may be proposed from the floor without notice.



Voting at report stage

When debate on a group of motions ends, Members are called to vote. If a recorded vote is demanded, it is typically deferred until the debate on all groups is finished.

Once all the report stage motions have been voted on, according to the voting pattern, the House votes on a motion of concurrence in the bill at report stage.

The report stage of a bill that was sent to committee before second reading is an integral part of the second reading stage of the bill. At the conclusion of report stage, a single motion for concurrence at report stage and second reading is put to the House.

SERVICES TO MEMBERS

Legislative Counsel

Legislative counsel draft all the Private Members' public bills and amendments for committee and report stages.

They may be contacted at 613-947-6311.

Legislative Clerks

Legislative clerks review all the committee and report stage amendments for procedural admissibility. They organize the amendments into packages for committee stage, attend the clause-by-clause meetings and prepare draft rulings for the Speaker at report stage.

They may be contacted at 613-992-3150.

Journals Branch

For information on submitting report stage motions, contact the Journals Branch at 613-992-2038.

