



PARLIAMENTARY PROCEDURE

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INTRODUCTION

How business is conducted in the House of Commons is regulated by a vast body of parliamentary rules and practices. Parliamentary procedure is intended to ensure that there is a balance between the government's need to get its business through the House, and the opposition's responsibility to debate that business without completely immobilizing the proceedings of the House.

The procedures of the House of Commons are founded on the Constitution and statutes, the *Standing Orders of the House of Commons*, Speakers' rulings and House practice.

CONSTITUTION AND STATUTES

The Constitution contains a number of provisions on how the House of Commons must govern itself, including those regarding the election of the Speaker, quorum, the financial prerogative of the Crown, the rule of simple majority and oaths of allegiance.

Perhaps the most significant section of the *Constitution Act, 1867*, from a procedural point of view, is that which provides a statutory basis for the privileges enjoyed by the House of Commons. The *Constitution Act, 1867* provides that “the privileges, immunities, and powers to be held, enjoyed and exercised” by the House of Commons and its Members be defined in an Act of Parliament. The *Parliament of Canada Act* provides the House of Commons with the exclusive right to regulate its own internal affairs and to control its own agenda and proceedings.

The House of Commons therefore, has the constitutional authority to regulate its internal proceedings and establish rules of procedure, as well as to enact a number of procedurally significant statutory provisions, many of which are found in the *Parliament of Canada Act*. There are dozens of other statutes that oblige the House of Commons to undertake some action or which regulate some aspect of the proceedings of the House. Among these are the *Access to Information Act*, the *Canada Elections Act* and the *Electoral Boundaries Readjustment Act*.

DETAILED ARTICLES

Constitution Act, 1867

Parliament of Canada Act

STANDING ORDERS OF THE HOUSE OF COMMONS

The permanent written rules under which the House of Commons regulates its proceedings are known as the Standing Orders. The continuing or “standing” nature of rules means that they do not lapse at the end of a session or a Parliament; they remain in effect until the House itself decides to suspend, change or repeal them.

In addition to the permanent Standing Orders, the House of Commons may adopt other types of temporary written rules. These include provisional Standing Orders and sessional orders which are put in place for a defined period of time within or for the duration of a parliamentary session. The House of Commons may also adopt special orders, which do not alter any Standing Orders and relate to the conduct of specific House or committee business.

An annotated version of the Standing Orders is also published by the House of Commons. This procedural guide provides a commentary and historical summary on each Standing Order including any interpretations provided by Speakers or practice.

DETAILED ARTICLES

Standing Orders of the House of Commons

Provisional, Sessional and Special Orders

SPEAKER’S RULINGS

The Speaker has ruled on questions of procedure ever since representative assemblies were first established prior to Confederation. Just as case law is an important part of the common-law judicial system, rulings are an important part of our parliamentary system.

Successive Speakers have been called upon to interpret how rules should apply and, through their decisions or rulings, have either settled issues or encouraged the House of Commons, its committees, the Government, or the Board of Internal Economy to take steps to resolve them.

In making a ruling, the Speaker draws upon a full range of procedural information and examines the precedents from Canada and elsewhere to determine how the Standing Orders have been applied and interpreted in the past.

DETAILED ARTICLE

Speaker’s Rulings [Speaker and Other Presiding Officers]

PRACTICE

The House of Commons’ methods of proceeding are the result of centuries of practice, both within Canada and elsewhere. These unwritten rules of procedure have come to be accepted as the normal way of proceeding.

Standing Order 1 permits the examination, where applicable, of the practices of other jurisdictions both in and outside Canada. Other authorities from Westminster-style Parliaments, particularly the United Kingdom, Australia, India and New Zealand, are consulted whenever necessary.

DETAILED ARTICLE

Parliamentary Practice

PROCEDURAL AUTHORITIES

The rules and procedures of the House of Commons are far more complex than they appear on the surface. This has led to the publication of various works on parliamentary procedure which are now regarded as “the authorities”. These books have attempted to collect and organize the traditions, precedents and procedures of our Parliament.

The primary procedural authority is *House of Commons Procedure and Practice*, published in 2000 and edited by former Clerk Robert Marleau and former Deputy Clerk Camille Montpetit. Also known as “Marleau-Montpetit”, this work is a comprehensive study of House of Commons jurisprudence and examines the many forms, customs and practices which were established and have developed since Confederation. Members of the House of Commons and others use it as the primary authoritative text on procedure.

Other authorities include Arthur Beauchesne’s *Parliamentary Rules and Forms of the House of Commons of Canada* (Sixth edition published in 1989), Sir John George Bourinot’s *Parliamentary Procedure and Practice in the Dominion of Canada* (last published in 1916) and Erskine May’s *The Law, Privileges, Proceedings and Usage of Parliament* from Britain.

DETAILED ARTICLE

Procedural Authorities

RELATIONSHIP BETWEEN PROCEDURAL SOURCES

Procedural provisions contained in the *Constitution Act* and in various statutes cannot be modified by the House of Commons acting independently. A change to the constitutional provisions relating to the House of Commons must be made in accordance with the amending formulae contained in the *Constitution Act, 1982* and requires, at a minimum, the passage of an act of Parliament. Where the written Constitution applies to the House, it takes priority over provisions found in other laws applicable to the House.

Similarly, only Parliament as a whole (the Senate, the House of Commons and the Crown) may enact or amend a statutory provision that affects House of Commons procedure. Statutory provisions may not be set aside in favour of rules or orders made by the House of Commons alone. The same reasoning applies to standing, sessional and special orders, which necessarily override practices and precedents.

Where there are no written rules or orders, the House of Commons turns to its own jurisprudence, as interpreted by the Speaker, who examines the rulings of past Speakers as well as practices and precedents and decides which should be applied.

MORE INFORMATION—PARLIAMENTARY PROCEDURE

[*House of Commons Procedure and Practice*](#), Second Edition, 2009`

Chapter 5, Parliamentary Procedure

[*Standing Orders of the House of Commons*](#)

Find this and other articles on House of Commons procedure by visiting the *Compendium of Procedure* Web site at 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.

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