that an act of Parliament or any clause of an act of Parliament would not come into force until that was done seems to me to go beyond the scope of any statute which comes before it. Certainly it goes beyond the scope of the Bill before us which seeks only to amend certain clauses of another act.

Therefore the Chair has come to the conclusion that the motion is procedurally unacceptable.

And Motion numbered 24, standing in the name of the honourable Member for Nickel Belt (Mr. Rodriguez) having been called, as follows:

That Bill C-2, An Act to amend the Combines Investigation Act and the Bank Act and to repeal an Act to amend an Act to amend the Combines Investigation Act and the Criminal Code, be amended in Clause 22 by adding immediately after line 39 on page 46, the following new section:

"45.4 (1) In any conviction for an offence under Part V, or section 46.1, the court may, if it is satisfied that the person convicted has, by reason of the offence, derived revenue that exceeds the revenue he would have derived if he had not engaged in that practice,

(*a*) make such order as it deems appropriate to require the person to refund to the persons from whom he derived the excess revenue if those persons are reasonably identifiable or, in any other case, generally to persons thereafter acquiring the product from him, an amount equal to the whole or any portion of the excess revenue so derived, as estimated by the court, or

(*b*) where, in its opinion, an order under paragraph (*a*) is not practicable, by order, direct the person to pay to Her Majesty in right of Canada as a penalty an amount specified in the order equal to the whole or any portion of the excess revenue so derived, as estimated by the court.

(2) An amount directed to be paid to Her Majesty in right of Canada as a penalty pursuant to paragraph 1(*b*) is a debt due to Her Majesty and is recoverable as such in any court of competent jurisdiction."

RULING BY MR. SPEAKER

MR. SPEAKER: There apparently being no other honourable Members who wish to contribute to this interesting point, the text of Motion numbered 24 proposes to amend Clause 22 of the Bill. The fact is that Clause 22 of the Bill deals with the collection of statistics and with various aspects of reporting facts and figures. It does not in any way deal with penalties. This motion introduces not only a penalty which does not belong or is any way germane to Clause 22 but, furthermore, introduces a new concept into the penalty provisions as well.

In view of the fact that the amendment proposes to amend Clause 22 and is beyond the scope of that Clause I have to hold that the amendment is procedurally unacceptable.

I just want to add that when this matter was first raised months ago I made the following remark. I am not going to quote it in detail, but I referred to the procedural difficulty facing Motions numbered 6 and 24 in a general way. The language I used with respect to Motion numbered 24 may have been confusing in that I obviously made a cross reference to some aspects of Motion numbered 6. However, I went on to say this. I do not have the date of my remarks before me but it was sometime ago, certainly long before the recess when the report stage of the Bill was first considered. At that time I indicated that Motion numbered 24 proposed penalties which, in the opinion of the Chair, were not in any way germane to Clause 22 of the Bill which it sought to amend.

Having made that reference at that time, I thought it might have been ample forewarning that, if it was simply a readjustment of the location of the Motion, it might have been adjusted in the interval. In any event, the matter is before the Chair at the present time. The Motion proposes to amend Clause 22. It is obviously well beyond the scope of Clause 22; therefore, with regret I have to rule that it is unacceptable.

And the House having proceeded to the deferred division of the amendment of Mr. Lambert (Edmonton West), seconded by Mr. Baldwin,—That Motion numbered 8 be amended by striking out all the words following the word "following" and by substituting therefor the following:

"and is liable on conviction to a fine in the discretion of the court or to imprisonment for five years, or to both."

And the question being put on the amendment, it was agreed to on the following division:

(Division No. 67)

YEAS

Messrs.

Abbott	Breau	Darling
Alexander	Buchanan	Daudlin
Allard	Bussières	Demers
Anderson	Caccia	Dick
Andras (Port Arthur)	Cadieu	Dinsdale
Andres (Lincoln)	Campagnolo (Mrs.)	Dionne (Kamouraska)
Appolloni (Mrs.)	Campbell (Miss) (South Western Nova)	Dionne (Northumberland-Miramichi)
Baker (Grenville-Carleton)	Campbell (LaSalle-Émard-Côte Saint-Paul)	Douglas (Bruce-Grey)
Baldwin	Caron	Dupont
Balfour	Chrétien	Dupras
Basford	Clarke (Vancouver Quadra)	Duquet
Beatty	Clermont	Elzinga
Beaudoin	Coates	Fairweather
Béchard	Collenette	Faulkner
Bégin (Miss)	Comtois	Fleming
Blais	Condon	Foster
Blaker	Corbin	Fox
Blouin	Cyr	Francis
Boulanger	Danson	Fraser