

## HOUSE OF COMMONS

Thursday, November 1, 1990

The House met at 11 a.m.

---

*Prayers*

---

[*English*]

### PRIVILEGE

#### OATH OF ALLEGIANCE—SPEAKER'S RULING

**Mr. Speaker:** On Wednesday, October 3, 1990 the hon. member for Parkdale—High Park rose on a question of privilege concerning the meaning of the oath of allegiance taken by all duly elected members and the duties and obligations of members relating thereto.

The Chair undertook to consider the matter carefully and to return to the House. I am now prepared to rule on the matter. The ruling I am about to deliver will touch not only on the question of privilege raised by the hon. member for Parkdale—High Park, but on other important issues raised by other hon. members during the discussion which ensued.

Let me preface my decision by saying that as your Speaker I am well aware of the importance of this matter, not only to hon. members, but to constituents across the country. Events of recent months have once again sharpened the focus of the Canadian public on members of this Chamber and the role they play in Parliament. Many constituents have contacted their members of Parliament to express their views. Though their views may differ and differ sharply, the passion with which they hold those views is striking. Indeed, it is precisely because these views are so passionately held that the real issue can sometimes be obscured. The Chair hopes today to clarify the situation for hon. members and perhaps no less importantly for the public who are watching us.

[*Translation*]

First, the Chair will deal with the precise point at issue, namely the validity of the Oath of Allegiance taken by the hon. Member for Laurier—Sainte-Marie.

As all hon. members are aware, Section 128 of the *Constitution Act, 1867* requires all Members of Parliament to take an Oath of Allegiance to Her Majesty the Queen or to make an affirmation in lieu thereof before being allowed to sit or vote in the House of Commons. The wording of the oath dates back to 1867 and derives from the oath then used in the British Parliament. It reads as follows:

[*English*]

I—

—and the person's name is given—

—do swear that I will be faithful and bear true allegiance to Her Majesty, Queen Elizabeth II.

I point out that that is the oath and it is limited to these very brief words.

Thus, the taking of the oath is a constitutional requirement and only those members who have taken and subscribed to the oath are allowed to take the seats in the House of Commons.

As Beauchesne pointed out in the fourth edition of his *Rules and Forms for the House of Commons of Canada*, Citation 16(1):

It is not the oath that makes a person a Member of the House. He must be a Member before being sworn in—The object of the oath is to allow the Member to take his seat in the House.

[*Translation*]

On August 27, 1990 the hon. member for Laurier—Sainte-Marie, duly elected by his constituents on August 13, made a solemn affirmation and signed the Test Roll. In so doing, like all other hon. members, he became entitled to take his place in the House and on September 24, 1990, when the House resumed sitting, the hon. member was introduced and took his seat.