

*Speaker's Ruling*

and its effects, and the notion of the reinstatement of the business of one session in the subsequent session.

Prorogation has the distinct effect of interrupting the business of Parliament and, possibly, altering its agenda. Its most significant impact is on the legislative process.

*[Translation]*

According to Beauchesne's Edition, Citation 167:

"(1) the effect of a prorogation is at once to suspend all business until Parliament shall be summoned again. Not only are the sittings of Parliament at an end, but all proceedings pending at the time are quashed. Every bill must therefore be renewed after a prorogation, as if it were introduced for the first time."

*[English]*

Bourinot's fourth edition, pages 102 and 103, states this in even more explicit terms:

The legal effect of a prorogation is to conclude a session; by which all bills and other proceedings of a legislative character depending in either branch, in whatever state they are at the time, are entirely terminated, and must be commenced anew, in the next session, precisely as if they had never been begun.

Thus prorogation gives Parliament the chance to start anew in dealing with the business of the nation.

While the effects of prorogation are clear, there have been many occasions when the Government has sought the permission of the House to reinstate legislation considered in the previous session. This has always been considered an extraordinary procedure. In fact, on two separate occasions, July 22, 1977, and March 22, 1982, the House amended its Standing Orders to permit certain bills to be reinstated in the next session. These and other instances of reinstatement—including several proposed in this Third Session—have been dealt with by unanimous consent.

In the situation before us, the Chair appears to be facing an "unprovided case" as I understand the terms of Standing Order 1. In considering this case, I am mindful of the words of one of my predecessors in his ruling of March 23, 1966:

It is only in exceptional circumstances and when there is little doubt about it that the Speaker can intervene and of his own initiative, amend the resolution proposed by an hon. member.

I have carefully reflected on the learned ruling of Speaker Macnaughton on June 15, 1964, which I com-

mend to the attention of hon. members. I have had, reluctantly, to conclude that this is indeed one of those exceptional instances to which Speaker Lamoureux referred.

The Chair can find no precedent for the reinstatement of bills by way of motion, following notice. Hon. members may wish to refer to a ruling on June 13, 1988, which offers certain useful parallels. However, despite the unprecedented nature of this situation, the Chair has found nothing in the rules of the House or in our practice which precludes such an approach and accordingly will allow the motion to proceed.

However, if this approach to the reinstatement of business is acceptable, the form of the motion poses some difficulties. Some hon. members contend that the motion must be divided so that a separate debate and a separate vote can be held on each item of business addressed. The Chair views the subject of the motion as the reinstatement of business, not the individual items of business to be reinstated, and therefore concludes that a single debate will give members adequate opportunity to express themselves on the motion.

Nevertheless, the effect of the motion is to reinstate several distinct pieces of legislation and members must be afforded an adequate opportunity for assent or dissent on each of those items. Accordingly, separate questions will be put on each of the bills to be reinstated.

The reference to Bill C-73 also causes some concern since it was reinstated by unanimous consent on May 23, 1991, and has now been disposed of by the House.

*[Translation]*

Citation 424(1) of Beauchesne's Fifth Edition notes that the Speaker:

"has the unquestionable authority to modify motions with respect to form".

Accordingly, no question will be put on this item.

*[English]*

In summary, government motion No. 1 will be dealt with in the following manner: there will be a single debate and five separate questions will be put, namely, on the reinstatement of Bill C-26, Bill C-58, Bill C-78, Bill C-82, and Bill C-85. No question will be put on Bill