



ROYAL ASSENT

DEFINITION AND PURPOSE

Royal Assent is the approval by the Sovereign of a bill that has passed both houses of Parliament in identical form. It is the process by which a bill becomes an act of Parliament and part of the law of Canada. In Canada, Royal Assent is given by the Governor General or one of the Governor General's deputies (a Justice of the Supreme Court of Canada or a senior official such as the Secretary to the Governor General).

The legislative process requires the participation and approval of the three components of Parliament: the Sovereign, the Senate and the House of Commons. Royal Assent and the accompanying ceremony, where all three institutions are involved, are the visible manifestation of the Sovereign sanctioning the work of Parliament.

While an act may come into force on the day on which Royal Assent is given, it should be noted that some bills contain provisions that the act (or part of the act) will come into force on a specific day or on a day to be fixed by a formal announcement, known as a proclamation. The determination of when such an act will be proclaimed is made by the government on the recommendation of the minister responsible for the act.

This procedural note describes the two forms of Royal Assent: the traditional ceremony, which takes place in the Senate, and the procedure by written declaration.

BACKGROUND

The Royal Assent ceremony in Canada is based on the British tradition used prior to Confederation.

Until 2002, Royal Assent could only be given by means of a traditional ceremony in the Senate Chamber. Since June of that year, a written declaration procedure may also be used to signify Royal Assent as provided for in the *Royal*

Assent Act.¹ While allowing for the signification of Royal Assent by written declaration, the act requires that a traditional ceremony be held at least twice each calendar year and in the case of the first appropriation bill of each session of Parliament.

PROCEDURE FOR TRADITIONAL CEREMONY

Once a bill has been passed in the same form by both the Senate and House of Commons, the government chooses the date and time on which Royal Assent is to be given. Whether the government will arrange for Royal Assent to be given immediately after a bill has been passed by both houses or wait until other bills have also been passed for reasons of efficiency is dependent on the time-sensitivity of the legislation.

On the day that a Royal Assent ceremony is to take place, the Speaker announces, usually at the beginning of the sitting of the Senate, that a communication has been received from the Secretary to the Governor General. This letter states that the Governor General or a Justice of the Supreme Court (naming which Justice specifically), acting as deputy of the Governor General, will proceed to the Senate Chamber at a given time for the purpose of giving Royal Assent to certain bills. Once the Senate has been notified that Royal Assent will occur, it cannot adjourn beforehand, even if all other business before the Senate has been completed.²

The sitting of the Senate is suspended a few minutes before the Governor General's arrival. The Speaker leaves the chair and the mace is taken off the table and held by the mace bearer near the chair until the ceremony is over.

After the Governor General's procession has made its way into the Senate Chamber and the Governor General has taken the Speaker's chair, the Speaker commands the Usher of the Black Rod to proceed to the House of Commons and inform the members that "it is the desire of His/Her Excellency the Governor General that they attend Him/Her immediately in the Senate Chamber."

The Usher of the Black Rod then proceeds to the House of Commons, and, after being admitted to the Chamber by the Sergeant-at-Arms, delivers the message. The Usher of the Black Rod then returns in procession with the Sergeant-at-Arms carrying the mace, the Speaker of the House of Commons, the clerks at the table and members of the House of Commons. Upon arriving at the Senate, all members of the procession, except the Usher of the Black Rod, stop at the bar of the Senate.

All bills, except appropriation bills, are then presented to the Governor General for assent. The request, followed by the titles of the bills to be assented to, is made by a reading clerk in both official languages. The Governor General

then signifies assent by a nod of the head, and assent is announced by the Clerk of the Parliaments³. If there are any supply bills⁴ to receive assent, the Speaker of the House of Commons then addresses the Governor General and reads the titles of these bills. The Governor General again signifies assent, which is announced by the Clerk of the Parliaments. After the Governor General has signified assent to the bills, the Speaker and members of the House of Commons withdraw from the Senate Chamber. The Governor General then leaves. The Speaker of the Senate returns to the chair, the mace is returned to the table and the sitting of the Senate resumes. If the business of the Senate has been completed for the day, the Senate adjourns.

PROCEDURE FOR WRITTEN DECLARATION

As with a traditional Royal Assent ceremony, it is the government that decides when Royal Assent by written declaration will take place. If the Governor General is available, the written declaration will typically occur at Rideau Hall. The procedure can, however, take place at an alternate location

The participants normally present for Royal Assent by written declaration are the Governor General or a deputy, the Clerk of the Parliaments, the Senate's Principal Clerk of Chamber Operations and Procedure, and a representative of the Privy Council Office. In addition, if a supply bill is to be given Royal Assent, a table officer from the House of Commons is present. The *Royal Assent Act* also allows for the attendance of interested parliamentarians.

During a written declaration of Royal Assent, the Clerk of the Parliaments, with the parchments of the bills in hand, announces the titles of the bills awaiting assent. If there are any supply bills to receive Royal Assent, it is the table officer from the House of Commons who presents these bills to the Governor General. After the bills have been presented, the Governor General signs a declaration of Royal Assent, which is witnessed by the Clerk of the Parliaments as to the date, time and place.

After the written declaration procedure is complete, the Secretary to the Governor General provides a letter to the Speakers of the Senate and House of Commons formally advising them that Royal Assent has been signified to the bills listed in the schedule to the letter. These letters are then delivered to the two Speakers. The Speakers read the letter in their respective chamber to notify their members that Royal Assent has been granted to certain bills. Royal Assent is only deemed to have been granted to a bill after both chambers have been notified. Pursuant to Standing Order 28(5) of the House of Commons, notice of Royal Assent by written declaration may be given when the House of Commons is adjourned by publishing a special issue in the *Journals* of the House of Commons, but the Senate must be sitting in order for the letter to be read by its Speaker.

FOR ADDITIONAL INFORMATION ON ROYAL ASSENT

[Senate Procedure in Practice](#) (Chapter 7)

FOR ADDITIONAL INFORMATION ON OTHER POINTS COVERED IN THIS NOTE

[Senate Procedural Note No. 5, Legislative Process](#)

[Senate Procedural Note No. 9, The Speaker of the Senate](#)

[Senate Procedural Note No. 15, Supply Process](#)

References

¹ *Royal Assent Act*, S.C. 2002, c.15

² Rule 16-1(4)

³ The Clerk of the Parliaments is also the Clerk of the Senate.

⁴ Appendix I of the *Rules of the Senate* defines a supply bill as “[a] specific type of public bill that relates to funds for government operations. Such bills include appropriation bills, which authorize government expenditures and reflect spending requirements set out in the Estimates. Bills of this nature can only originate in the House of Commons and require a Royal Recommendation”.