

BOOK REVIEW

BEAUCHESNE'S PARLIAMENTARY RULES & FORMS Fifth Edition, 1978

Prepared by
Gordon Barnhart, M.A.,
Clerk of the
Legislative Assembly of Saskatchewan

In mid-1978, a new edition of the most popular and commonly used Canadian procedural reference, Beauchesne's Parliamentary Rules and Forms, was published. The fifth edition was edited by Alistair Fraser, then Clerk of the Canadian House of Commons; G. A. Birch, a Committee Clerk of the Canadian House of Commons; and W. F. Dawson, Professor of Political Science at the University of Western Ontario. This marked the first edition of Beauchesne to be published which had not been updated and edited by Arthur Beauchesne, the Clerk of the Canadian House of Commons from 1925 to 1949.

In order to be able to look at the newest edition of Beauchesne in context, one must look at the earlier four editions. The first edition, published in 1922, was intended to be a brief description of the rules of the Canadian House of Commons together with references to other procedural authorities and annotations based on Beauchesne's own experience. His book was to be a "modest book for Canadian Commoners" -- a manual to be used by Members as a quick reference whenever a

question of procedure arose in the course of debate.

Five years later, in 1927, Beauchesne published a second edition as a result of a revision of the Standing Orders of the House followed by a third edition in 1943. Each edition grew larger until the third edition included over four hundred pages of Speakers' decisions.

The introduction to each edition was an opportunity for Beauchesne to comment on the procedures and practices of the House at that time and to offer recommendations for procedural reform. In 1922, Beauchesne was already writing about the concept of parliament sending some of the estimates to a Standing Committee as a time-saving measure and a way to interview the Deputy Ministers about the operation of their departments.

In the introduction to the 1943 edition, Beauchesne discussed the grave disadvantages of the appeal to the Speaker's ruling and began exploring ways to avoid such an appeal. He also advised looking

at alternate procedures other than closure for limiting the length of debates. As early as 1943, Beauchesne proposed an allocation of time to specific debates.

Beauchesne addressed himself to the problem of ever lengthening Sessions of the House of Commons but was skeptical of suggestions that strictly procedural reform could solve this problem.

It is often observed that the duration of the Session could be shortened, but this cannot be done by the adoption of special rules of debate. It depends entirely on the application of these rules and the Members' determination not to waste time in the consideration of measures submitted to the House. (Beauchesne's Parliamentary Rules & Forms, 3rd edition, p. VII).

Beauchesne often urged revisions to the Standing Orders but counselled the House to not make hasty decisions about rule changes. Beauchesne argued that the Standing Orders of Parliament have to find time to both dispose of the business proposed to the House by the Government and to "reconcile the Government's demands with the rights of the minority." (Beauchesne's Parliamentary Rules & Forms, 4th edition, p. VIII).

It has now been twenty years since the publication of the last edition of Beauchesne, and thus the arrival of the recent fifth edition is welcome. This new edition includes the revisions to the Standing Orders since 1968 and describes the Canadian House of Commons procedures in a current and modern context. It is interesting to note that the revisions to the rules include three points that Beauchesne had earlier urged: the avoidance of the appeal from the Speaker's rulings, the sending of estimates to Standing Committees and the allocation of time to specific debates.

The first feature of the new edition that catches one's eye is the new format and reorganization. While the first four editions of Beauchesne covered topics in the numerical order of the Standing Orders, the fifth edition is organized according to topic. When researching a particular procedural problem, the relevant paragraphs are neatly tied together. This format and reorganization has also led to a new index, all of which combine to make the fifth edition much easier to work with and more attractive to read.

The fifth edition has the updated references to the current British parliamentary manual, Sir Erskine May's Parliamentary Practice, 19th edition, as well as more current rulings of Canadian Speakers. Because of the new edition of Beauchesne, one can now study the Canadian House of Commons as it is at present in relationship to the current procedures and practices of the British House of Commons.

The new Beauchesne recognizes organized political parties within the House, covers the new rules and practices of the oral Question Period and describes the modern approach to Parliamentary Privilege. A key section of the book is the description of the present Standing Committee structure and the current procedures that are used for the review of the estimates. The section on the Board of Internal Economy and on the Members' Services Committee is a new addition and is a good description of the management by Members of the administration of Parliament itself. The update on unparliamentary expressions and the paragraphs on the revisions to the orders for the allocation of time for specific debates are all part of the thorough description of the revised Canadian parliamentary procedures.

Many of the amendments to the Standing Orders of the House of Commons outlined in the new Beauchesne have resulted from Parliament having to find new ways to streamline its procedures and diversify

its review and scrutiny in order to complete all the necessary work within the year. A comparison of the fourth and fifth editions shows something of the direction that procedural reform has taken in the House of Commons in response to the pressures of time. Included here are the far-reaching changes that have been made in such fundamental elements as financial procedure, the legislative process, and the structure of the committee system.

The applicability of the book to procedures in provincial legislatures varies a great deal from Assembly to Assembly particularly when provincial legislatures, like most parliaments today, are continually reviewing and revising their procedures to meet their own needs. For many years, the Canadian provincial legislatures followed rules and practices that were patterned on the Canadian House of Commons. There now appears to be a widening gap between the procedures of the Canadian House of Commons and some of the Canadian provincial Legislatures. In 1922, Beauchesne wrote that "whilst governed by the Mother of Parliaments in its broad lines, the procedure of the Canadian House has evolved since 1867 until it is now working on principles of its own which are better adapted to our local conditions." (Beauchesne's Parliamentary Rules & Forms, 1st edition). This observation could now be applied to what is happening in many of the Canadian provinces.

Beauchesne's explanation of the Standing Orders is useful to the House of Commons on a day-to-day basis and to the provincial proceduralists for information on current practices in the House of Commons as an example of how particular needs were met by that Parliament. Parliamentary principles and practices are highlighted in the new edition which is valuable to all Canadian parliaments.

This new edition is a fresh approach to the revised Standing Orders and is a reflection of the Canadian parliament in its current context. The fifth edition

though should not become the final word on Canadian parliamentary procedure for the next twenty years. I hope that already, any new trends in parliamentary practice, any new rulings of the Chair that establish a new direction for Parliament and any revisions to the Standing Orders are being noted on a continuing basis so that a new edition of Beauchesne can be published from time to time. The publication of the fifth edition raises the suggestion that a "provincial Beauchesne" should be initiated in the near future.

Even though Parliament is an institution based on tradition and precedent, it must continue to revise its rules to meet the new and increasing demands that are placed on it. The Canadian procedural manual must also continue to be updated in such a way that Members and proceduralists alike can work in and with Parliament in its modern context.
