



LEGISLATIVE PROCESS

Royal Assent

The final act that transforms an adopted bill into an Act of Canada.

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Educational Services

Members of the House of Commons and senators debate, amend and vote. Yet their agreement on identical text is not, by itself, an Act. The Constitution places completion of the legislative act with the Crown: the governor general, or a deputy, grants Royal Assent in the Sovereign's name.

This is neither the partisan signature of a president nor another round of political argument. Under responsible government, it marks in law that Parliament's three components have concurred, while keeping the enduring state distinct from the government that introduced the measure.



The central hall of the Senate of Canada Building, Ottawa's former railway station. The vertical composition preserves the architecture in full. Photo: Senate of Canada.

01 · Three components

The Crown, Senate and House together constitute Parliament.

02 · Two forms

A parliamentary ceremony or a written declaration.

03 · Two moments

Assent and commencement do not always coincide.

04 · One distinction

Canadian assent is not a presidential veto.

Royal Assent matters less as a personal power to obstruct than as a constitutional form: legislation is completed through a non-partisan office, separate from both the Cabinet that governs and the Parliament that deliberates.

AFTER THE VOTES

Both Houses must agree to identical text.

IN THE STATE'S NAME

The Crown completes the act without reopening debate.

BEFORE OPERATION

The commencement date must still be checked.

SECTION 17 IN ONE SENTENCE

Parliament consists of the Crown, Senate and House of Commons. Assent is therefore not imposed from outside; it is the final act of one component of Parliament itself.



Parliament is more than two Houses

“There shall be One Parliament for Canada, consisting of the Queen, an Upper House styled the Senate, and the House of Commons.”

Constitution Act, 1867, s. 17. Since 2022, the reference to the Queen continues through the Crown now borne by the King.

In ordinary speech, “Parliament” often means MPs and senators. Constitutional law is more exact: the Crown is its third component. A bill therefore becomes law not merely when two chambers cast matching votes, but when the Crown’s act completes their agreement.

ONE LEGISLATIVE ACT · THREE COMPONENTS

HOUSE OF COMMONS

Debates, amends and adopts; the government must retain its confidence.

SENATE

Reviews and must approve exactly the same text.

CROWN

Grants assent in the state’s name and completes the Act in law.

THE TEXT MUST BE IDENTICAL

Each House may amend a bill, but no competing version can receive assent. If the Senate amends a Commons bill, it returns to the Commons; messages continue until both Houses accept the same words. Parliamentary clerks then authenticate the final text. This quieter requirement protects a basic premise of legality: citizens must be able to identify the precise proposition to which the legislature agreed.

ASSENT IS NOT MINISTERIAL PROMULGATION

The prime minister and Cabinet may sponsor a government bill and, while they retain confidence, largely manage House business. They do not sign an Act as owners of legislative power. The governor general performs head-of-state functions in Canada and grants assent on constitutional advice. That separation confirms that Cabinet directs public policy but is not identical with the permanent state.

CONTINUITY MADE PRACTICAL

Assent fixes a legally knowable moment in a chain whose office-holders change: ministers, MPs, senators and governors general can be replaced without recreating public authority. The Crown supplies continuity. It does not take the contents of the decision away from Parliament; it gives that decision the form of law.

A DEPUTY MAY GRANT ASSENT

Royal Assent may be given by the governor general or a deputy. Practice can draw on a justice of the Supreme Court who has been authorized by commission. The office-holder may therefore vary while the constitutional capacity remains constant. The act belongs to the institution, not to the personal political judgment of whoever performs the formality.

WHAT ASSENT DOES NOT CERTIFY

Assent does not declare that an Act is wise, effective or constitutional in every provision. An assented Act remains open to interpretation and judicial review; it may be held invalid if inconsistent with the Constitution. Assent certifies regular completion of the legislative process. It replaces neither ministerial responsibility, parliamentary scrutiny nor courts.

WHY THE DISTINCTION MATTERS

In parliamentary democracy, the Cabinet that proposes a measure often leads a Commons majority. The Crown’s formal presence prevents the last stage from appearing as a governing party’s self-certification. The benefit is restrained but real: the enduring authority of law is attached to the state, while political credit and blame remain with elected ministers.

DO NOT CONFUSE THEM. A royal recommendation authorizes consideration of a measure appropriating public money; royal consent exceptionally concerns a bill affecting Crown prerogatives or interests; Royal Assent follows adoption and turns the bill into an Act.



II · A TRADITION ADAPTED IN 2002

Two forms, the same assent

For most of Canadian history, assent brought Parliament's three components together symbolically in the Senate Chamber. Since the Royal Assent Act of 2002, it may also be signified by written declaration. Parliament chose efficiency without abolishing the ceremony.

BEFORE PARLIAMENT ASSEMBLED

1. The Crown's representative enters the Senate Chamber.
2. The Usher of the Black Rod summons the Commons, whose members stop at the bar.
3. Each bill title is read in both official languages.
4. The representative nods; the Clerk announces assent.
5. Supply bills receive a distinct formula thanking the House of Commons.

BY WRITTEN DECLARATION

1. The Clerk of the Senate presents authenticated parchments and a letter confirming passage.
2. The governor general or a deputy signs a declaration before a witness.
3. The declaration records the date, time and place.
4. Letters go to the Speakers of the Senate and Commons.
5. Assent is deemed given when both Houses have been notified.

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The parliamentary form must occur at least twice in every calendar year. It is also mandatory for the first appropriation bill of a session based on the Main or Supplementary Estimates.

WHY THE SENATE CHAMBER?

The Senate is the chamber in which the Crown traditionally appears for parliamentary acts. Members of the Commons are summoned rather than receiving the representative in their own chamber. The physical separation preserves an old principle: no agent of the Crown enters the House of Commons without invitation. The Usher knocks three times before conveying the summons, a reminder of the elected House's freedom of deliberation.

CANADA'S BLACK ROD

The staff carried by the Usher is not an interchangeable theatrical prop. Restored in 2016, the Canadian Black Rod incorporates materials and symbols of the country; the Senate records that Queen Elizabeth II presented it in anticipation of the 150th anniversary of Confederation. At assent its role is procedural: carry the message and lead MPs to the Senate bar.

A SURPRISINGLY SHORT CEREMONY

Parliamentary authorities say an assent before Parliament assembled normally takes twenty minutes or less. Brevity does not erase meaning. Bilingual titles, parchments and formulas distinguish authentication of the text, the act of assent

and its public announcement. Each detail makes the concurrence of the three components observable.

WHY CREATE A WRITTEN ROUTE?

A written declaration avoids interrupting business and makes assent to urgent or numerous bills easier. It does not turn the act into a private signature: an official witness attends, the text is authenticated and both Houses must be informed. The 2002 Act changed the setting without abolishing institutional publicity.

A SAFEGUARD AGAINST ERASING CEREMONY

By still requiring parliamentary ceremonies, the Act says administrative convenience is not enough. Assent also teaches: the Commons alone is not the whole Parliament, and an Act is not simply an order of Cabinet. Supply retains special protection because legislative consent to taxation and expenditure lies at the heart of responsible government.

A VALIDITY NUANCE

Section 7 provides that non-compliance with the ceremony requirement does not, for that reason alone, invalidate assent. Parliament thus distinguished an important procedural duty from a defect capable by itself of destabilizing the statute book. Legal continuity is protected without depriving the obligation of institutional significance.

A MATERIALLY PRECISE FORMALITY. The parchments are not decorative copies: they carry the authenticated text. Assent therefore attaches to settled words, not to a measure's approximate title or a political announcement.



III · THE TIME OF LAW

Assented does not always mean operative today

Three moments are often collapsed: passage of identical text by both Houses, assent that makes it an Act, and commencement that makes its rules operative. Keeping them separate prevents a government announcement or final vote from being mistaken for an immediate change in law.

1 · Passage Both Houses approve identical text.	2 · Authentication Clerks verify and present the parchments.	3 · Assent The bill becomes an Act of Parliament.	4 · Commencement The Act operates immediately or on the specified date.
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Wording of the Act	Effect	Why use it?
No special date	The Act commences on assent under the Interpretation Act.	The scheme is ready and no transition is required.
Fixed date	All or part takes effect on the day written in the Act.	Give administrations and affected persons predictable lead time.
Order in council	The Governor in Council later fixes a date, sometimes provision by provision.	Await regulations, systems, agreements or operational preparation.

WHICH INSTANT CONTROLS?

At a ceremony, assent is signified before parliamentarians. For a written declaration, the 2002 Act adopts a more elaborate rule: assent is deemed given on the day both Houses have been notified. The signature is essential but does not alone fix the legal moment. Notification completes the parliamentary publicity of the act.

THE DATE IS ENDORSED ON THE ACT

The Interpretation Act directs the Clerk of the Parliaments to endorse the date of assent on every Act. This documentary detail lets courts, administrators and the public determine with certainty when a bill acquired statutory status. The information follows the law long after the ceremony has ended.

COMMENCEMENT CAN BE FRAGMENTED

A single Act may contain several temporal regimes: some provisions begin on assent, some on a fixed date and others by order. Justice Canada tracks provisions not yet in force precisely because “assented to” does not always mean “fully in force.” A complex reform can be law while awaiting the infrastructure required to operate it.

AN ORDER IS NOT A SECOND ASSENT

When commencement depends on the Governor in Council, Cabinet formally advises the governor general. It neither reopens the parliamentary vote nor recreates the Act. It activates the provision under a power Parliament expressly placed in the assented text. The legitimacy of the delay therefore comes from the law itself.

THE HAZARD OF POLITICAL ANNOUNCEMENTS

A release may say “Parliament passed” a measure while assent or the operative date remains ahead. The shorthand is understandable in political communication but legally incomplete. To learn whether a rule binds today, consult the official Act, its assent date, its commencement clause and, when required, the relevant orders.

CONTINUITY THROUGH PRECISION

The Crown adds no policy preference at this stage; it supplies the terminal point of a traceable process. Because an Act outlives its authors, its beginning cannot depend on partisan memory or a press conference. It rests on formal, preserved and published acts of the state.

A USEFUL READING HABIT. Start with the last provision of the Act: it often states commencement. Then check the annual statutes and, if an order is required, the Canada Gazette.



IV · WRITTEN POWER, LIVING CONVENTION

Why assent is not a presidential veto

CONSTITUTION ACT, 1867 · SECTION 55

The governor general “shall declare [...] that he assents thereto in the Queen’s Name, or that he withholds the Queen’s Assent, or that he reserves the Bill for the Signification of the Queen’s Pleasure.”

The 1867 text retains three outcomes. A constitution, however, is not exhausted by its clauses: conventions of responsible government determine who advises the use of legal power and who answers politically for the result. In modern practice, assent to duly passed bills is granted on advice; it does not furnish the governor general with a competing policy platform.

CANADA · ROYAL ASSENT

The head of state is distinct from the head of government. The governor general occupies a non-partisan office and, by convention, acts on ministerial advice. Assent completes the Act without giving the office-holder a separate electoral mandate to reverse the legislature’s choice.

WITHHOLDING REMAINS IN THE TEXT

It would be inaccurate to erase the words “withholds” and “reserves.” They remain part of the written architecture. It would be equally misleading to present them as ordinary political discretion. Senate procedure states the modern convention without ambiguity: assent cannot be withheld from a bill duly passed by both Houses. The development of responsible government has tightened practice around advice and respect for the parliamentary process.

A CONVENTION IS NOT A MOOD

Constitutional conventions are generally not rules that courts enforce like statutory sections. They are nevertheless structural political norms: they connect formal legal authority to democratic accountability. If a governor general substituted a personal preference for Parliament’s vote in an ordinary case, ministers could not answer for a decision they had not advised, producing a crisis of legitimacy.

THE EXCEPTIONAL CASE IS NOT A SECOND PLATFORM

Writers debate extreme circumstances involving advice that is manifestly unconstitutional or incapable of support by any responsible ministry. Such hypotheses require care. They do not turn assent into everyday quality control. Ordinary review of an Act belongs to debate, elections and courts, not to personal assessment at the apex of the state.

UNITED STATES · PRESENTMENT

The president is both head of state and political chief executive. Article I, section 7 permits signature or return with objections. Congress can override only by two-thirds in each House; non-signature may also produce a pocket veto when adjournment prevents return.

THE AMERICAN PRESIDENT IS MEANT TO CONTEST

The American veto is a political instrument of separated powers. A president may oppose Congress and state objections; legislators must then assemble two-thirds in each chamber. That design can force compromise, but it can also prolong conflict between independent electoral mandates. It belongs to presidential government, not to Canada’s confidence system.

CANADA LOCATES CONFLICT EARLIER

In Canada, political contest over a bill occurs before assent: in Cabinet, caucuses, the Commons, the Senate and public debate. A government that loses confidence must resign or seek an election. Assent does not become another arena in which an elected head of state restarts the contest. This discipline reduces the risk that the state itself becomes absorbed into partisan confrontation.

A BENEFIT NOT TO EXAGGERATE

The Crown guarantees neither good legislation nor freedom from majority abuse. Its benefit is institutional: it separates the Act’s final validity from the prime minister’s personality and does not create a second elected executive able to pit one mandate against Parliament’s. Substantive checks remain federalism, the Charter, bicameralism, ministerial responsibility and judicial review.

A CRITICAL READING. An ordinary Crown veto would move responsibility for elected choices to an unelected authority. The Canadian model leaves political conflict to removable ministers and legal limits to courts.



V · A NATIONAL AND FEDERAL INSTITUTION

What the Crown adds to parliamentary government



The Senate Chamber makes Parliament's three components visible. No person appears in this crop, preserving the architecture in full. Photo: Senate of Canada.

Royal Assent appears modest because it normally works without drama. It does not claim to correct elected representatives through a superior will. It stabilizes the passage from contestable political choice to durable public rule under an authority that does not campaign against the government.

THE SAME LOGIC IN THE PROVINCES

Section 90 of the Constitution Act, 1867 adapts assent rules to provincial legislatures, substituting the lieutenant governor for the governor general. Each province therefore has a Crown representative who grants assent on the provincial government's advice. Monarchy does not merely crown Ottawa: it is built into federalism and acts in distinct constitutional capacities.

A NON-PARTISAN AUTHORITY

The governor general and lieutenant governors have no legislative platform to advance. The absence of a partisan mandate is not a deficiency in their role; it is a condition of it. They can complete acts of state, open a legislature or secure a transition without simultaneously campaigning to win the next election.

RESPONSIBILITY STAYS WHERE IT BELONGS

A government cannot assign the Crown political credit for an Act or transfer blame to it. Ministers advised, defended and implemented the measure; they answer to the House and electorate. Assent thus distinguishes the politically responsible author from the legal bearer of public authority.

HERITAGE THAT EXPLAINS LAW

Parchment, Black Rod and bilingual formulas are not merely stage dressing. They tell of a constitution drawn from British history and transformed by federalism, bilingualism, Canadian autonomy and responsible government. Preserving them while allowing written assent shows how heritage can evolve without losing its explanatory function.

THE ACT DOES NOT WEAR A LEADER'S FACE

In presidential government, signing or vetoing can become a personal scene centred on the president. In Canada, the Crown's representative is not the partisan author of the programme. An Act may carry the state's authority without becoming a political personality's legal trophy. That contrast does not excuse the Act from scrutiny; it clarifies who owns the policy and why a head of state is present.

A MEASURED CONCLUSION

Royal Assent is beneficial not because it supplies a secret veto or an absolute guarantee, but because it closes the constitutional chain cleanly. Two Houses deliberate; a responsible government owns its choices; a non-partisan office assents; courts retain their function. Constitutional monarchy thereby joins continuity, accountability and institutional restraint.

CONTINUITY

The Act draws authority from the state, not a passing party.

ACCOUNTABILITY

Ministers remain answerable for content and implementation.

FEDERALISM

The Crown assents in federal and provincial orders.

Remember. Royal Assent adds no partisan vote. It gives legislation a precise, public and continuous constitutional ending - one of the quietest ways in which the Crown still serves Canadian democracy.