

## THE POWER TO AMEND LEGISLATION

In our study of Senates around the world in 2014, we noted that the legislative power of the Senate institution has three components: the legislative initiative, the power to amend legislation and the right to veto bills. This text deals with the power to amend legislation, namely, the Senate's ability to formally amend bills from the lower chamber. This power falls into the following four categories:

- **full power to amend legislation,**
- **partial power to amend legislation,**
- **no power to amend legislation, but ability to submit proposals, and**
- **no power to amend legislation.**

There are 40 Senates that have the **full power to amend legislation**. This means that the upper chamber can suggest any type of amendment to any type of bill. In the United States of America, the Senate can amend money bills. The United Kingdom and Switzerland also have the full power to amend.

There are 23 Senates that have **partial power to amend legislation**. This means that they cannot amend money bills as they see fit. In fact, the power to amend is reduced for the budget, public finances or taxation. For example, here in Canada, amendments with financial implications can only be made if they reduce taxes or public expenditures.<sup>1</sup> This falls under the Crown's royal prerogative. Only the Crown, and thus the government, can levy taxes.<sup>2</sup> This is also the case in Ireland where amendments that would increase taxation of individuals, corporations or crown corporations can only be proposed by a minister. As a last example, the Senate in India has partial power to amend money bills and can only make recommendations addressed to the lower chamber.

There are five Senates we identified that have **no power to amend, but can submit proposals**. These include the upper chambers of Cambodia, Mali, Namibia, Oman and Russia. In Russia, for example, after approval of texts at first reading, the upper chamber can submit proposed amendments to the other chamber. Therefore, the other chamber is responsible for amending the bills as a result of the proposals made by the Senate.

A number of the Senates we looked at, such as Austria and Germany, have **no power to amend**. This may seem surprising, but it is important to remember that these two upper chambers have the full power of legislative initiative as well as a very strong right of suspensive veto. In fact, in both cases, if the government does not take into consideration the opinion of the upper chamber, its bills may never pass. The Austrian and German Senates are an integral and important part of the federal system of these two European states.

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<sup>1</sup> *Constitution Act, 1867*, ss. 53 and 54.

<sup>2</sup> *Companion to the Rules of the Senate*, p.224.