

PRIME MINISTER



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BRITISH NORTH AMERICA ACTS 1867-1964

The Queen's Speeches and Future Legislation Committee were told at their meeting today by the Minister of State, Foreign and Commonwealth Office (Nicholas Ridley) that discussion with the Canadian Government on the patriation of these Acts had reached a point where it seemed likely that the United Kingdom Government would agree to introduce the necessary legislation in the next session. FCO therefore suggested that a reference should be made in the Opening Speech. We understood that, as well as provisions to terminate the United Kingdom Parliament's powers of amendment and the conferring of such powers on the Canadian legislature, the proposed legislation was likely also to include an extended schedule of human rights.

The Committee were not, of course, in a position, nor was it appropriate for us, to consider the details of the Canadian Government's request, nor their political and Parliamentary implications. But I should report that all members of the Committee expressed very considerable doubt as to whether it would be practicable to legislate next session in the way we understood the Canadian Government to be suggesting. When Cabinet considered next session's legislative programme on the basis of my papers C(80) 26 and 27 they were aware only of the contingent possibility of legislation for the patriation of the Canadian constitution. Any bill which went further than this and dealt with the subject of human rights would be bound to be complex and highly controversial. Even if such legislation could be got ready in time with the agreement of all the departments concerned, it would take up a good deal of time in both Houses which is now earmarked for the Bills to which we are already committed.

*1 don't understand the time point. We can't amend by his request. Put forward it. That would be the worst thing that could happen.*

*Imagine that the Trudeau might be very unhappy if it proved impossible to legislate in the next session.*

*And*

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In the light of this the Committee decided not to include a reference to the possible need for this legislation in the draft Opening Speech which I shall shortly be putting to Cabinet. We hoped it would be possible to avoid any firm commitment about the timing of such legislation until all those who will be affected had had an opportunity to consider the implications of what is proposed.

I am copying this minute to the Foreign and Commonwealth Secretary, the members of the Queen's Speeches and Future Legislation Committee, and to Sir Robert Armstrong.

A handwritten signature in blue ink, consisting of the initials "W. H. W." followed by a long, sweeping horizontal line that extends to the right.

2 October 1980

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