



PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

Chancellor of the Duchy of Lancaster

28 October 1980

(2)

Prime Minister
The Chancellor of the Duchy has reinforced the
message which you gave to Mrs. Railton & Robert's.
The Canadians can hardly plead ignorance.

Dear Michael,

PATRIATION OF THE CANADIAN CONSTITUTION

Following my letter of 9 October and subsequent discussions with yourself, Nick Sanders and the Foreign and Commonwealth Office, we arranged (as I told you on the telephone) for the Chancellor to speak to Mr Yvon Pinard who is President of the Canadian Privy Council and Leader of the Lower House in the Canadian Federal Parliament. I attach a Note of the discussion which you may like to have in advance of the Prime Minister's meeting on 3 November.

I am sending copies of this letter to the Private Secretaries to the members of QL, to Miles Wickstead (Lord Privy Seal's office), to Bill Beckett (Law Officers' Department) to David Wright (Cabinet Office) and to Murdo Maclean and Michael Pownall.

Yours ever,

Robin

R A BIRCH
Private Secretary

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Private Secretary
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NOTE OF A TELEPHONE CONVERSATION BETWEEN THE CHANCELLOR OF THE
DUCHY AND MR YVON PINARD, LEADER OF THE CANADIAN LOWER HOUSE

The Chancellor telephoned Mr Yvon Pinard on 27 October 1980 to talk about the issue of the patriation of the Canadian constitution. The Chancellor said that he was grateful for the opportunity to talk to Mr Pinard, and that the Government were anxious to help if they can; there were, however, great difficulties arising from the pattern of the Parliamentary programme. The new session would not start until after 20 November because of the weight of the last session's legislative programme, and it would be impossible to get the Canadian Bill through in the next unless it was received at the end of December, or at the latest, the start of January. The Bill being a constitutional one would have to be taken on the Floor of the House.

Mr Pinard said that his government's main deadline was to have approval of the Bill in our Parliament by 1 July 1981. He had been under the impression that with a lighter legislative programme in the new session we should be able to meet this timetable, but the Chancellor explained that while the programme would be shorter than that of the last session it would still be of normal weight. Indeed, the new session would be shorter than usual because of the late start.

Mr Pinard said that the Canadian legislation would go into committee in the next week or so and would return to the floor of the Lower House on about 9 December; it would then also go into the Upper House. It was possible in theory to get the Bill finished by Christmas, but this depended on a smooth passage. He had, however, taken the main message that the Bill should be sent to London as soon as possible.

The Chancellor said that if the Bill did not reach us by the start of January it would not be possible (particularly if the Bill of Rights were included) to complete it within the forthcoming session, and it would have to be taken in the session beginning in the Autumn of 1981 (commencing in October or November). It could be concluded by, say, the Spring of 1982 in these circumstances, provided it was a simple Bill not including a Bill of Rights. If it ^{did} ~~was~~, it could be expected to run until the end of the 1981/82 legislative session (August 1982).

The Chancellor explained that the Parliamentary attitude to the Bill would not necessarily be within the control of the Government, especially if it were controversial in domestic Canadian terms since the Canadian provincial interests would lobby British MPs and a delay could be expected.

The Chancellor said that he was willing either to visit Canada himself or to receive visitors thence if this would be helpful. Mr Pinard thanked the Chancellor for this and it was agreed that they would keep in touch from time to time about progress.

R A BIRCH
27 October 1980

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