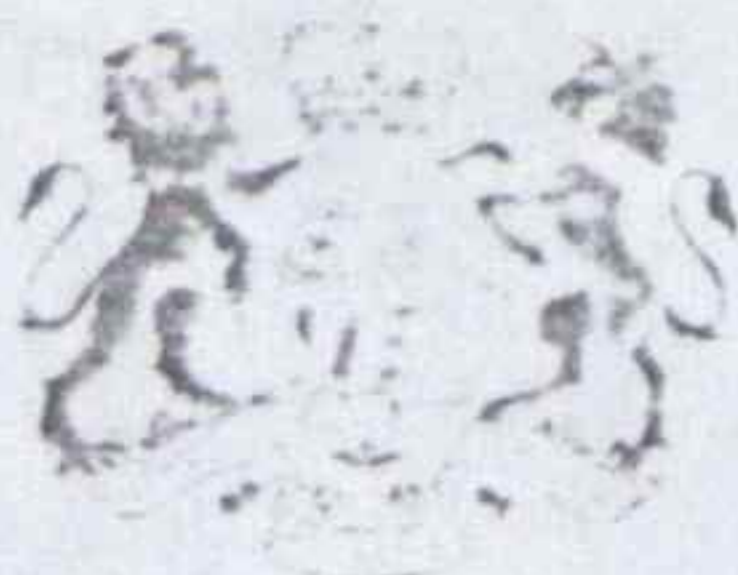


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PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2B1

Chancellor of the Duchy of Lancaster

16 March 1981

PA

N Sanders

MS

Murdo

Adam Wood

CANADA

I attach a note of the Chancellor of the Duchy's discussion with the Canadian High Commissioner last Friday. Mrs Wadds left two advance copies of the Canadian Government document referred to in paragraph 5 of the note and I attach one of these for your retention.

I think that the other two main points to emerge, which are relevant to the timing of our own reply to the FAC Report, are the firm forecast of end March/ early April for receipt of the Canadian request and the fact that Mr Trudeau is expected to speak in the debate on about 23 March.

I am copying this letter, with the note for the record, to Nick Sanders (No 10), Beckett (Attorney General's Office), Sir Henry Rowe, Wilfred Hyde (Cabinet Office), David Wright and Murdo Maclean.

Yours ever,

David

D C R HEYHOE
Private Secretary

Adam Wood, Esq
Private Secretary/Lord Privy Seal
Foreign and Commonwealth Office
LONDON

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NOTE OF MEETING BETWEEN THE CHANCELLOR OF THE DUCHY OF LANCASTER
AND THE CANADIAN HIGH COMMISSIONER - 11.30 am, FRIDAY 13 MARCH, 1981

1. As requested in her letter of 17 February, the Canadian High Commissioner called on the Chancellor of the Duchy on Friday, 13 March to discuss the position reached in the debate on the Canadian Constitution. Mrs Wadds was accompanied by Mr Reeves Haggan and Mr Dan Gagnier from the Canadian High Commission.
2. Mrs Wadds said that the Committee stage of the debate in Ottawa had continued for a week longer than expected and that the main debate had now been underway for about three and a half weeks. The best current estimate was that it would come to an end in the last week of March or the first week of April. It was hoped not to use a guillotine, but this was not yet certain. There were in her view straws in the wind to suggest that the heart had gone out of the opposition and that, all in all, the main push was over.
3. Mr Pym asked about reference to the Supreme Court following the decision of the Court of Appeal of Manitoba. Mr Haggan said that they had no news on this. The opinions of the Newfoundland and Quebec courts were expected in three or four weeks time and it may be that these were awaited before any reference was made (the period for which formally expired on 6 April, but could be extended).
4. Mr Pym said that there was nothing to add at this stage about problems of substance, of which both sides were aware. On justiciability, however, it would be seen as an important aspect here if the question was before the Canadian courts at the time of a request to Westminster; he fully recognised (and Mrs Wadds underlined) that the question was a political one for Canada, but nevertheless such a situation could lead to arguments in

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in the United Kingdom for delay. Finally, there were genuine timing difficulties arising from the established procedures and institutions of the United Kingdom Parliament and these would not be eased by receipt of a request in April. He hoped that this aspect was understood on the Canadian side. Mrs Wadds said that for its part the Canadian Government understood and was sympathetic, but the subject had undoubtedly acquired its own momentum in Canada and there was a general wish among Canadians for matters to continue now to a successful outcome in the traditional manner. She hoped that problems could be solved in the best way possible. There were plans for the Queen to visit Canada in the summer.

5. Mr Pym said that the Government would soon be replying in the normal way to the Report by the Foreign Affairs Committee. He confirmed, in reply to a question by Mrs Wadds, that the reply would be directed specifically to the matters raised in the FAC report. Mrs Wadds said that the Canadian Government itself proposed to table in the Canadian Parliament next week a background paper on the "Role of the United Kingdom in the Amendment of the Canadian Constitution."

6. In response to a question from Mr Haggan, Mr Pym explained that he could not at this stage give a precise estimate on timing. It was necessary first to receive the Canadian request, so that discussion of it could begin. Mr Haggan commented that, in Mr Trudeau's view, it would be best for all concerned if the matter was dealt with as soon as possible. Mr Pym agreed, but added that success should not be sacrificed for speed.

7. Mrs Wadds said that a cooperative effort was needed and it would be important to retain "a cooperative image". She expressed her willingness to help in any way possible. Mr Pym agreed that this was the right approach. It would be helpful if there were no comments from Canada on the United Kingdom Parliamentary debate while the matter was at Westminster. Mr Haggan noted that Mr Trudeau was likely to speak in the debate in the Canadian Parliament on about 23 March and would probably say something about Canadian expectations. He acknowledged Mr Pym's observation that Mr Trudeau's remarks on that occasion could influence matters here.

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8. In conclusion, Mrs Wadds said that she well understood all the points that had been made from a United Kingdom point of view. She hoped that she might call again on Mr Pym if this seemed helpful as matters developed. Mr Pym agreed.