



Re CB
Canada

10 DOWNING STREET

From the Private Secretary

8 February 1982

SECOND READING OF THE CANADA BILL

The Prime Minister saw your letter of 5 February over the weekend and has noted that the Lord Privy Seal believes that there is no need for her to send a message to the Prime Minister of Canada at this stage.

I am copying this letter to David Heyhoe (Lord President's Office), Murdo Maclean (Chief Whip's Office) and David Wright (Cabinet Office).

A.L. COLES

A. K. C. Wood, Esq.,
Lord Privy Seal's Office.

[Handwritten signature]

CONFIDENTIAL



Foreign and Commonwealth Office

London SW1A 2AH

5 February 1982

Prime Minister

To note

A.S.C. - 6/2

Dear John,

ms

SECOND READING OF THE CANADA BILL

In the light of the decision not to proceed to Second Reading next week you asked for advice on the desirability of a message from the Prime Minister to Mr Trudeau.

The Lord Privy Seal saw the Canadian High Commissioner this morning and explained in outline the problem which had arisen. I enclose a copy of our telegram to Ottawa recording the discussion from which you will see that the Canadians, although underlining their desire for rapid progress, took the delay very much in their stride. Mrs Wadds is returning to Ottawa this afternoon and will be able to explain the situation in person.

In the light of this, and given that the Prime Minister would not be in a position to add anything of substance to what we have already said to the Canadians, the Lord Privy Seal believes that there is no need for a Prime Ministerial message at this stage. We have, however, asked the High Commissioner in Ottawa to keep the idea of a message from Mrs Thatcher in mind and to advise us if he thinks one would be helpful.

I am copying the letter and its enclosure to David Heyhoe (Lord President's Office), Murdo MacLean (Chief Whips Office) and David Wright (Cabinet Office).

Yours,

Adam

A K C Wood
APS/Lord Privy Seal

A J Coles Esq
10 Downing Street
London SW1

CONFIDENTIAL

OUT TELEGRAM

Classification and Caveats
CONFIDENTIAL

Precedence/Deskby
IMMEDIATE DESKBY 051700 Z

ZCZC	1	ZCZC
GRS	2	GRS
CLASS	3	CONFIDENTIAL
CAVEATS	4	
DESKBY	5	DESKBY 051700 Z
FM FCO	6	FM FCO 051500Z FEB 82
PRE/ADD	7	TO IMMEDIATE OTTAWA
TEL NO	8	TELEGRAM NUMBER

9 ~~INFO~~

10 SECOND READING OF THE CANADA BILL

11 1. The Canadian High Commissioner, accompanied by Messrs

12 Haggan and Gagnier, called on the Lord Privy Seal at 9.30 this

13 morning. Mr Atkins opened the meeting by reassuring Mrs Wadds

14 that the Government was as determined as ever to get the Canada

15 Bill through Parliament as rapidly as possible. He was well

16 aware of Canadian concern for speedy progress. This was in

17 British interests just as much as ^{IN} theirs. But paradoxically

18 it was concern for the rapid passage of the Bill which had

19 caused the Government not to proceed to Second Reading next

20 week.

21 2. The Government had become aware in the past week or so

22 that a number of MPs were planning to use the Bill as an

23 opportunity to make political mischief with the Government's

24 legislative timetable. These members were not concerned with

25 the Canada Bill as such or, for example, with the status of the

NNNN ends telegram	BLANK	Catchword Indians.
File number	Dept NAD	Distribution Canadian Constitution Limited
Drafted by (Block capitals) N H MARSHALL		
Telephone number 233 4173		
Authorised for despatch <i>N H Marshall</i>		
Comcen reference	Time of despatch	

OUT TELEGRAM (CONT)

Classification and Caveats
CONFIDENTIAL

Page
2

<<<<

1

<<<<

2

Indians.

3

3. A particular difficulty lay in the fact that, except in the case of a bill to give effect to an international treaty, it was almost unpreceented for the House of Commons to consider a Bill in both English and French. Indeed, they had not done so since 1484. This left endless scope for procedural delays unconnected with the merits of the bill. The Government expected there would be argument on the bill and this was the purpose of the debate. But they were now faced with the prospect of deliberate disruptive tactics. They were accordingly trying urgently to find an acceptable way round the problem. The LPS could not say when exactly they would be able to proceed but if they could make an announcement next Thursday ~~_____~~ they would certainly do so. The sooner the better.

17

4. Mr Atkins concluded by again stressing that if the handling of the Bill went awry the result would be further delay. The Government, and he believed most Members of the House, were determined that this should not happen.

21

5. The following are the principal points from the subsequent discussion. Asked whether he expected to have first a procedural debate and a vote on procedure, the LPS said that he did not know. The Government hoped to work out a way forward early next week. A procedural debate was a possibility but they might be able to go forward without one.

27

6. Mr Haggan pointed out that the Bill itself was drafted in English only and that the part of the schedule^S which was in French would have no legal application except in Canada. The LPS agreed but said that technically the schedules were part of the Bill. His experience as a Government Whip accorded with the advice he was now given that if Second Reading debate started before the procedural point on language had been disposed of, he might never get to deliver his opening speech because of a

///

31

//

32

/

33

34

NNNN ends
telegram

BLANK

Catchword

barrage

OUT TELEGRAM (CONT)

Classification and Caveats
CONFIDENTIAL

Page
3

<<<<

1 <<<<
 2 barrage of points of order. In response to further questions
 3 the LPS declined to be drawn on exactly what form the way
 4 forward might take. This was a matter for the Lord President
 5 He reminded the High Commissioner that we had told her at the
 6 beginning of last year that the Speaker of the House of Commons
 7 had informed us in confidence that he would be obliged to treat
 8 the Canada Bill like any other and that he could not rule that
 9 all amendments would be out of order. Amendments could therefore
 10 be tabled although the Government would ensure they they were
 11 not passed.
 12 7. Pressed to give some indication of the likely timetable
 13 the LPS said only that once round the procedural problem the
 14 Government would press on as quickly as possible. Stressing
 15 that it was only his personal guess, he said that members who
 16 wanted to raise questions on the substance of the bill, e.g.
 17 in connection with the Indians and Quebec, would probably
 18 have their say and then let the Bill proceed. Asked about
 19 the mechanics of the various stages the LPS said that once the
 20 Second Reading had taken place the Government hoped to move
 21 very quickly to the remaining stages. There would normally
 22 be a delay of a week or two before the Lords considered a bill
 23 passed by the Commons but there was no requirement for this.
 24 In the present case, although he could not of course commit the
 25 Upper House, he knew the Leader of the Lords was as aware of
 26 the urgency as he was.
 27 8. The LPS said he believed the opposition front bench took
 28 the same view of the Canada Bill as the Government. The problem
 29 was that they were not in control of all their members.
 30 Mr Haggan confirmed that Mr Healey had told him the previous
 31 day that the Shadow Cabinet was solidly in support of the Bill
 32 and would actively discourage labour party members from fili-
 33 bustering. Nor would the labour party see any problem about
 34 shortening as far as possible, delays between the stages in

///
//
/

NNNN ends telegram	BLANK	Catchword Parliament.
-----------------------	-------	--------------------------

OUT TELEGRAM (CONT)

Classification and Caveats
CONFIDENTIAL

Page
4

<<<<

1

<<<<

2

Parliament. Mr Callaghan had spoken to Mr Haggan in similar terms later in the day.

3

4

9. The LPS put ^{it} to Mrs Wadds that if the present difficulty became a matter of public debate and if for example unflattering comments appeared in the Canadian press about the British Parliament, this would be liable to hinder the passage of the Bill. He urged Mrs Wadds to do anything she could to prevent this happening. Mr Haggan said that while the Canadian Government could not control the press, there would be 'no loose talk'. He pointedly added, however, that Mr Trudeau's reaction could not be controlled.

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

///

31

11. It was agreed that in response to press enquiries we would say only that the LPS had invited Mrs Wadds to call for a discussion about the Canada Bill, as had taken place from time to time.

//

32

12. Mrs Wadds is returning to Ottawa today. Mr Haggan told us that Mr Kirby will visit London at the beginning of next week en route to an international law meeting in Geneva.

/

33

34

NNNN ends
telegram

BLANK

Catchword

13. The

OUT TELEGRAM (CONT)

Classification and Caveats
CONFIDENTIAL

Page
5

<<<<

1	<<<<
2	13. The interview went very smoothly. The Canadians seemed
3	surprisingly relaxed and understanding of our problems. They
4	said they in London would certainly not harass us, although
5	they indicated that feeling in Ottawa was more volatile.
6	
7	CARRINGTON
8	NNNN
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	
29	
30	
31	
32	
33	
34	

/// 31
// 32
/ 33
34

NNNN ends telegram	BLANK	Catchword
--------------------	-------	-----------

25 FEB 1982

