

Copy to Mr Gow
Mr Ingham

From: THE PRIVATE SECRETARY

1.



Home Minister.

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

Agree with the Home
Secretary's view on the proposal?

2 February 1982

Dear Clive,

Yes
no

As you know, Michael English, M.P. was successful in the ballot for Private Members' Bills and has chosen to introduce a Bill which would alter the succession to the Crown by giving precedence to the daughter of a Sovereign born after 31 December 1981 over her younger brothers and half-brothers. The Bill is down for Second Reading on 26 February. The House authorities have indicated that the Bill requires The Queen's Consent, as one affecting her interest, and that the Bill cannot be debated until that consent has been signified.

The Home Secretary believes that the Bill is objectionable on various grounds, not least because the subject is clearly inappropriate for a Bill introduced by a Private Member. He therefore has it in mind to recommend in a paper which is to be considered by Legislation Committee on 17 February that the Government should oppose the Bill and prevent it making progress.

The Bill is second order on 26 February and it is not at the moment clear whether there will be any time for it to be debated. The possibility that there will be time cannot be excluded. Recent practice has been that the House of Commons should not be prevented from debating a Bill requiring The Queen's Consent, even though it is opposed by the Government simply for want of that consent.

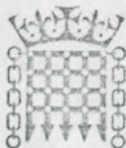
Passage deleted and closed, 40 years,
under FOI Exemption.

Wayland
25 June 2013

I am copying this letter to the Private Secretaries to the Lord Chancellor, the Lord President, Foreign Secretary, Chief Whip and Sir Robert Armstrong.

Yours ever,
J. F. HALLIDAY

Clive Whitmore, Esq.



HOUSE OF COMMONS
LONDON SW1A 0AA

11th December, 1981

Dear Prime Minister,

I enclose a copy of a draft of my Succession to the Crown Bill which received a nominal first reading on 2nd December last. The Bill has the support of UK MPs from the Conservative, Labour, Social Democratic and Liberal parties. The draft is at present confidential but some text will need to be published no later than February next.

I should be glad if you would let me have your Government's view of the proposal which is simply that our law of succession should cease to discriminate against women by allowing, as at present it does, younger brothers to outrank their elder sisters. The change would affect no living person but would make Princess Diana's eldest child an heir apparent, irrespective of its sex.

Should your Government disagree with the proposal, no further action is necessary since my bill cannot apply to your country without your request and consent. Should your Government agree with the proposal, however, I should be glad if you would let me know whether you would wish to legislate in similar terms by act of your own Parliament or whether you would request and consent to my bill extending to your country.

I have written in similar terms to all the 17 Commonwealth countries which have Her Majesty as their Queen.

*Yours faithfully,
Michael English*

MICHAEL ENGLISH

The Rt. Hon. Margaret Thatcher,
Prime Minister,
10 Downing Street,
London, SW1

Succession to the Crown

Draft of
a Bill

To amend the law with respect to the succession
to the Crown.

Be it enacted, etc

Precedence
of females
over younger
brothers.

1. In determining for the purposes of section 1 of the Act of Settlement and Article II of the Union with Scotland Act 1706 (the combined effect of which is that the heirs of the body of Princess Sophia, Electress of Hanover, males taking precedence over females, are to succeed to the monarchy of the United Kingdom) the person who is the heir of a monarch's body, a female descended from the monarch and born after 2nd December 1981 shall take precedence, and be deemed to have taken precedence, over any brother or half-brother of hers who is younger than her.

Short
title.

2. This Act may be cited as the Succession to the Crown Act, 1981.



cc 19 ✓

11th December, 1981

R12/12

Dear Margaret,

The enclosed is not quite appropriate in your case but I thought you would prefer to have an identical text to those which will be received by the other Prime Ministers.

Yours truly,
Michael English

MICHAEL ENGLISH

The Rt. Hon. Margaret Thatcher,
Prime Minister,
10 Downing Street,
London, SW1

CC HO
16

HL



10 DOWNING STREET

THE PRIME MINISTER

31 December 1981

Dear Michael,

Thank you for your two letters of 11 December enclosing a copy of your Succession to the Crown Bill.

It was good of you to let me see the terms of the letter you have sent to Governments of Commonwealth countries; I have taken careful note of its contents.

Yours

Raymond

Michael English, Esq., M.P.

HL



10 DOWNING STREET

File AH
ccs LCO
FCO
LPO
CO

From the Principal Private Secretary

8 April 1982

Dear John,

SUCCESSION TO THE CROWN

The Prime Minister was grateful to the Home Secretary for his minute of 23 March 1982 about Michael English's Succession to the Crown Bill. She understands that the Lord Chancellor, the previous Foreign and Commonwealth Secretary and the previous Lord President all agreed with the Home Secretary's advice (although the Foreign and Commonwealth Office of course offered a number of comments on the detailed note attached to Mr Whitelaw's minute).

The Prime Minister agrees with the line which the Home Secretary proposed in his minute we should take in handling questions in Parliament and press inquiries on this subject,

*Passage deleted and closed, 40 years, under
FOI Exemption. Wayland. 25 June 2013*

to Michael Collon (Lord Chancellor's Office), Brian Fall (Foreign and Commonwealth Office), David Heyhoe (Lord President's Office) and David Wright (Cabinet Office).

Yours truly,

John Halliday

John Halliday Esq.,
Home Office.

AH



2pps
Foreign and Commonwealth Office

London SW1A 2AH

1 April 1982

Dear Mike ^K
lw

SUCCESSION TO THE CROWN

with case
1. You sought our advice on the Home Secretary's minute of 23 March to the Prime Minister on this subject. We are of course mainly concerned with the Commonwealth dimension to this Bill and against that background, see no objection to the two brief references to the Commonwealth in the third and fourth paragraphs of Mr Whitelaw's minute, nor indeed to the substance of the minute itself.

2. However references in the second paragraph of the paper enclosed with Mr Whitelaw's minute to the Commonwealth realms (line 2), the headship of the Commonwealth (line 4) and Canada (line 8) are not accurate. Rather than attempt a series of amendments, we would propose a complete redraft of that paragraph as follows:

'SOVEREIGNTY WITHIN THE COMMONWEALTH

The Sovereign of the United Kingdom is at present also Sovereign of 16 other realms within the Commonwealth. It is unthinkable that the Crown might, in future, descend in different ways in different realms and the law of succession, therefore, must continue to be consistent throughout the countries concerned. Because any change would require universal effect, it would have to be preceded by the agreement of all those governments concerned. The achievement of this prior and universal agreement would require wide, far-reaching and lengthy consultations. Any change would, in all probability, also need to be preceded by separate legislation in the legislatures of each of the realms. (Although the United Kingdom Act could, under the Statute of Westminster 1931, be extended by the request and consent procedure to Australia and New Zealand and, until the Canada Act comes into force, to Canada as well, these governments might well prefer to effect such changes through their own legislation). There is also a problem in respect of the UK and other realms' ratification of the UN Convention on the Elimination of All Forms of Discrimination against Women, Article 7(b) of which is particularly relevant to this matter. It may well be that we will not be able to ratify this Convention without reservations protecting inter alia our position on the Succession to the Throne.

M A Pattison Esq
Private Secretary
10 Downing Street
London SW1

/We



We are considering this, but if it is in due course decided that a reservation on this might be necessary, it would seem prudent to consult with other Commonwealth realm signatories of the Convention (Canada has in fact already ratified, without reservation on this point) in order to coordinate policies and to avoid the possibility of future anomalies.

The headship of the Commonwealth itself is not hereditary but, in that the present head of the Commonwealth is also head of 17 Commonwealth realms, alteration to the law of succession in any of the realms has obvious implications for the headship of the Commonwealth.'

3. I am sending copies to Michael Collon (Lord Chancellor's Office), Colin Walters (Home Office), David Heyhoe (Lord President's Office) and David Wright (Cabinet Office).

Yours ever

M A Arthur
PS/Lord Privy Seal

11 APR 1964



11



PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

25 March 1982

New Clive, KJ 10

SUCCESSION TO THE CROWN *with CAW*

The Lord President has seen a copy of the Home Secretary's minute of 23 March to the Prime Minister on this subject and has asked me to let you know that he is in full agreement with the course of action which the Home Secretary recommends.

I am sending a copy of this letter to the Private Secretaries to the Foreign and Commonwealth Secretary, the Lord Chancellor and Sir Robert Armstrong.

*Yours ever,
David*

D C R HEYHOE
Private Secretary

C A Whitmore Esq
Principal Private Secretary
10 Downing Street
London SW1

BRITISH AIRWAYS
LONDON - GENEVA

20 MAY 52





The National Archives

LETTERCODE/SERIES <i>PREM 19</i>	Date and sign
PIECE/ITEM <i>867</i> (one piece/item number)	
Extract/Item details: <i>Minute from Home Secretary to Prime Minister dated 23 March 1982</i>	
CLOSED FOR <i>40</i> YEARS UNDER FOI EXEMPTION	<i>25 June 2013 Mayland</i>
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	
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SUCCESSION TO THE CROWN

Implications of the proposals in Mr. English's Bill

The Proposals in the Bill

The effect of the proposals in Mr. English's Bill, if passed, would be that a daughter of the Sovereign born after 31 December 1981 would take precedence over her younger brothers and half brothers.

Sovereignty within the Commonwealth

The Sovereign of the United Kingdom is at present also Sovereign of 16 other realms within the Commonwealth. It is unthinkable that the Crown might, in future, descend in different ways in different realms and the law of succession, therefore, must continue to be consistent throughout the countries concerned. Because any change would require universal effect, it would have to be preceded by the agreement of all those governments concerned. The achievement of this prior and universal agreement would require wide, far-reaching and lengthy consultations. Any change would, in all probability, also need to be preceded by separate legislation in the legislatures of each of the realms. (Although the United Kingdom Act could, under the Statute of Westminster 1931, be extended by the request and consent procedure to Australia and New Zealand and, until the Canada Act comes into force, to Canada as well, these governments might well prefer to effect such changes through their own legislation). There is also a problem in respect of the UK and other realms' ratification of the UN Convention on the Elimination of All Forms of Discrimination against Women, Article 7(b) of which is particularly relevant to this matter. It may well be that we will not be able to ratify this Convention without reservations protecting inter alia our position on the Succession to the Throne. We are considering this, but if it is in due course decided that a reservation on this might be necessary, it would seem prudent to consult with other Commonwealth realm signatories of the Convention (Canada has in fact already ratified, without reservation on this point) in order to coordinate policies and to avoid the possibility of future anomalies.

The headship of the Commonwealth itself is not hereditary but in that the present head of the Commonwealth is also head of 17 Commonwealth realms, alteration to the law of succession in any of the realms has obvious implications for the headship of the Commonwealth.

Other Titles of the Heir to The Throne

A change in the succession to the Crown which gave a daughter precedence over younger brothers and half brothers would have implications for the titles of Prince of Wales and Duke of Cornwall. There is no automatic succession to the title Prince of Wales. On the accession of the holder to the Throne it merges with the Crown and is freshly granted when there is a new male Heir. In the absence of a male Heir there would not be, under the existing arrangements, a Prince of Wales and the title would remain vacant. If the rules of succession to the Crown were changed, so that if

/ the

the eldest child of the Sovereign were a daughter she would then be the Heir despite the existence of younger male children, there would in theory be 3 possibilities. One would be simply to leave a vacancy in the title. This would correspond most closely with the existing situation and would seem to be the only practical course open.

There would appear to be insuperable objections to the other 2 possibilities. One of these would be to confer the title on a younger son who would not be the Heir. This would mean that, on the accession of the Heir, there would continue to be a Prince of Wales who would be, not a child, but a brother of the Sovereign. This would make it impossible to confer the title on the Sovereign's own Heir. It would also raise the question of what the succession to the title should be when that holder dies.

The third possibility would be to confer the title on a female Heir. This would involve a major change in the terms on which the title is at present granted. It would also raise a number of questions which would be difficult to answer. What title should be given to the husband of the "Princess of Wales"? What should happen if the "Princess of Wales" were to die before accession? Should the title be regranted to a younger child? Might there be a possibility of there being 2 "Princesses of Wales" at the same time?

This makes it clear that, in relation to the title "Princess of Wales" it is not in fact possible to give equal treatment to a female Heir, and that if such a change were made in the law of succession the title Prince of Wales would have to remain vacant if the Heir were a daughter.

The position in relation to the Duchy of Cornwall is broadly similar. Under the provisions governing this title it is held by the person who is (a) the eldest son of the Sovereign and (b) Heir to the Throne. If either of these conditions is not satisfied the title remains merged with the Crown. Here again there appear, in theory, the same 3 possibilities, if the Heir is a daughter and there are younger sons; namely, to leave the title - and revenues - vested in the Crown, to

R.
change the terms of the grant to enable it to descend to a younger son, or to change the terms of the grant so as to enable it to descend to the Heir. Because of the revenues involved the possibility of granting the title to a son who was not the Heir appears to be open to even graver objection than applies to the similar course in relation to the title Prince of Wales. The objections to amending the grant so that the title could be held by a female are perhaps less strong, but still substantial.

Potential Repercussions on Succession to the Peerage

An amendment of the law of succession to the Crown would have no direct consequence on succession to peerages. Such an amendment, however, might well lead to substantial pressure for a similar amendment in the rules relating to succession to peerages. Once granted by the Sovereign, the prerogative does not extend to enabling amendments to be made in the terms of the grant of a peerage. Any change in the succession could therefore only be achieved by statute. The immediate effect of such a change would be to alter the composition of the House of Lords. This would therefore be a constitutional issue of substantial significance. A lesser issue, but still one of considerable importance, is that such a change in relation to the title alone might well lead to greater separation between peerages and property otherwise expected to descend in the same way. A further problem would be the confusion that would result in titles and courtesy titles, which would need to be resolved.

23 MAR 1982



1982



Parliament

DSC

10 DOWNING STREET

From the Private Secretary

23 March 1982

I write on behalf of the Prime Minister to acknowledge receipt of a letter dated 16 March from the Prime Minister of Australia, with which Mr. Fraser forwarded a copy of his reply to a letter from Mr. Michael English MP about the views of the Australian Government on his Succession to the Crown Bill.

I shall place this before the Prime Minister at once.

M. A. PATTISON

His Excellency The Honourable
Sir Victor Garland.



10 DOWNING STREET

From the Private Secretary

23 March 1982

Succession to the Crown

You may find it helpful to have a copy of the attached letter from the Australian Prime Minister, together with a copy of his reply to Mr. Michael English, M.P.

I am sending copies of this letter and enclosure to Michael Collon (Lord Chancellor's Office), David Heyhoe (Lord President's Office), Brian Fall (Foreign and Commonwealth Office), Murdo Maclean (Chief Whip's Office) and David Wright (Cabinet Office).

M. A. PATTISON

J.F. Halliday Esq
Home Office

5

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Subject

of master
ops



T 49/82

PRIME MINISTER

CANBERRA

PRIME MINISTER'S

PERSONAL MESSAGE

SERIAL No. T 49/82

16 MAR 1982

N.S.P.R.

M 22/3

My Dear Margaret

I received a representation from Mr M. English, M.P., Member of the House of Commons for Nottingham West, seeking the views of the Australian Government on his Succession to the Crown Bill.

I understand that Mr English may have sent you a similar letter. I attach for your information a copy of my reply to Mr English.

*You find
Thatcher*

The Rt. Hon. Margaret Thatcher, M.P.,
Prime Minister of Great Britain,
LONDON SW1
UNITED KINGDOM



PRIME MINISTER

CANBERRA

16 MAR 1982

Dear Mr English,

Thank you for your letter of 11 December 1981 concerning your Succession to the Crown Bill. I have also received through the Australian High Commissioner in London a copy of your letter of 28 January 1982 to Lord Carrington.

Any proposal for change in the succession to the Crown is a matter which would appropriately be the subject of consultation between Governments of Her Majesty's realms.

The Australian Government would not wish to determine a position on your proposal ahead of any intergovernmental consultation.

I am sending a copy of this letter to Mrs Thatcher.

Yours sincerely,

Malcolm Fraser

(Malcolm Fraser)

Mr M. English, M.P.,
Member for Nottingham West,
House of Commons,
LONDON SW1 OAA
UNITED KINGDOM

CZ
Parliament

26 February 1982

Thank you for your letter of 25 February,
about the Succession to the Crown Bill.

I can confirm that the Prime Minister is
content for the Lord Privy Seal to reply to
Mr. English on the lines of the draft you
enclosed.

I am sending a copy of this letter to
Andrew Jackson (Home Office).

M A PATTISON

A.K.C. Wood, Esq.,
Foreign and Commonwealth Office.

lu

CAW

Prime Minister

1.

Content with LPS' draft?



Foreign and Commonwealth Office

London SW1A 2AH

MP 25/2

25 February 1982

Yes out

Dear Mike,

SUCCESSION TO THE CROWN BILL

Mr Michael English MP has written to Lord Carrington about his Private Member's Bill which is down for Second Reading on 26 February (but is unlikely to be reached). As you will see from the enclosed copy he has raised certain questions concerning the Commonwealth - there is a major Commonwealth dimension to his proposals, inasmuch as The Queen is sovereign not only of the United Kingdom but also of 16 other realms within the Commonwealth.

The Prime Minister may wish to be aware of the terms of the reply the Lord Privy Seal proposes to send to Mr English. As you will see from the enclosed draft, it makes clear to Mr English that, given the Commonwealth aspects, there can be no question of taking any action in relation to the succession to the Throne without prior consultation (at governmental level) with all the Commonwealth realms; and that the United Kingdom government has no intention of initiating any such consultations. The draft has been agreed with the Home Office at official level. I should be grateful if you could confirm that you are content.

I am copying this letter to Andrew Jackson at the Home Office.

Yours,
Akan

A K C Wood
PS/Lord Privy Seal

Mike Pattison Esq
PS/No 10 Downing Street
LONDON
SW1

1/Ack
2. CCD
for draft reply
to Mr. Luce
by 11/2 Sec
12
16
17
18
23
24
S. L. Allinson
Legal Adv.

11



28th January 1982

Dear Peter,

Succession to the Crown Bill

After a discussion between your private office and myself it was agreed that I should write to you to confirm the appropriate constitutional convention relating to the Commonwealth countries involved.

The normal convention is, of course, that Commonwealth Governments do not comment on a Bill before a Commonwealth Parliament in another country unless they are asked to do so by the Government of the country in which the Bill is being presented. Some Commonwealth countries - but not all - have expressed the view to me that that convention applies to this Bill and one Prime Minister (not ours, of course) is said by the Press of his country to have expressed something like this view publicly, although giving it as the view of another Commonwealth country.

I understand, however, that in your Department, subject to your confirmation, an alternative view is held. This is that because of the subject matter of my Bill a different convention applies, namely that Her Majesty is entitled to the independent advice of Her 17 Governments involved and that it would not be proper for your Department even to appear to intervene between any of them and Her Majesty. I feel bound to say that I personally regard this tentative alternative view of your officials as the correct one.

I should be glad therefore if you would confirm that I have stated the appropriate constitutional convention correctly so that in the case of this Bill the relevant Commonwealth Governments may proceed to advise Her Majesty independently, should they severally so wish.

I have, of course, sent copies of this letter to all who received copies of the draft Bill, which incidentally will have to be published in the week ending 13th February due to the exigencies of our Parliamentary timetable.

Yours truly,
Michael English
MICHAEL ENGLISH

The Rt. Hon. The Lord Carrington, K.C.M.G., M.C.
Foreign and Commonwealth Office,
King Charles Street,
LONDON,
SW1.

HCC 393/1		
RECEIVED IN REGISTRY NO. 40		
- 3 FEB 1982		
DESK OFFICES	INDEX	PA

DRAFT: minute/letter/teleletter/despatch/note

TYPE: Draft/Final 1+

FROM:

Reference

[Redacted] Lord Privy Seal

DEPARTMENT:

TEL. NO:

SECURITY CLASSIFICATION

TO:

Your Reference

- Top Secret
- Secret
- Confidential
- Restricted
- Unclassified

M English Esq MP
House of Commons
London SW1A OAA

Copies to:

PRIVACY MARKING

SUBJECT:

.....In Confidence

CAVEAT.....

Thank you for your letter of 28 January to Peter Carrington about the constitutional conventions governing relations with the Commonwealth insofar as they bear on the question of the Succession to the Crown Bill.

As you say, it is normal practice that the Government of one Commonwealth country does not comment on a Bill before the Parliament of another. It is also the case that proposals which could affect the Succession to the Throne are of equal concern to all the Commonwealth realms (and to Her Majesty as Queen of each realm). It follows that any proposal relating to the Succession to the Throne would require prior consultation with all the Commonwealth realms on a government to government basis. I should add that it is not the intention of HMG in the United Kingdom to initiate consultations either on the substance of the question or on the bill itself.

Enclosures—flag(s).....

20 FEB 1982



Rathbone

11 February 1982

The Prime Minister has seen and noted the Lord Chancellor's letter of 5 February, about Mr. Michael English's Bill.

The prospects for business that day will obviously depend on the length of debate on the Rating System (Policy) Bill which precedes Mr. English's Bill.

MAP

Michael Collon, Esq.,
Lord Chancellor's Office.

Ms



10 DOWNING STREET

Prime Minister

First order on 26 Feb
will be the "Rating
System (abolition)" Bill.

MAF
10/12

It will surely
run all day.

MAF



The National Archives

LETTERCODE/SERIES <i>PREM 19</i>	Date and sign
PIECE/ITEM <i>867</i> (one piece/item number)	
Extract/Item details: <i>Letter to Whitelaw dated 9 February 1982-</i>	
CLOSED FOR <i>40</i> YEARS UNDER FOI EXEMPTION	<i>25 June 2013 Wayland</i>
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	
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FROM:

THE RT. HON. LORD HAILSHAM OF ST. MARYLEBONE, C.H., F.R.S., D.C.L.

GKL



HOUSE OF LORDS,
SW1A 0PW

RESTRICTED

5th February, 1982

The Right Honourable
The Prime Minister

*What is fruit order?
ms*

Prime Minister

*The Bill is second
order for Feb 26, so
not much prospect
of preventing debate.*

*c.c. Mr Gow
Mr Ingham*

ms

My dear Margaret

Mr. Michael English, MP's Bill

MP 9/2

I have seen your Private Secretary's letter of 4th February. Nevertheless, I share the Home Secretary's view, reported in the letter from his Private Secretary of the 2nd February, that Mr. Michael English's Private Member's Bill to alter the succession to The Crown is thoroughly objectionable on a great many grounds, and view with some concern the prospect of a debate on it. Such a debate would afford an occasion for criticisms of, and attacks on, the Royal Family which can do no good and may do much harm, as well as causing uncertainty in the light of the possibility that the Princess of Wales' first child may be a girl.

I would therefore hope that in some way or another we may manage to prevent the Second Reading Debate taking place.

*Passage deleted and closed. 40 years, under
FOI Exemption. (Mayland)
25 June 2013*

I would hope therefore that we can ensure that the Bill will not be reached, or that some other means may be found to prevent debate on the Second Reading.

yrs:

RESTRICTED



The National Archives

LETTERCODE/SERIES <i>PREM 19</i>	Date and sign
PIECE/ITEM <i>867</i> (one piece/item number)	
Extract/Item details: <i>Letter from Whitmore to Halliday dated 4 February 1982</i>	
CLOSED FOR <i>40</i> YEARS UNDER FOI EXEMPTION	<i>25 June 2013</i> <i>Wayland</i>
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	
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LETTERCODE/SERIES <i>PREM 19</i>	Date and sign
PIECE/ITEM <i>867</i> (one piece/item number)	
Extract/Item details: <i>Draft letter from Home Secretary (enclosed with letter from Halliday to Whitmore dated 2 February 1982)</i>	
CLOSED FOR <i>40</i> YEARS UNDER FOI EXEMPTION	<i>25 June 2013 Mayland</i>
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	
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NUMBER NOT USED	



10 DOWNING STREET

Glue

You were taking an interest in Michael English's bill - here is the latest piece of correspondence.

MAJ

Glue ^{na} MAJ 2/2.

Thank you.

I rather like those of the
informed for a need on the bill some
time ago. They are against it because -
a. they see no need for a
change in the law of succession
b. such a change will have
undesirable effects on the
peace and the law of property

I have also discussed this with
with the Home Minister. She is against
it on the grounds that no case for
a change has been made out in her
mind.

Passages deleted and
closed. 40 years, under
FOI Exemption.

Wayland

25 June 2013

AKH.

25/6/13



22
28th January 1982

Succession to the Crown Bill

After a discussion between your private office and myself, it was agreed that I should write to you to confirm the appropriate constitutional convention relating to the Commonwealth countries involved.

The normal convention is, of course, that Commonwealth Governments do not comment on a Bill before a Commonwealth Parliament in another country unless they are asked to do so by the Government of the country in which the Bill is being presented. Some Commonwealth countries - but not all - have expressed the view to me that that convention applies to this Bill and one Prime Minister (not ours, of course) is said by the Press of his country to have expressed something like this view publicly, although giving it as the view of another Commonwealth country.

I understand, however, that in your Department, subject to your confirmation, an alternative view is held. This is that because of the subject matter of my Bill a different convention applies, namely that Her Majesty is entitled to the independent advice of Her 17 Governments involved and that it would not be proper for your Department even to appear to intervene between any of them and Her Majesty. I feel bound to say that I personally regard this tentative alternative view of your officials as the correct one.

I should be glad therefore if you would confirm that I have stated the appropriate constitutional convention correctly so that in the case of this Bill the relevant Commonwealth Governments may proceed to advise Her Majesty independently, should they severally so wish.

I have, of course, sent copies of this letter to all who received copies of the draft Bill, which incidentally will have to be published in the week ending 13th February due to the exigencies of our Parliamentary timetable.

MICHAEL ENGLISH ME.

The Rt. Hon. The Lord Carrington, K.C.M.G., M.C.,
Foreign and Commonwealth Office,
King Charles Street,
LONDON,
SW1.

CC HO
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HL



10 DOWNING STREET

THE PRIME MINISTER

31 December 1981

Dear Michael,

Thank you for your two letters of 11 December enclosing a copy of your Succession to the Crown Bill.

It was good of you to let me see the terms of the letter you have sent to Governments of Commonwealth countries; I have taken careful note of its contents.

Yours

Raymond

Michael English, Esq., M.P.

HL

BU for 23/12

cf have not got



HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

17 DEC 1981

Dear Mike

You sent David Heyhoe, on 14th December, copies of two letters the Prime Minister had received from Mr. Michael English, M.P., about his Succession to the Crown Bill. I have agreed with David that the Home Office should take the lead on this.

As you will know altering the Succession to the Crown would have effect in those Commonwealth countries which have Her Majesty as their Queen. Under the Statute of Westminster 1931, United Kingdom legislation can extend to a Commonwealth country but does not do so unless they have so requested and consented. It is that request and consent that Mr. English is seeking by his letter. As he makes clear in his covering letter to the Prime Minister he can only be copying it to her for information since the request it contains is irrelevant in terms of the United Kingdom itself. The Home Secretary has received a similar letter from Mr. English and he has simply acknowledged it saying that he has noted the contents. I think you need invite ... invite the Prime Minister to do no more and I am enclosing a draft.

I am sending a copy of this letter to David Heyhoe (Lord President's Office) and also to Roderic Lyne (F.C.O) together with Mr. English's letters to the Prime Minister.

Tom cur
A. P. Jackson

A. P. JACKSON

DRAFT LETTER

ADDRESSEE'S REFERENCE

TO	ENCLOSURES	COPIES TO BE SENT TO
Michael English, Esq., M.P., House of Commons, S.W.1.A OAA. (FULL POSTAL ADDRESS)		P.S./ Home Office P.S./ F.C.O. P.S. / Lord President (FULL ADDRESSES, IF NECESSARY)

LETTER DRAFTED FOR SIGNATURE BY Prime Minister.....
 (NAME OF SIGNATORY)

Thank you for your two letters of 11th December enclosing a copy of your Succession to the Crown Bill. *P* It was good of you to let me see the terms of the letter you have sent to Governments of Commonwealth countries; I have taken careful note of its contents.



JD
cc HO

23/12

10 DOWNING STREET

From the Private Secretary

14 December 1981

Michael ENGLISH MP

I enclose copies of two letters sent to the Prime Minister from Mr. Michael English, MP, about his Succession to the Crown Bill.

I should be grateful if you could suggest a brief draft reply for the Prime Minister's signature. It would be helpful to have this by Wednesday 23 December.

I am copying this letter, and its enclosures, to Andrew Jackson (Home Office).

M. A. PATTISON

David Heyhoe, Esq.,
Lord President's Office.

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JP

10 DOWNING STREET

From the Private Secretary

14 December 1981

I am writing on behalf of the Prime Minister to thank you for your letters of 11 December about your Succession to the Crown Bill. I shall place these before the Prime Minister.

M. A. PATTISON

Michael English, Esq., MP.

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