

29th January, 1981

Thank you so much for your letter of 28th January, together with its enclosures.

Believe it or not, I actually had a quiet and civilised conversation on this subject with the person concerned yesterday!

IAN GOW

The Right Honourable Sir Ian Gilmour, Bt. M.P.
Lord Privy Seal,
Foreign & Commonwealth Office,
London SW1



Foreign and Commonwealth Office
London SW1

28 January 1981

Ian

Thank you for your letter of 26 January.

Here is a copy of Robin's letter of 11 December,
together with its enclosures, and you might be
interested in the enclosed copy of Nicholas
Ridley's reply.

*yours ew ✓
Ian*

Ian Gow Esq MP
10 Downing Street

AMC 01215.



-6 JAN 1951-

HOUSE OF COMMONS
LONDON SW1A 0AA

11/12/80.

2. NAD for signature
from Mr Ridley by 19/12
e/s.
✓ PS/M Ridley.

W/12.

Reply at (6)
See also (2-5)

Personal.

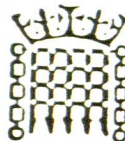
Dear Peter,

I thought that you might be interested to see a copy of the letter which I have just despatched to the Canadian High Commissioner, following her session with C.P.A. Members to-day.

I also enclose a copy of the Bill which I drafted this morning, and have attached to my letter to her, and which I judge to meet the relevant circumstances.

Yours sincerely
Robin

The Right.Hon.Lord Carrington, PC.



HOUSE OF COMMONS
LONDON SW1A 0AA

Dear High Commissioner, 11/12/80.

I was indeed glad for the opportunity to hear your case (with which I happen to agree) put to my colleagues with such persuasive lucidity and conviction.

I would, however, be failing in my duty to you if I left you in any doubt that your Government's views are not shared by many, possibly most of my Parliamentary colleagues. To these must, of course, be added Opposition Members who would see in a lengthy Bill a superb opportunity to wreck the Government's legislative time-table in whatever Session such a Bill comes before the House. In short, the probability is that both the Bill itself and the Government's own programme would come to grief.

I am bound, therefore, to advise that the alternative procedure be adopted of securing legislative patriation by a Bill containing only one effective clause, with the Long Title drawn in such specific terms as to exclude the possibility of wide-spectrum amendments being selected by the Chair for the Committee and Report stages. This would obviate the major obstructive devices and opportunities; I believe that it would also attract wide-spread and majority support, since it would remove the temptation to debate the merit of the individual alterations in the provisions of the 1867 Act which your Government contemplates.

Yours sincerely
Robin Maxwell-Hyslop

H.E. The Canadian High Commissioner.



HOUSE OF COMMONS
LONDON SW1A 0AA

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B I L L

to

Transfer from the Parliament of the United Kingdom of Great Britain and Northern Ireland to the Parliament of Canada the function of tendering to the Queen's most Excellent Majesty advice and consent in respect of any Bills amending the provisions of the British North America Act 1867, and amendments thereto in subsequent Acts.

WHEREAS the provisions of The British North America Act 1867 restrict the power of the Queen's most Excellent Majesty, by and with the advice and consent of the Parliament of Canada, to enact amendments to the said Act in certain respects;

AND WHEREAS such amendments to The British North America Act 1867 can only be made by the Queen's most Excellent Majesty by and with the advice and consent of the Parliament of the United Kingdom of Great Britain and Northern Ireland;

AND WHEREAS it is expedient that the Queen's most Excellent Majesty should make any and all such amendments by and with the advice and consent of the Parliament of Canada henceforth, and not of the Parliament of the United Kingdom of Great Britain and Northern Ireland:

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

- (1) Her Majesty may, by and with the advice and consent of the Parliament of Canada, in Parliament assembled, and by the authority of the same, enact without restriction amendments to the British North America Act 1867, and any public general Acts amending its provisions.
- (2) This Act may be cited as "The British North America Act 1867 (Amendment) Act 198-".



Foreign and Commonwealth Office

London SW1A 2AH

From The Minister of State

5 January 1981

Dear Robin

Peter Carrington has asked me to thank you for your letter of 11 December and for sending us a copy of the letter you sent to the Canadian High Commissioner.

I was most interested to read in your letter about the attitude of our parliamentary colleagues. We have of course had ample opportunity to learn of the evolution of parliamentary thinking on this important and sensitive topic and shall be bearing in mind the points which you as well as others have mentioned.

You will know that when I appeared before the Foreign Affairs Committee I said that in every case in the past, where a request has been received from the Parliament of Canada for a change to be made to the British North America Acts, the UK Parliament has introduced in Parliament and Parliament has enacted appropriate legislation in compliance with that request. This is the precedent to which Ministers have referred in their public statements and those statements are to be understood against that background.

You are, of course, aware, that no request has yet been received from the Canadians. Thus, although there might be a preference in our Parliament for a one clause Bill of the kind you suggest, it would not be appropriate at present to introduce any legislation on the subject and, on the basis of such indications as we have had of the possible content of a Canadian request, it is unlikely that your proposal would be an appropriate response. This is because it does not appear to be the kind of Bill which is likely to be proposed by the Canadians and because, as the precedents indicate, the Government in the UK and Parliament here cannot act except in the case of a request from the Canadian Federal authorities in a joint address from both Governments.

Thank you again for keeping us in the picture.

Michael Ripley

Michael Ripley

Robin Hood, 11, York Way, P.
House of Commons
LONDON SW1A 2AA

GILMOUR, I.P.

26th January, 1981

Canadian Constitution.

Thank you very much for your letter of 22nd January, together with its enclosures. If I may say so, I think that Peter's letter to Robin Maxwell-Hyslop is an excellent one.

So that my file may be complete, would you be kind enough, please, to let me have a copy of Robin's letter to Peter dated 11th December?

It was very good of you to have agreed to see Robin last Wednesday evening.

Ian Gow

The Rt. Hon. Sir Ian Gilmour, Bt., M.P.