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Ref: A05226



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Bonnie Minister

MR. ALEXANDER

I think you are aware of most of this already. It would be v. difficult to raise a Patnam Bill during the spillover.

Handwritten date: 10/7

I took the opportunity of my visit to Canada to have a word yesterday with Mr. Michael Pitfield, the Secretary to the Cabinet, about the problem of the Canadian Constitution.

2. He said that the Supreme Court had reconvened, and he supposed that the object was for the Chief Justice to "bang their heads together"; but he seemed resigned to the fact that they would not be handing down a judgment this week. He said that the Canadian Government would have to accommodate themselves to that. He hoped that the Court would hold on to their judgment and not hand it down until after Labour Day. From the Canadian Government's point of view the worst thing that could happen would be that it should be handed down about the end of July, after their Parliament had gone into Recess, because this would give time for the Provincial Governments to try to whip up further opposition to the proposals.

(In fact the Canadian Parliament is going into recess in the next day or two.)

3. Mr. Pitfield then asked whether, if the judgment was handed down in September, there was any possibility of the British Parliament taking the Bill before the Party Conferences. I said that I thought there was absolutely none. The House of Commons would not be meeting until after the Party Conferences; it would not take kindly to being recalled for the purpose of taking the Canada Bill, and that could affect the prospects of carrying the Bill. The House of Commons was not likely to resume before 19th or 20th October. On present plans it would then sit for about a fortnight and be prorogued on 29th or 30th October. The new Session might then start on Wednesday, 4th November. Mr. Pitfield asked about the prospects for getting the Canada Bill through in the spillover. I said that I understood the merits of getting the Bill through as early as possible, but there might well be quite a bit to do in the spillover to complete legislation already in hand. It could well not be possible to find enough Parliamentary time to carry the Bill through during that period. If it was not, Ministers might be prepared to contemplate setting aside one day for a Parliamentary Debate on the Foreign Affairs Committee Report and the Government reply to it; such a Debate could be used as an opportunity for the Government to make a clear and full

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statement of its position. On this scenario the Bill itself would then be taken in the new Session. There would of course be no introduction of legislation until after the Debate on the Address.

4. Mr. Pitfield was obviously dismayed about the prospect of the Bill being delayed as long as that, though he recognised that the British Government had to be the best judges of the timing and the Canadian Government were not in a position, after all that had happened, to bring much pressure to bear. Nevertheless he hoped that I would convey the sense of his view, which he knew was his Prime Minister's also, that it was desirable to get the Bill through Westminster with the least possible delay.

5. We left it that we could take matters no further for the time being. If there were any developments to report, on either side, we could be in touch by telephone. Mr. Trudeau would in any case have an opportunity of discussing the matter with the Prime Minister at Montebello in the margins of the Ottawa Economic Summit.

6. I think that it would be useful if a supplementary brief could be prepared for the Prime Minister on this matter. As it is primarily a matter of Parliamentary handling I am asking Mr. Hyde to arrange that.

7. I am sending copies of this minute to the Private Secretaries to the Foreign and Commonwealth Secretary, the Chancellor of the Duchy of Lancaster, the Lord Privy Seal and the Chief Whip.

RIA

Robert Armstrong

9th July, 1981

-2-
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