

Statute of Westminster

part of the report of the present conference), subject to the conclusions embodied in this section.

(ii) The conference recommends:—

“(a) That the statute proposed to be passed by the parliament at Westminster should contain the provisions set out in the schedule annexed.

“(b) That the 1st December, 1931, should be the date as from which the proposed statute should become operative.

“(c) That with a view to the realization of this arrangement, resolutions passed by both houses of the dominion parliaments should be forwarded to the United Kingdom, if possible by 1st July, 1931, and, in any case, not later than the 1st August, 1931, with a view to the enactment by the parliament of the United Kingdom of legislation on the lines set out in the schedule annexed.

“(d) That the statute should contain such further provision as to its application to any particular dominion as are requested by that dominion.”

And whereas, the said report of the Imperial conference, held at Westminster in the year of Our Lord one thousand nine hundred and thirty, also sets forth in a schedule certain clauses and recitals to be included in a statute which, it was proposed, should be enacted by the parliament of the United Kingdom, and which, it was thought, might conveniently be called the statute of Westminster;

And whereas consideration has been given by the proper authorities in Canada as to whether and to what extent the principles embodied in the proposed act of the parliament of the United Kingdom should be applied to provincial legislation; and, at a dominion-provincial conference, held at Ottawa on the seventh and eighth days of April, in the year of Our Lord one thousand nine hundred and thirty-one, a clause was approved by the delegates of His Majesty's government in Canada and of the governments of all of the provinces of Canada, for insertion in the proposed act for the purpose of providing that the provisions of the proposed act relating to the Colonial Laws Validity Act should extend to laws made by the provinces of Canada and to the powers of the legislatures of the provinces; and also for the purpose of providing that nothing in the proposed act should be deemed to apply to the repeal, amendment or alteration of the British North America Acts of 1867 to 1930, or any order, rule or regulation made thereunder; and also for the purpose of providing that the powers conferred by the proposed act on the parliament of Canada and upon the legislatures of the provinces should be restricted to the enactment of laws in relation to matters within the competence of the parliament of Canada or any of the legislatures of the provinces respectively.

Be it therefore resolved that a humble address be presented to His Majesty the King, in the following words:—

To the King's Most Excellent Majesty:
Most Gracious Sovereign:

We, Your Majesty's most dutiful and loyal subjects, the _____ and Commons of Canada, in parliament assembled, humbly approach Your Majesty praying that you may graciously be pleased to cause a measure to be laid before the parliament of the United Kingdom, pursuant to certain declarations and resolutions made by the delegates of Your

[Mr. Bennett.]

Majesty's governments in the United Kingdom, the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State and Newfoundland, at Imperial conferences held at Westminster in the years of Our Lord one thousand nine hundred and twenty-six and one thousand nine hundred and thirty, and pursuant to certain other resolutions made by the delegates of Your Majesty's governments in Canada and of the governments of all of the provinces of Canada, at a dominion-provincial conference held at Ottawa on the seventh and eighth days of April in the year of Our Lord one thousand nine hundred and thirty-one, the said act to contain the following recitals and clauses, or recitals and clauses to the following effect:—

Statute of Westminster

And whereas, it is meet and proper to set out by way of preamble to this act, that inasmuch as the crown is the symbol of the free association of the members of the British commonwealth of nations, and as they are united by a common allegiance to the crown, it would be in accord with the established constitutional position of all the members of the commonwealth in relation to one another that any alteration in the law touching the succession to the throne or the royal style and titles shall hereafter require the assent as well of the parliaments of all the dominions as of the parliament of the United Kingdom.

And whereas, it is in accord with the established constitutional position that no law hereafter made by the parliament of the United Kingdom shall extend to any of the dominions as part of the law of that dominion otherwise than at the request and with the consent of that dominion.

The Colonial Laws Validity Act, 1865, shall not apply to any law made after the commencement of this act by the parliament of a dominion.

No law and no provision of any law made after the commencement of this act by the parliament of a dominion shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of any existing or future act of parliament of the United Kingdom, or to any order, rule or regulation made under any such act, and the powers of the parliament of a dominion shall include the power to repeal or amend any such act, order, rule or regulation, in so far as the same is part of law of the dominion.

It is hereby declared and enacted that the parliament of a dominion has full power to make laws having extraterritorial operation.

No act of parliament of the United Kingdom passed after the commencement of this act shall extend or be deemed to extend to a dominion as part of the law of that dominion unless it is expressly declared in that act that that dominion has requested, and consented to, the enactment thereof.

Without prejudice to the generality of the foregoing provisions of this act sections seven hundred and thirty-five and seven hundred and thirty-six of the Merchant Shipping Act, 1894,