

These are the main things the written Constitution did as it stood at the end of 1981. They provided the legal framework within which Canada could, and did, adapt, adjust, manoeuvre, innovate, compromise, arrange, by what Prime Minister Sir Robert Borden called "the exercise of the commonplace quality of common sense."

The final British act of 1982, the *Canada Act*, as we have seen, provided for the termination of the British Parliament's power over Canada and for the "patriation" of the Constitution. Under the terms of the *Canada Act*, the *Constitution Act, 1982* was proclaimed in Canada and "patriation" was achieved.

Under the *Constitution Act, 1982*, the *British North America Act* and its various amendments (1871, 1886, 1907, 1915, 1930, 1940, 1960, 1964, 1965, 1974, 1975) became the *Constitution Acts, 1867-1975*.

There is a widespread impression that the *Constitution Act, 1982*, gave Canada a "new Constitution." It did not. In fact, that Act itself says that "the Constitution of Canada includes" 13 other acts of the Parliament of the United Kingdom, part of another United Kingdom act, eight acts of the Parliament of Canada, and four United Kingdom orders-in-council (giving Canada the original Northwest Territories and the Arctic Islands, and admitting British Columbia and Prince Edward Island to Confederation). Thirteen of the acts get new names; two, the old *British North America Act, 1867* (now the *Constitution Act, 1867*) and the *Manitoba Act, 1870*, suffer a few minor deletions. The part of the United Kingdom Statute of Westminster that is included loses one section.

The rest, apart from changes of name, are untouched. What we have now is not a new Constitution but the old one with a very few small deletions and four immensely important additions; in an old English slang phrase, "the old Constitution with knobs on."

What are the big changes it made in the Constitution?

Formulas for change

First, it established four legal formulas or processes for amending the Constitution. Till 1982, there had never been any legal amending formula (except for a narrowly limited power given to the national Parliament in 1949, a power now superseded).