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The Evolution of Canada's Constitution

Constitution of Canada was an act of British law

-therefore any amendments made to the British North America Act had to pass through British parliament

-this requirement had two consequences:

1. Canada remained subject to British law and bound by the foreign policy of Britain
(eg. 1914- Canada automatically at war)
2. Our final court of appeal was not the Supreme Court of Canada but the Privy Council in Britain

Thus in these ways Canada was an independent country

Statute of Westminster 1931

-officially declared that Canada would no longer be subservient to Britain

-Therefore Canada was no longer subject to British laws and could pass laws that contradicted those of Britain. Also Canada was now independent of Britain in terms of foreign policy

Patriation of the Constitution

-although we had our own foreign policy, our Constitution had remained a British Statute

- In order to patriate ("bring home") the Constitution, an agreement was needed on an **amending formula** in case we ever had to amend ("change") the constitution

Amending Formula: a method for making changes to a constitution: in Canada's case, a method that would no longer involve the British Parliament

Constitutional amending formulas usually have a minimum proportion of members –such as 2/3s or 3/4s – who must agree before a change can be made. It also must take care to protect minority constituencies

The Story Of Patriation