In accordance with the directions of the Cabinet I have, in consultation with the legal advisers of the Government Departments concerned, considered the question of alternative redrafts of the Statute of Westminster,

(i) for the purpose of including in the Statute a statement of the right of the United Kingdom to admit to Dominion status such territory as seems proper to her without obtaining the consent of the other Dominions,

and

(ii) for the purpose of securing, so far as possible, that India's claim to become a Dominion should not be prejudiced, but without raising in express terms the other issue.

In my opinion the first alternative would be effected by means of an additional clause to the Statute in terms of the draft 'A' annexed. I think it right to say, however, that this draft is open to more than one serious objection. In the first place, the expression "to constitute as a Dominion" is an ambiguous one. It may imply merely the grant of self government, which is exclusively a legal matter. It might, on the other hand, imply the grant of self government coupled with the right to be recognised by the existing Dominions as
co-equal and the enjoyment of all the rights and privileges possessed by them. This, however, is a political and not a legal matter, nor is it possible to argue that the United Kingdom Parliament, by a grant of self-government, can compel the existing Dominions without their consent, to accord such recognition with the assumption of obligations towards the new member which that recognition necessarily implies, yet, if for the purpose of avoiding this ambiguity any other phrase is used, the whole purpose of the additional clause as far as India is concerned would be defeated.

I draw attention also to a further objection. The proposed clause, while asserting the power of the Parliament of the United Kingdom to constitute as a Dominion any territory which does not form part of a Dominion at the commencement of this Act, necessarily implies a denial of the right of the Parliament of the United Kingdom to constitute as a Dominion any territory which does form a part of an existing Dominion. This would no doubt be necessary for the purpose of securing the agreement of the existing Dominions to the clause, but it seems to me undesirable to open up at this juncture the question by what authority a Province or other part of an existing Dominion can itself be constituted a Self-Governing Dominion. The Cabinet are aware that circumstances might conceivably arise in the future in which this question would be something more than an academic one.

(2) The second alternative can, I think, be best effected by certain amendments, mainly in the recitals, to the Statute of Westminster, which are shown in the draft 'B' annexed, without any additional clause. In my opinion indeed, these amendments are in any
event an improvement on the existing draft, and might well be adopted even if the first alternative (i.e. the additional clause) is accepted.

I feel, however, that the amendments which I have suggested although they go a long way towards meeting what I understand to be the Indian objection, yet require to be supplemented by something further. I have pointed out above that the question of Dominion status and the recognition by existing Dominions of a new member of that status is a political rather than a legal one; and in these circumstances it seems to me that the proper way of dealing with it is to secure the assent of the Dominions at the Imperial Conference to a resolution which I have ventured to embody in the form of a draft resolution in draft 'C'. If a resolution on these lines were adopted by the Conference, the substance of the Indian objection would be, as it seems to me, met and a political method would be used to solve a political difficulty, although, of course, it is for the Secretary of State to forecast the likelihood of Indian acquiescence rather than myself.

(Intld.) W. A. J.

Royal Court of Justice,
September 29th, 1930.
Nothing in this Act affects the power of the Parliament of the United Kingdom to constitute as a Dominion any territory under His Majesty's rule not forming part of a Dominion at the commencement of this Act.
ARRANGEMENT OF CLAUSES.

Clause.
1. Meaning of “Dominion” and “Colony” in this and future Acts.
2. Validity of laws made by Parliament of a Dominion.
4. Parliament of United Kingdom not to legislate for Dominion except by consent.
7. Saving for powers of Provincial and State Legislatures in Canada and Australia.
8. Short title and commencement.
[20 & 21 Geo. 5.] Statute of Westminster.

Draft
of a
Bill

To
give effect to certain resolutions passed by
imperial conferences held in the years 1926
and 1930.

Whereas the delegates of his Majesty's Govern-
ments 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] lawfully, fully and freely
representing the peoples of the United Kingdom and
of the Dominions, at Imperial Conferences held at
Westminster in the years of our Lord nineteen
hundred and twenty-six and nineteen hundred and
thirty did concur in making certain declarations and
resolutions for the purpose of establishing the principles
ordering or hereafter to order the relationship between
the several members of the British Commonwealth.

And whereas it is necessary for the ratifying,
confirming and establishing of the said declarations and
resolutions that a law be made and enacted in due form
by authority of the Parliament of the United Kingdom:

And whereas it is in accord with the established
constitutional position of all members of the British
Commonwealth in relation to one another that no law
hereafter made by the Parliament of the United Kingdom
shall extend to any Dominion otherwise than at the
request and with the consent of that Dominion:

[And whereas, 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 is 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 the several Houses of the Parliaments of 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] have severally presented a humble Address to His Majesty praying that His Majesty may graciously be pleased to give his consent to the submission of a measure to the Parliament of the United Kingdom for making such provision with regard to the matters aforesaid as is hereafter in this Act contained:

Now therefore be it enacted by the King's most Excellent Majesty by and with the consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. In this Act and in every Act passed after the commencement of this Act—

<table>
<thead>
<tr>
<th>Meaning of &quot;Dominion&quot; and &quot;Colony&quot; in this and future Acts.</th>
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<tbody>
<tr>
<td>The expression &quot;Dominion&quot; [except in the expression &quot;His Majesty's dominions&quot;] means the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State [or Newfoundland]; and</td>
</tr>
<tr>
<td>Notwithstanding anything in the Interpretation Act, 1889, the expression &quot;colony&quot; shall not include a Dominion or any Province or State forming part of a Dominion.</td>
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2. (1) The Colonial Laws Validity Act, 1865, shall cease to apply to any law made by the Parliament of a Dominion.

(2) No law and no provision of any law [hereafter] made [after the commencement of this Act] by the Parliament of a Dominion shall be void or ineffectual.
1. - (1) In this Act the expression "Dominion" means any of the Dominions existing at the commencement of this Act, that is to say, the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State, (New Foundland).

(2) Notwithstanding anything in the Interpretation Act, 1869, the expression "Colony" shall not, in any Act passed after the commencement of this Act, include a Dominion, or any Province or State forming part of a Dominion.
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 the law of the Dominion.

3. It is hereby declared and enacted that the Parliament of a Dominion has full power to make laws having extra-territorial operation.

4. No Act of Parliament of the United Kingdom [hereafter] passed [after the commencement of this Act] shall extend or be deemed to extend to a Dominion unless it is expressly declared in that Act that that Dominion has requested and consented to the enactment thereof.

5. Without prejudice to the generality of the foregoing provisions of this Act —

(1) Sections seven hundred and thirty-five and seven hundred and thirty-six of the Merchant Shipping Act, 1894, shall be construed as though reference therein to the Legislature of a British possession did not include reference to the Parliament of a Dominion;

(2) Section four of the Colonial Courts of Admiralty Act, 1890 (which requires certain laws to be reserved for the signification of His Majesty's pleasure or to contain a suspending clause), and so much of section seven of that Act as requires the approval of His Majesty in Council to any rules of Court for regulating the practice and procedure of a Colonial Court of Admiralty, shall cease to have effect in any Dominion as from the commencement of this Act.

6. Nothing in this Act shall be deemed to confer any power to repeal or alter the Constitution Acts of the Dominion of Canada, the Commonwealth of Australia or the Dominion of New Zealand [otherwise than in accordance with the law and constitutional usage and practice [heretofore] existing before the commencement of this Act.]

A.D. 1930.
7. Nothing in this Act shall be deemed to authorise the Parliament of the Dominion of Canada or of the Commonwealth of Australia to make laws on any matter [at present] within the authority of the Provinces of Canada or the States of Australia respectively, not being a matter within the authority of the Parliament or Government of the Dominion of Canada or of the Commonwealth of Australia, as the case may be.

8.—(1) This Act may be cited as the Statute of Westminster, 1930.

(2) This Act shall come into operation on
Statute of Westminster.

DRAFT
OF A
BILL

To give effect to certain resolutions passed by Imperial Conferences held in the years 1926 and 1930.

XCIII. (3.)

4th August 1930
In the event of the like autonomy as is now enjoyed by the Self Governing Dominions being hereafter granted by the appropriate legislature to any territory under His Majesty's rule, each of the several members of the British Commonwealth will be prepared to consider favourably the recognition of that territory as possessing the status described in the Report of the Imperial Conference of 1930.