

# **Severing ties with the British Monarchy, a difficult task**

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The Conservatives and the Liberals in Canada seem to be on a war path over the issue of cutting ties with the royalty. Young liberals have put on the agenda of the party for a discussion in it's next convention a resolution "urging the parliament of Canada to form an all party committee to study the implementation of instituting a Canadian head of state popularly elected, and severe formal ties with the British Crown."

On the other hand, the Conservatives want to boost the royal image ever since Prince William and Kate visited Canada last summer and the Monarchy sentiment ran high. The pro-royalists lined up in each city to welcome and applause Prince William and Kate. Queen Elizabeth's visit last year also ignited a pro-royal sentiment. The opinions gathered showed that 33 per cent Canadian respondents wanted the tied broken, whereas, in Quebec, 58 per cent wanted to break up with the British royalty.

The proposed resolution by liberals says: "Canadians believe in earning one's position in life and not being simply born into privilege" because no Canadian can ever aspire to become head of the state and that under the rules of royal succession, no one except the person of Anglican denomination (a protestant) can be the reigning monarch.

It was after James II fled from England to France during the course of events known as the Bloodless Revolution of 1788, that the succession through the throne of England was demarcated under the Charter of Rights of 1789 and settled in favour of Protestants in the *Act of Settlement 1701*. At the same time, the powers of the king were curtailed. He or she were to act on the advice of the council of ministers and the Privy Council and not by his or her own discretion nor on the advice of the person of his or her choice. The political slogan, King is no more, long live the king, virtually obliterated the absoluteness of the king, but retained the kingship as an institution, not as a ruler.

*The Act of Settlement 1701* is part of the Canadian law. Some politicians took issue with certain provisions depriving Catholics of the high honour. However, a court action launched by O Donohue in 2002 challenged *the Settlement Act 1701* on grounds that it deprived the Catholics from high

position and was violative of the Canadian Charter of Rights and Freedoms. It was however, dismissed holding that the *Act of Settlement 1701* was part of the Canadian Charter of Rights and Freedoms and that Canada has the power to amend the line of succession to the Canadian throne. The statute of West Minister stipulates that an amendment can be made with the consent of 15 Commonwealth realms.

The Queen is the institutional monarch of 15 Commonwealth countries, including Canada, Jamaica, Antigua and Barbuda, Bahamas, Barbados, Grenada, Belize, St. Christopher and Nevis, St. Lucia, Solomon Islands, Tuvalu, St. Vincent and the Grenadines, Papua New Guinea Commonwealth gallery, besides England, Scotland and Ireland, all known as realms of the Commonwealth out of 54 Commonwealth countries.

As in all her realms, the Queen of Canada is a constitutional Monarch, acting entirely on the advice of Canadian Government Ministers. She personifies the state and is a personal symbol of allegiance, unity and authority for all Canadians. The oath provided, to be sworn by persons acquiring new citizenship or by persons holding high post, is the oath of allegiance to the Queen and not to the constitution of that country as provided in the constitution of India, USA and many other countries.

The Governor General of Canada is the federal vice-regal representative of the Monarch. The office of Governor General has its roots in the 16<sup>th</sup> and 17<sup>th</sup> century colonial governors of New France and British North America. The post ordinarily represented the government of the United Kingdom until 1931 when the statute of West Minister became the law and the Governor General was appointed by the Monarch on the advice of Council of Ministers of Canada. The 1904 Militia Act granted permission to the Governor General to use the title of Commander-in-Chief of the Canadian Militia.

During the First World War, Canada was drawn into it because of it's association with the United Kingdom. The then Governor General, Prince Arthur donned his field marshal's uniform, which led to a conflict with the then Prime Minister Robert Borden. It was in 1952 that a Canadian born was appointed as Governor General and, thereafter, the convention continued.

The role of the Governor is mostly formal and ceremonial. Although he has got the power to return a Bill passed by the Parliament without the royal assent, he has never done so.

The proposed resolution by the Liberal party, even if passed by the Liberals, cannot have a significant effect because severing ties with the royalty requires amendment of the Settlement Act, it has to be passed by the parliament of Canada, as well as all the legislative assemblies of all the provinces, including a consent from other realms of the British monarchy.

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