

Lordships are of opinion that the answer to the three questions should be that the Act in each case is *ultra vires* of the Parliament of Canada, and they will humbly advise His Majesty accordingly.

14. Ceylon¹

MEMORANDUM OF 18 MAY 1951 FROM THE MINISTRY OF EXTERNAL AFFAIRS

1. There is no general legislation in Ceylon, and no provision in the Constitution, governing the negotiation and conclusion of treaties and other international agreements; nor are there any decrees, regulations or judicial decisions having a bearing on this subject.

2. However, article 4 (2) of the Ceylon (Constitution) Order in Council, 1946, provides:

“All Powers, authorities and functions vested in Her Majesty or the Governor-General shall, subject to the provisions of this Order, and of any other law for the time being in force, be exercised as far as may be in accordance with the constitutional conventions applicable to the exercise of similar powers, authorities and functions in the United Kingdom by Her Majesty...”

Article 45 of the same Order provides:

“The executive power of the Island shall continue vested in Her Majesty and may be exercised, on behalf of Her Majesty, by the Governor-General in accordance with the provisions of this Order and of any other law for the time being in force.”

3. In practice, international agreements are negotiated and concluded under the authority of the Minister of External Affairs acting with the approval of the Cabinet. The agreements, when concluded, are laid before Parliament for information or, when appropriate, for approval before ratification.

15. Chile

(a) CONSTITUTION OF 18 SEPTEMBER 1925 (AS AMENDED). TEXT FURNISHED BY THE PERMANENT DELEGATION OF CHILE. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 72. Special functions of the President of the Republic are:

. . . .

(16) To maintain political relations with Foreign Powers, receive their agents, admit their consuls, conduct negotiations, make preliminary stipulations, conclude and sign all treaties of peace, alliance, truce, neutrality, commerce, concordats and other conventions. Treaties before their ratification must be presented to the approval of Congress. The discussions and

¹ An External Affairs Agreement was concluded between the United Kingdom and Ceylon in November 1947, as one of the preliminaries to the Ceylon Independence Act 1947, which accorded Ceylon full responsible status within the Commonwealth. This Agreement provided that, in external affairs generally, the governments of Ceylon and the United Kingdom will conform to the principles and practice observed by other members of the Commonwealth.