

Sir Robin Butler

Yes, please: I
have also written
out on the subject

Ref. A088/2203

SIR ROBIN BUTLER

Miss Bowdery

Mr Powel
I think that the solution to
this problem could lie in the first sentence
of para. 2, rather than in a loan. Pl. let
me know if you would like me to pursue.

REB

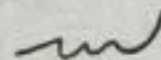
19.7.

Presentation of Constitution Acts

You asked me whether public records could be held outside the Public Records Office and the implications of this for the discussion about the Commonwealth of Australia Act 1900. I have consulted Mr Stevens in Miss Andrews' absence on leave.

2. Public records can certainly be held outside the Public Records Office, and many are. The Public Records Act also permits the loan of public records overseas. Mr Stevens was of the view from his perusal of the Act that there was no specific objection to a permanent loan of a public record outside the country. However, this is contradicted by the first sentence of paragraph 7 of OD(88)9. As a layman, I would not necessarily have interpreted the absence of a provision to make a permanent loan as a bar on making such a loan. But the Lord Chancellor's Department are the experts in this area.

3. I think if we wish to pursue this point further, you would need to talk to Sir Derek Oulton. (I understand from Mr Nicholls that discussion at OD centred more on the question of setting precedents and opening floodgates than the legal or other impediments to the document going to Australia.)



T A WOOLLEY

19 July 1988