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PRECEDENT BOOK.

Part I.

THE CABINET.

PRECEDENT BOOK

PART I - THE CABINET

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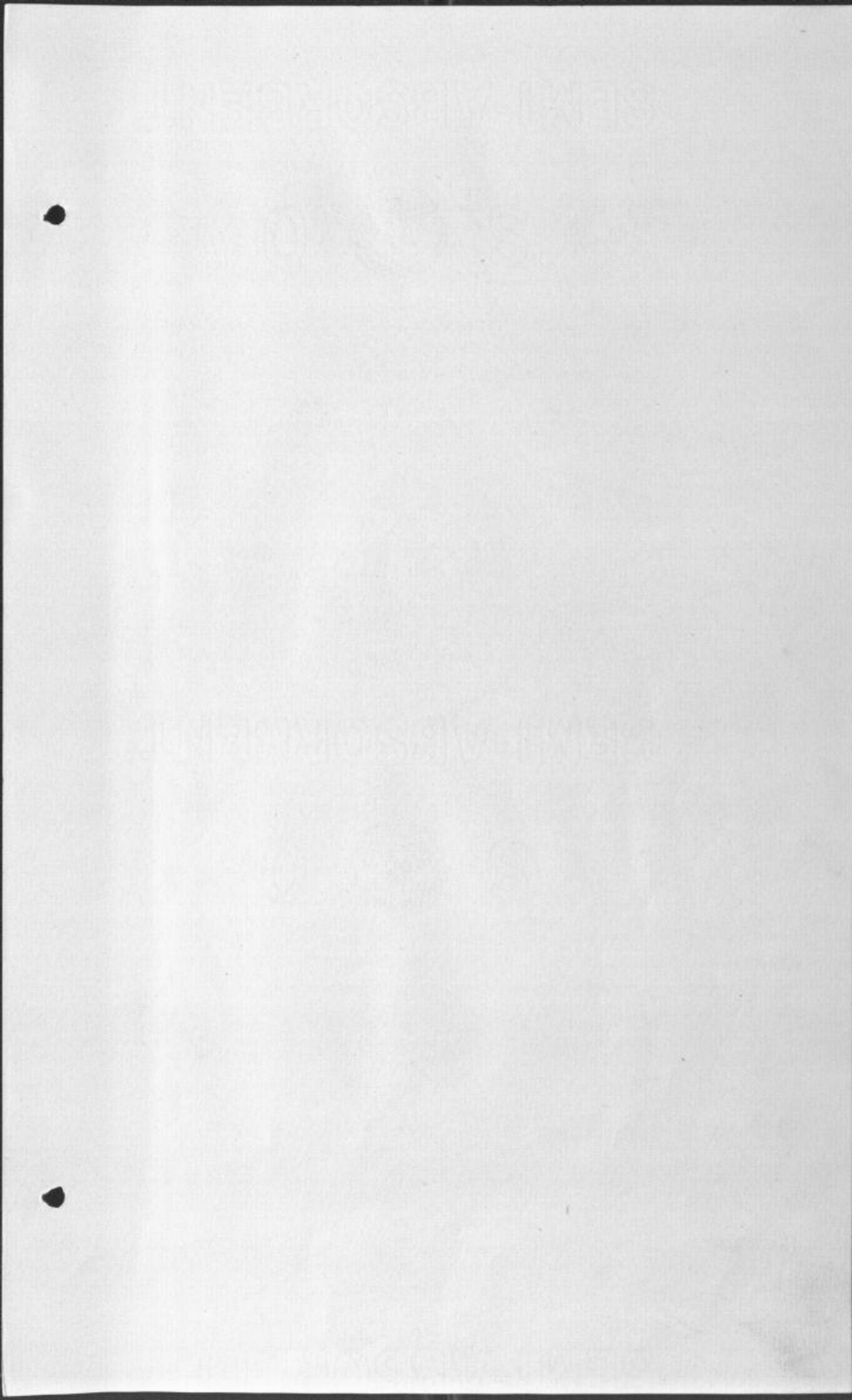
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CONSTITUTIONAL POSITION

The Cabinet and the Cabinet System

The Cabinet is an informal meeting of "such of His Majesty's Confidential Servants as are of the Privy Council" (Johnson). Until the Ministers of the Crown Act, 1937 (which, among other things, makes provision for the payment of additional salary to certain Ministers when they are members of the Cabinet) the existence of the Cabinet had not been recognised in any statute: its existence depends on a convention of the constitution. Its origin as an informal gathering is reflected in its organisation and procedure; and, although in the last thirty or forty years a more formal system has developed, practice and procedure have varied considerably to suit particular circumstances and particular Prime Ministers.

The Cabinet has no statutory powers or functions, but consisting of the leading members of the dominant Party in the House of Commons it is the directing body of national policy. In relation to Parliament it provides a means of reconciling the principles of Ministerial responsibility and collective responsibility, under which every Minister in charge of a Department is responsible to Parliament for a particular sphere of activity and yet shares with his colleagues collective responsibility for the Government's policy as a whole.

On the development of Cabinet Government, the constitutional relationship between the King and the Cabinet and between the Cabinet and Parliament, and the formation of Cabinets, reference should be made to the standard authorities, e.g. Jennings; and Anson, Vol. II(1), pp. 108-148.

For a short reference list of books, etc. about the Cabinet and the Cabinet system see Part VII(5) Annex I.

For a brief note on Cabinet Government in the United Kingdom see Part VII(5) Annex III.

Collective Responsibility

2
The general doctrine is conveniently stated in the words used by Lord Salisbury in 1878:

"For all that passes in Cabinet each member of it who does not resign is absolutely and irretrievably responsible, and has no right afterwards to say that he agreed in one case to compromise, while in another he was persuaded by his colleagues..... It is only on the principle that absolute responsibility is undertaken by every member of the Cabinet who, after a decision is arrived at, remains a member of it, that the joint responsibility of Ministers to Parliament can be upheld, and one of the most essential principles of parliamentary responsibility established".

Ministers of Cabinet Rank who are not members of the Cabinet share in the collective responsibility for the Cabinet's decisions. Collective responsibility is preserved in three ways:-

(a) The minutes and (with some exceptions) the memoranda of the Cabinet are circulated to all Ministers of Cabinet Rank; and any Minister of Cabinet Rank has a right to submit suggestions to the Cabinet on any matter.

(b) A Minister who is not a member of the Cabinet is invariably summoned to attend Cabinet when questions affecting his Departmental interests are to be discussed.

(c) Ministers who are not members of the Cabinet play an important part in the work of Cabinet Committees, through which they make their contribution towards the formulation of Government policy.

See Jennings, PP. 217-227; Anson, Vol II(), pp. 117-119, 144.

On the term "Ministers of Cabinet Rank" see para. 7 below.

For general discussion of the doctrine of collective responsibility and the application of the doctrine during the period of the War Cabinet in the First and Second World Wars see M.G. (42)5 and 7. For the view taken by Sir M. Hankey as regards the War Cabinet of 1916-1919 see file CAB/A/32.

On the "agreement to differ" of 1932 see Cab7(32) and Jennings, pp. 219-220. For the text of the official communique see Part II, para. 44. See also the debates on Cabinet responsibility, Hansard, House of Commons, 8th February, 1932.

On voting by Ministers in Parliament on issues of conscience, etc. see Part II, para. 44.

On voting in Cabinet meetings see para. 35.

On dissent from Cabinet Conclusions see para. 43.

COMPOSITION OF THE CABINET AND THE POSITION OF
MINISTERS OUTSIDE THE CABINET

Appointment to the Cabinet

3 Membership of the Cabinet is not in itself an office, but members are all Ministers of the Crown and Privy Councillors.

See Jennings, pp. 61-64 and Anson, Vol. II(1) pp. 111-2, 224.

In the Second World War, Lord Halifax, (His Majesty's Ambassador in Washington) attended meetings of the War Cabinet, as a full member, when in London. He was of course a Privy Councillor. See minute of 28th November, 1941 on File 48/4/1 Part 1; Hansard, House of Commons, 27th November, 1941 Cols. 890-1.

4 The Prime Minister makes Ministers members of the Cabinet by informal invitation and can equally informally request them to leave the Cabinet. In practice changes in the membership of the Cabinet within the lifetime of a single Government are frequently associated with changes in office to avoid a situation where a Minister may leave the Cabinet while retaining his office.

In November, 1942, when Sir Stafford Cripps ceased to be Lord Privy Seal and became Minister of Aircraft Production, he left the War Cabinet. In May, 1940, Lord Simon, on relinquishing office as Chancellor of the Exchequer to become Lord Chancellor, left the War Cabinet. In October, 1947, Mr. Shinwell, on relinquishing office as Minister of Fuel and Power to become Secretary of State for War, left the Cabinet. On the other hand in February, 1942, Sir Kingsley Wood left the War Cabinet although remaining Chancellor of the Exchequer; and in 1946, on the appointment of a Minister of Defence, the Service Ministers left the Cabinet.

Composition of the Cabinet

5
The composition of the Cabinet is determined by the Prime Minister, who is guided partly by tradition and partly by political considerations and the personality of his colleagues.

For the composition of Cabinets since 1916 see Annex I.

See Jennings pp. 62-63; Anson, pp. 111-2; 224; and, for details of membership, etc. File 4/1/3.

Before 1916 the Cabinet usually included all Ministers of the Crown. On 9th December, 1916, the Cabinet was replaced by a War Cabinet. This was composed of the members of the War Committee of the Cabinet which was set up earlier in the war and consisted of five Ministers, none of whom, except the Chancellor of the Exchequer, was a Departmental Minister.

In 1919 the full Cabinet was re-introduced. The number of Departmental Ministers had meanwhile increased, and Cabinets between 1919 and 1939 contained usually twenty members, the remaining Ministers sharing the collective responsibility of the Cabinet but not sitting in Cabinet.

In the financial crisis in 1931 a National Cabinet was set up of only nine Ministers besides the Prime Minister. This Cabinet, which first met on 26th August, 1931, held 24 meetings, and remained in office until the formation of the Second National Cabinet on 10th November, 1931.

At the outbreak of war in September, 1939 a War Cabinet of nine members was formed; in May, 1940 when Mr. Churchill became Prime Minister of a Coalition Government, the War Cabinet was reformed with five members; but its composition was later modified from time to time. See Annex I.

On 25th May, 1945 when Labour and Liberal members left Mr. Churchill's Government, a Cabinet was formed of fifteen members besides the Prime Minister.

Mr. Attlee's Labour Cabinet when formed in August, 1945 consisted of twenty Ministers. In 1948 the number went down to 16, until Mr. Dalton returned to office as Chancellor of the Duchy of Lancaster.

For discussion of the general problem of the size and composition of the Cabinet see Report of the Machinery of Government Committee (Cmd 9230 of 1918) pp. 4-6; notes by the Secretary of the Cabinet on an article by Lord Samuel in File 28/2/97; and G.O.C. (49)10.

Ministers with Co-ordinating Functions

6. It has been usual for Cabinets to include one or more Ministers without heavy Departmental duties, e.g. the Lord President of the Council and the Lord Privy Seal; and from time to time Ministers without Portfolio have been appointed. These Ministers may be assigned specific tasks as the need arises, or they may be given a general co-ordinating function over a particular field of administration; they are frequently appointed Chairmen of Cabinet Committees. Ministers charged with co-ordinating functions do not, however, fulfil any supervisory role on the lines advocated, for example, in the report of Machinery of Government Committee in 1918 (Cmd. 9230); and the Departmental Ministers remain responsible for the policy and administration of their Departments. In a note circulated in October, 1947 (C.P.(47)288) the Prime Minister outlined the duties of the Ministers with co-ordinating functions then in office, i.e. the Chancellor of the Exchequer, the Minister for Economic Affairs, the Minister of Defence and the Lord Privy Seal. In November, 1947 when Sir Stafford Cripps succeeded Mr. Dalton as Chancellor of the Exchequer he retained the functions assigned to him while Minister for Economic Affairs.

*On the role of the 'Supervising Ministers'
generally see M.S. (42) 2 and 4 and
M.S. (42) 2nd Meeting, Minute 3 and 3rd Meeting,
Minute 2; letter on file 28/2/97.*

Ministers not in the Cabinet

7. The growth in the number of Departments in the last thirty years or so has made it impossible to include all Ministers in the Cabinet. Throughout the 'thirties a few Ministers were "outside" the Cabinet; and in Mr. Attlee's Government after the 1939-45 war about half the members of the Administration (apart from the Law Officers and Junior Ministers) were excluded. These Ministers share, however, in the Cabinet's collective responsibility. They receive most Cabinet memoranda and all Cabinet minutes; they may submit to the Cabinet proposals on any subject; and those who are in charge of Departments attend Cabinet meetings for discussion of matters which affect their Departmental interests.

On attendance at Cabinet see paragraph 14.

On the circulation of documents see Part IV.

For general questions concerning Ministers see Part II.

The term "Minister of Cabinet rank", which was used before the Second World War to denote Ministers in the Cabinet, came to be used during the war to describe Ministers who were not members of the War Cabinet but might have expected to be included in a normal peace-time Cabinet. The term continued in use for some years after the war; but its precise connotation was not defined, and in June, 1950, the Prime Minister, on the suggestion of the Secretary of the Cabinet, ruled that its use was anomalous and should be discontinued (C.P. (50) 152 - File 4/1/11).

Since 1945 it has become the practice to appoint "Ministers of State" as assistants to Ministers in charge of some of the major Departments, e.g. the Treasury, the Foreign Office and the Colonial Office. These Ministers have a higher status than junior Ministers, but it has not been clearly established whether they necessarily share fully in the collective responsibility of the Government (see minute of 27.6.50 on file 4/1/11).

For some time after the formation of the War Cabinet in 1939 Ministers not in the War Cabinet were in various lists divided by line drawn below the offices which had been included in the peace-time Cabinet. Thus, Vacher for October, 1939, showed eight Ministers "below the line", viz. two war-time Ministers (Information and Economic Warfare), four Ministers not included in the peace-time Cabinet (Pensions, Works, Postmaster-General and Paymaster-General and the two English Law Officers. (The Scottish Law Officers were apparently omitted inadvertently.) By 1942 the only Ministers "below the line" were the Minister of Pensions and the four Law Officers, and, on the Prime Minister's instructions, the distinction was abandoned in November, 1942 (File 4/1/11, note of 25th November, 1942). The term "below the line" is now used only in relation to those who, in the record of attendance at meetings of the Cabinet and Committees, are shown as "also present", i.e. attending not as members but as invitees.

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Law Officers

8.

While the Lord Chancellor is regarded as the principal adviser to the Cabinet on legal matters, one of the Law Officers is now normally asked to attend the Cabinet when legal or constitutional issues are under discussion. Usually ~~this is the Attorney-General or in his absence the Solicitor-General, but~~ the Lord Advocate may, ~~in the absence,~~ be asked to attend in his capacity of one of the four Law Officers of the Crown. The general role of the Law Officers was restated by the Prime Minister in C.P.(48)271, the substance of which is embodied in paragraphs 6 and 28 of C.P.(49)95.

C.P.(48)271 (16th November, 1948) stated:-

"It is very desirable that we should make full use of the experience of the Law Officers on the legal aspects of policy questions. I have not here in mind the long-established and valuable practice of referring difficult legal issues to the Law Officers for a formal Opinion, but rather the general assistance which they can give to their Ministerial colleagues on the legal questions which arise in the formulation and administration of policy.

"I hope, therefore, that Ministers in charge of Departments will not hesitate to consult the Law Officers, as colleagues in the Government, on questions where their advice is likely to be of value.

"Chairmen of Cabinet Committees should also bear in mind the value of securing the attendance of one of the Law Officers at any meeting at which legal issues are likely to arise."

On the position of the Scottish Law Officers, who have sometimes in the past been appointed on a non-political basis, see No. 10, Downing Street Handbook, p.19.

In April, 1924 the Attorney-General submitted a memorandum (C.P.251(24) Annex III) pointing out that "in important matters it generally happens that the Law Officers have no knowledge whatever of the policy to be adopted by the Cabinet, and in consequence are quite unable to express an opinion as to whether that policy can be legally carried into effect." Ministers were asked (Cab.27(24)4) to ensure that the Law Officers saw Bills as early as possible. The Law Officers were also, if necessary, to be called to the Cabinet. It was partly as a result of this discussion that the Treasury Minute of 28th April, 1924 on the submission of business to the Cabinet was issued (see below).

In 1944 the Treasury Solicitor, on being consulted by the Secretary of the Cabinet, held that since the Lord Chancellor was the principal adviser to the Cabinet on legal matters, the Law Officers should attend only when he so required them, e.g. in a case where it was contemplated that an action might have to be taken and a decision defended in the courts. File. 4/1/34.

→ INSERT.

9. The Law Officers receive copies of Cabinet memoranda which may be of concern to them, together with appropriate extracts from the Cabinet Conclusions.

Formerly the Lord Chancellor was responsible for informing the English Law Officers of Cabinet decisions which affected them; and a statement to this effect appeared in successive Notes on Procedure prior to C.P.(49)95. This ruling went back to a decision of the Second Labour Cabinet in 1929 (Cab. 23(29)3.)

For the circulation of Memoranda to the Law Officers see File 4/3/56 Part 2; of Minutes, see Part IV.

10. In addition to their duties as chief legal advisers to the Government the Law Officers discharge a large volume of legal and Parliamentary work.

In reply to a Question on 28th February, 1946 on the attendance of Law Officers at Standing Committees of the House of Commons the Prime Minister (Mr. Attlee) said:

"It has never been the practice for a Law Officer to attend all meetings of all Standing Committees. Although the burden of work now imposed upon the Law Officers is substantially heavier than hitherto, I understand that a Law Officer has been present on all occasions where the Minister in charge of the Bill concerned has indicated that their attendance in connection with particular clauses might be of assistance to the Committee. Law Officers have other important public duties in connection with litigation and other matters but they give precedence to Parliamentary work and I hope that Committees will not find it necessary to require their constant attendance."

(Hansard, House of Commons, Col. 2106.)
On the priority of Parliamentary work and on the question of the appointment of third English Law Officer see C.M. 47(45)7.

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At the Cabinet's meeting on 6th April (C.M. (50) 19th Conclusions, Minute 2), the Lord Chancellor complained that he had not been consulted personally about the legal issues involved in a question then before the Cabinet, although the Attorney-General had been consulted and had indeed given a formal Opinion. Subsequently the Prime Minister informed the Lord Chancellor that he did not think it would be right to ask Departmental Ministers to decide when they should consult him and when they should consult the Law Officers; and that it was the duty of the Law Officers to bring the Lord Chancellor in on any matter on which they had given an Opinion if it seemed likely to come before the Cabinet. The Attorney-General agreed on this occasion to give instructions that, when a written Opinion was given by a Law Officer on any matter of general interest or importance, a copy should be sent to the Lord Chancellor, so as to enable him, if he wished, to discuss the matter with the Attorney before the question came before the Cabinet. File 4/1/6/4.

Law Officers see File 4/3/50 Part 2; of Minutes, see Part IV.

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On the priority of Parliamentary work and on the question of the appointment of third English Law Officer see C.M. 47(45)7.

// The Director of Public Prosecutions in England and Wales discharges his duties under the superintendence of the Attorney-General, and in giving his directions the Attorney-General is not subservient to the Executive Government. It is the duty of the Attorney-General, when a prosecution proposed is of such a character as to involve matters of public policy, to inform himself of the views of the appropriate Minister (usually the Home Secretary) before coming to a decision, but the responsibility for the eventual decision remains exclusively that of the Attorney-General. The question of prosecution would not normally come before the Cabinet, which has no right to influence the Attorney-General in his decision.

See C.P.544(24) (File L.O./E/2) and Jennings, p. 181. For instances where the question of prosecution has come before the Cabinet see File L.O./E/1. The classic instance was the Campbell case in 1924 when, after discussion in Cabinet (Cab.48(24)5), a prosecution of the acting editor of the Daily Worker under the Incitement to Mutiny Act was withdrawn. This led to a vote of censure in the House of Commons on which the First Labour Government was defeated on 8th October, 1924. Apart from the suspicion that the prosecution had been withdrawn on purely political grounds the Cabinet was open to criticism in deciding that in future "no public prosecution of a political character should be undertaken without the prior sanction of the Cabinet being obtained." This decision was revoked by Mr. Baldwin's Cabinet (Cab.65(24)8). See Files noted above and Home Office File 477, 583/1.

It has sometimes been argued that because of his quasi-judicial functions the Attorney-General ought never to be a member of the Cabinet. There have, however, been several Cabinets in which he has been included. See Jennings, p. 63; Anson, Vol. II(1), p. 221.

Junior Ministers

12

Junior Ministers (i.e. Parliamentary Under-Secretaries of State and Parliamentary Secretaries) have no standing in relation to the Cabinet, but they may be asked to attend in certain circumstances. The Parliamentary Secretary to the Treasury, as Chief Whip, normally attends for discussion of Parliamentary business.

On the attendance of Junior Ministers at Cabinet see para. 15.

On the general position of Junior Ministers see Part II, para. 28.

The Financial Secretary to the Treasury was a member of Mr. Baldwin's Cabinet in 1923-1924.

Precedence of Members of Cabinet and other Ministers

13

The Prime Minister determines the precedence of members of the Cabinet and other senior Ministers; he is guided partly by tradition and partly by political and personal considerations. Cabinet precedence differs from precedence in the Privy Council and in public ceremonial generally, where e.g. the Lord Chancellor takes precedence over the Prime Minister.

On the appointment of a new member of the Cabinet or a new Minister the Secretary of the Cabinet takes the Prime Minister's instructions on the precedence to be given to him. This is usually done through the Prime Minister's Private Secretary. Thereafter the Cabinet Office list of Ministers is revised as necessary, e.g. for guidance in the preparation of front pages of minutes. Copies of the list are regularly sent by the Chief Clerk to the Editors of the Stationery Office list, Hansard and Vacher's Parliamentary Companion.

See generally File 4/1/11.

Certain offices, including those of Lord Chancellor and Lord Privy Seal, normally carry high precedence. In 1947, however, when Lord Inman was made a member of the Cabinet on appointment as Lord Privy Seal the Prime Minister ruled that he should rank below all other Members of the Cabinet. (When Mr. Tom Johnston was Lord Privy Seal in the Second Labour Cabinet he ranked after all other members; and in the second National Cabinet (formed 10th November, 1931) Mr. Snowden (Lord Privy Seal) did not rank higher than fifteenth). File 4/1/11.

On the precedence of the Lord Chancellor for Cabinet purposes see Minutes and correspondence of March-April, 1942 in File 4/1/11.

(For notes on the question of the general precedence of the Leader of the Opposition see File 4/1/11.)

ATTENDANCE AT THE CABINET

Members of the Cabinet and Ministers of Cabinet Rank

14
Cabinet meetings take precedence over other meetings and Departmental business. Members of the Cabinet always attend unless they are indisposed or out of London. The Cabinet has no 'quorum'; at certain special or emergency meetings, particularly meetings during 'holiday' periods, attendance has been quite small. (See, e.g., C.M. 72(47); 73(47); 52(49)).

Ministers not in the Cabinet attend on invitation; they are normally invited for items of business affecting their Departments, but the Prime Minister's instructions are taken when the Agenda for a particular meeting is submitted to him.

The current notes on procedure state:-

It is of assistance to the Secretary if Private Secretaries indicate, when asking for a subject to be placed on the Agenda, which Ministers, other than members of the Cabinet, are likely to be affected, so that arrangements may, if necessary, be made for their attendance.

Ministers summoned to meetings of the Cabinet for particular items will receive an Agenda Paper on which an approximate time will be set against each item. Every endeavour is made not to keep Ministers waiting, but the time at which each item will be reached cannot be forecast exactly. Cabinet meetings take precedence over other business. The utmost endeavours should be made by Ministers to be punctual and thus avoid wasting the time of their colleagues.

If a member of the Cabinet, or a Minister summoned for a particular item, is unable, for any reason, to be present at a meeting of the Cabinet, he should notify the Secretary, who will inform the Prime Minister and will also consider whether any rearrangement of business is required.

(C.P.(49) 95, paragraphs 14, 15 and 17)

From October, 1946 until October, 1947 (when the Government was reconstituted) Mr. John Strachey, Minister of Food, was, at the Prime Minister's request, regarded as a "constant attender" on the analogy of War Cabinet practice, and although not a member of the Cabinet attended regularly irrespective of the business to be taken including, e.g. the Budget discussion. He was listed on the Agenda as an "invitee". File 4/1/31.

On the attendance of the Law Officers see para. 8.

The Service Ministers are normally invited to attend when matters affecting the administration of the three Services are discussed. They do not ordinarily attend when strategic questions are discussed.

Junior Ministers

15
No one can represent a Minister in his capacity of a member of the Cabinet. A representative is therefore only required if a Minister's Department is concerned with a particular item. In such cases the Minister is normally represented by his Parliamentary Secretary. In September 1945, however, the Prime Minister ruled that Parliamentary Secretaries should not represent their Ministers at Cabinet when broad issues of policy are being discussed, even though the interests of their Departments may be involved: they should only attend where there is a purely Departmental view to be put. (He also ruled that officials should not attend in the absence of their Ministers except in very special circumstances.) (See File 4/1/31).

On the position of Junior Ministers generally, see Part II, para. 26.

In 1947, when the Parliamentary Secretary, ~~to the~~ Ministry of Fuel and Power (Mr. Gaitskell) was chairman of the Materials Committee, the Secretary of the Cabinet had discretion from the Prime Minister to arrange for him to be invited to Meetings of the Cabinet when matters of concern to him in that capacity were discussed. File 4/1/31.

16

Chiefs of Staff

The Chiefs of Staff may be invited to attend for discussion of military matters or strategic issues. The Prime Minister's instructions are taken; normally, except in clear cases, it is found expedient to consult informally the Minister of Defence and, on occasion the Foreign Secretary, before a submission is made. Individual Chiefs of Staff may, if necessary, be represented by deputies. On occasion the Chiefs of Staff, although asked to be present may not be required to remain throughout the Cabinet's discussion; on a few occasions they have been asked to attend at 10, Downing Street, in case their presence in the Cabinet Room should be required.

Officials and others

17 The general rule is that, apart from members of the Secretariat, officials do not attend Cabinet. There are however, two accepted departures from this rule: the Permanent Secretary to the Treasury and the Permanent Under-Secretary of State for Foreign Affairs may, with the Prime Minister's consent, attend. Their names are not shown on the Agenda as "invitees".

See generally File 4/1/31.

Notwithstanding the general rule other officials have, on occasion, in very exceptional circumstances been present. Thus in 1946 Foreign Office officials other than the Permanent Under-Secretary of State attended on three occasions, and in 1948 on 6 occasions. Treasury officials other than the Permanent Secretary attended on 4 occasions and a Ministry of Defence official once, in 1948. A representative of Parliamentary Counsel attended once in 1948.

Others who attended, since the present Government was formed are:-

Chief Secretary for Palestine
(Sir John Shaw) C.M. 75(46)

High Commissioner for Palestine
(Sir Alan Cunningham) C.M. 33(47)

General Officer Commanding Palestine
(Lt.-Gen. Macmillan): C.M. 33(47)

British Military Governor, Germany
(Gen. Sir Brian Robertson): C.M. 30(48)

British Deputy Military Governor, Germany
(Gen. Brownjohn): C.M. 43(48)

Commissioner-General for South East Asia:
C.M. 38(49) 3

United Kingdom High Commissioner in India
C.M. 38(49) 3

Commander-in-Chief, Far East Land Forces
C.M. 38(49) 3

His Majesty's Ambassador in Washington:
C.M. 50(49) 5,
51(49)

United Kingdom High Commissioner in Canada
C.M. 52(49) 2

18. Historical Notes

On attendance of persons other than Privy Councillors see Jennings, p. 214-5.

War Cabinet
1916-1919

Large numbers of Ministers not in the War Cabinet, officials and others attended. See Reports of the War Cabinet for 1917 and 1918 (Cmd. 9005 and 325); House of Lords Debate on 19th June, 1918.

Cabinet
1919-1939

Between 1919 and 1939 Cabinet meetings were seldom attended by Ministers other than those in the Cabinet or by officials. (The Cabinet minutes record several complaints at the absence of Ministers, e.g. Cab 3(19)1; 62(30)1). In 1937 there were only a score of occasions on which Ministers not in the Cabinet attended; and the only officials to attend were the Chairman and Deputy Chairman of the Unemployment Assistance Board and the Legal Adviser to the Foreign Office. In 1938 there were eleven instances of attendance of other than Cabinet Ministers. In 1939 meetings were occasionally attended by the Permanent Secretaries and the Parliamentary Secretaries of the Foreign Office and the Treasury.

War Cabinet
1939-1945

On the establishment of the War Cabinet more latitude was allowed. Ministers not in the War Cabinet attended when a subject with which they were Departmentally concerned was under discussion; the Chiefs of Staff attended regularly at first and, from 1940 onwards, at the weekly meetings at which the war situation was reviewed. (For details of arrangements see Files 48 and 4/1/31.)

Lord Halifax, when His Majesty's Ambassador in Washington, attended the War Cabinet as a full member during his visits to the United Kingdom (W.M. 309(40)5 and minute of 21st January, 1941 on File 4/1/11)

The Viceroy of India (Lord Wavell) attended "above the line" during his visit to the United Kingdom in April, 1945 (he had attended as "also present" when Viceroy-Designate) (W.M. 39, 43 and 45(45)).

Ministers Resident, ^{when} visiting the United Kingdom, attended the War Cabinet when matters concerning them were raised: Mr. Casey attended as a full member when he was Minister of State Resident, Middle East, and the others as Cabinet Ministers "also present". See Part II, para. 9

From 27th October, 1943 to 22nd November, 1943 General Smuts attended the War Cabinet "above the line". See File 10/8/24 .

For attendance of Dominion and Indian Ministers and Representatives at the War Cabinet see Part VI.

On three occasions Mr. Harry Hopkins, President Roosevelt's personal representative, attended the War Cabinet and on one occasion General Marshall, Chief of Staff to the United States Army, attended.

On various occasions officials attended for particular items, e.g. officials from the Foreign Office, senior officers from the Service Departments, the Commanders-in-Chief of Overseas Commands and of Allied armies in the field and the personal assistants or representatives of the Prime Minister.

19
Attendance at "Budget Cabinets"

The general practice is that only members of the Cabinet are present when the Chancellor of the Exchequer informs the Cabinet of his Budget proposals. *The Secretary of the Cabinet attends, but he is not accompanied by other members of the Secretariat.*

See also p. 23.

In 1917 there were present in addition to the Cabinet, the two Chiefs of Staff, Sir Henry Wilson, the Acting Secretary of State for Foreign Affairs, and the Permanent Under-Secretary of State for Foreign Affairs, and ~~the Chiefs of the Naval Staff and the C.I.C.S.~~ in 1919, eight other Ministers were present. File 13/1/12.

More recent exceptions are:-

- 1940 Permanent Secretary, Treasury
- 1942 Secretary of State for Air
- 1943 Lord Privy Seal
Secretary of State for Air
Minister of Aircraft Production
- 1944 Lord Chancellor
Secretary of State for Air
Lord Privy Seal
Minister of Aircraft Production
Minister of Information
Paymaster-General
- 1945 Lord Privy Seal
Secretary of State for Air
- 1947 (C.M. 36(47))
Minister of Food
Permanent Secretary, Treasury.

Leave of absence

20

It is usual for a member of the Cabinet unable to be present to take steps to obtain the Prime Minister's leave to be absent. This is usually done by the Minister himself, directly or through his Private Secretary, the Secretary of the Cabinet being kept informed. (C.P.(49)95, paragraph 17).

Movements of Ministers

21

The current notes on procedure state:-

The Secretary should also be informed of Ministers' out-of-town engagements, and also of their week-end and holiday arrangements, in order that, if some sudden emergency arises, he may be in a position to inform the Prime Minister at once which Ministers are immediately available.

(C.P.(49)95, paragraphs 14-18)

Every Friday a note is sent to the Prime Minister's Private Secretary showing the movements of Ministers over the following week-end. Detailed lists of addresses and telephone numbers are prepared in advance of the 'holiday' periods (Easter, Whitsun, the Summer Recess, and Christmas) for use in the Cabinet Office and 10, Downing Street. Special steps are sometimes necessary to avoid the absence of too many Ministers at any one time during the summer recess. In June Private Secretaries are asked to indicate their Minister's holiday plans and a provisional list of holiday arrangements is submitted to the Prime Minister so that, before plans

become firm, any necessary adjustments can be carried out. Details of firm plans are obtained in July and consolidated lists prepared.

See generally File 32/136.

The practice of noting week-end addresses dates from July, 1928 (Cab. 39(28)7).

In the past arrangements to be made during Parliamentary Recess have frequently been considered at meetings of the Cabinet.

In 1947, it was found shortly before the Summer Recess that an insufficient number of senior Ministers would be in or near London during the month of August and one or two Ministers had to be asked by the Prime Minister to change their plans at short notice.

In 1948, at the submission of the Secretary of the Cabinet, the Prime Minister mentioned at a Cabinet meeting in June the need for co-ordination of holiday plans and asked Ministers to inform the Secretary of their intentions. (C.M.35(48)2).

On the despatch of business during holiday periods, see p. 33 .

CABINET BUSINESS

Scope of Business

22. The Cabinet has no terms of reference. In the report of the Haldane Committee on the Machinery of Government (Cmd. 9230 of 1918) its main functions were described as follows:-

- (a) the final determination of the policy to be submitted to Parliament;
- (b) the supreme control of the national executive in accordance with the policy prescribed by Parliament; and
- (c) the continuous co-ordination and delimitation of the authority of the several Departments of State.

23. There are, however, certain matters which are not regarded as appropriate for collective decision; and by custom these are not normally discussed in Cabinet. Lord Oxford and Asquith said that these included "the exercise of the prerogative of mercy, the personnel of the Cabinet and the making of appointments" (Jennings, page 179); and Jennings himself adds the Budget, the exercise of the prerogative of dissolving Parliament and, possibly, public prosecutions.

(i) Personnel of the Cabinet. This is hardly an example of an excluded subject; for it is difficult to imagine circumstances in which a Cabinet could usefully discuss its own composition or its members. The composition of the Cabinet - both its size and the individuals who should compose it - is essentially a matter for the personal decision of the Prime Minister himself. He first forms it; and, if changes are required, he must make them. No one could suppose that this could be Cabinet business. Gladstone is reported to have said in 1882, in a letter to a friend:- "I can affirm with confidence that the notion of a title in the Cabinet to be consulted on the succession to a Cabinet office is absurd. It is a title which Cabinet Ministers do not possess. During thirty eight years since I first entered the Cabinet, I have never known more than a friendly announcement before publicity and very partial consultation perhaps with one or two, especially the leaders in the Second House." (Morley's "Life of Gladstone", Volume III, page 101).

(ii) Making of appointments. Appointments are normally made by the decision of the Prime Minister or of the Minister having power to make the appointment. But, where political considerations are involved, the responsible Minister may mention the person whom he has in mind to his colleagues in Cabinet and give them the opportunity of expressing their views on the political considerations. The responsible Minister is normally left to take his final decision in the light of that expression of views. The Minister would not normally put his proposals to the Cabinet in a formal memorandum inviting their approval. Nor would it be usual for the Cabinet formally to record a collective decision in favour of a particular appointment. In the case of appointments of the highest importance - e. g. before India attained independence, the appointment of a Viceroy - the Prime Minister would often inform the Cabinet in advance, as a matter of courtesy, of the advice which he was proposing to tender to the King.

(iii) Prerogative of Mercy. The Home Secretary's responsibility for advising His Majesty on the exercise of the prerogative of mercy is a purely personal jurisdiction. It is accepted that the final advice must be decided by the personal judgment of a single individual, after weighing all the considerations to be taken into account. Although these considerations will often include some to which the courts could not have regard, the function is in essence judicial. Exceptionally, however, cases arise into which important political considerations enter; and on these occasions the Home Secretary may wish to have some discussion with his Cabinet colleagues. Thus, when Roger Casement was sentenced to death for treason in 1916, the Home Secretary consulted the Cabinet on the question whether it would be politically expedient to advise a reprieve for the purpose of placating public opinion in Ireland and the United States. He circulated to the Cabinet memoranda by his official advisers, who were strongly in favour of allowing the law to take its course, and some of the representations received from private persons urging clemency. The Cabinet considered this case at two meetings; and on each occasion expressed the view that there should be no reprieve (Home Office file 311,643/171). Similarly, in February, 1940, the War Cabinet discussed the case of two members of the Irish Republican Army who had left a bomb in the carrier of a tradesman's cycle in a Coventry street and had been convicted of the murder of the persons killed by its explosion. This came before the Cabinet at the instance of the Secretary of State for Dominion Affairs, who believed that the execution of these men would provoke feelings of hostility in Eire and impair our war effort. These issues were discussed at four meetings of the War Cabinet: but the Home Secretary (Sir John Anderson) insisted that the final decision must remain with him and that the proper limits of a Cabinet discussion on such a question should be clearly understood. While it was right that he should have the assistance of his Cabinet colleagues in assessing what weight should be given to the political considerations involved - and, in particular, that he should hear the views of the Foreign Secretary and the Dominions Secretary on the probable reaction of public opinion in the United States and Eire respectively - the Home Secretary must himself decide, after hearing the views of his colleagues and weighing all the considerations which he must take into account, whether or not he should advise the exercise of clemency. On that occasion opinions in the War Cabinet were divided; and, although various Ministers supported the plea of the Dominions Secretary that the prisoners should be reprieved in order to placate opinion in Eire, the Home Secretary decided that it was his duty to allow the law to take its course. The prisoners were executed; and the political consequences feared by some members of the War Cabinet did not in fact follow.

No reference to these discussions was included in the War Cabinet Minutes. A full record was made of them, however, and two copies of this have been preserved - one in the Home Office file 827,810/61 and the other in Sir Edward Bridges' collection of confidential War Cabinet records.

(iv) Public Prosecutions. It is the personal responsibility of the Attorney-General to decide whether a public prosecution should be instituted; and he must be careful to avoid any suspicion of having allowed his judgment to be influenced by political considerations. There may, however, be occasions on which such prosecutions involve questions of public policy. These are not limited to prosecutions for political offences, such as sedition: they may also arise in connection with the prosecution of the instigators of an illegal strike. On such occasions it is proper for the Attorney-General to ascertain the views of

the Cabinet on the question whether the institution of proceedings would be contrary to the public interest. Even then, however, it is probably safer that the Cabinet should not purport to direct the Attorney either to prosecute or to refrain from prosecuting. It is better that, having expressed their views of the considerations of public policy which arise, they should leave him free in form to take his own decision whether to prosecute or not. The withdrawal, after Cabinet intervention, of a prosecution instituted by the Attorney-General led directly to the defeat of the Government in 1924 (Jennings, pages 181-2).

(v) Dissolution of Parliament. Jennings states that, since the end of the first war, the Cabinet has never discussed the exercise of the prerogative of dissolving Parliament (page 183), though he adds that if the Prime Minister desires the advice of the Cabinet there is nothing to prevent him from raising the question.

Questions relating to the Dissolution of Parliament were in fact discussed on several occasions by Mr. Attlee's Cabinet in 1949/50. Thus -

(a) Before their formal meeting on 13th October, 1949, the members of the Cabinet together with the Chief Whip met to consider whether a General Election should be held in the autumn of that year or postponed until 1950 (the Government's term of office was due to end in July, 1950, at latest). No Secretary was present, and it was decided that no reference to the discussion should be included in the Cabinet Conclusions, on the ground that it was concerned with Party, and not Cabinet, business. On the front page of the Conclusions the meeting was recorded as having begun at 12 noon, which was the time when the Secretary was admitted and the formal meeting began.

A "No Circulation Record" (see Part IV) was, however, made to indicate that the discussion on the Election had taken place. In this was reproduced the text of the communique issued to the Press after the meeting, which was as follows:-

"Having regard to the disturbing effects on trade and industry and on the national effort by the continuance of speculations as to an early General Election, the Prime Minister thinks it right to inform the country of his decision not to advise His Majesty to dissolve Parliament this year."

(b) The Cabinet met on 10th January, 1950, to hear from the Prime Minister that he had advised the King to dissolve Parliament with a view to the holding of a General Election on 23rd February. No Secretary attended, but a set of Conclusions was circulated consisting of a Front Page and the following Minute:-

"THE PRIME MINISTER informed the Cabinet of the advice which he had tendered to The King about the dissolution of the present Parliament and the calling of a new Parliament, which advice His Majesty had been pleased to accept."

A meeting notice, but no agenda, had been circulated in advance of the meeting.

(c) The General Election of 1950 left Mr. Attlee's Government with a majority in the House of Commons of only 6; and the Conservative Opposition at once challenged the Government during the Debate on the Address by pressing two amendments to a division. On 9th March, when the first of these divisions was to take place, the Prime Minister discussed with the Cabinet whether he should ask for a dissolution if the Government were defeated on this division. The Cabinet's discussion on this point was not recorded in the Minutes - which stated merely that "The Cabinet had some preliminary discussion about the situation which would arise if the Government were defeated in a division early in the life-time of the Parliament". A "No Circulation Record" of the discussion was, however, made; and copies of this were sent to the King's Private Secretary and to the Prime Minister's Private Secretary, for their personal information.

(vi) The Budget. The Chancellor of the Exchequer explains his Budget proposals to the Cabinet orally at a special meeting usually held on the day before he opens his Budget in the House of Commons. By then it is too late for him to make any substantial changes in his plans; and any consultations which he may wish to have with other Ministers have been carried out informally beforehand. Thus, the Budget is not treated as collective business. Jennings is right in giving, as the reason for this procedure, the fundamental importance of secrecy (pages 102 - 183); but he has not realised the special need for secrecy about the details of Budget proposals - viz. the danger that any leakage might be made the basis of speculation on the Stock Exchange. The fact that this actually occurred in 1936, as a result of an indiscretion by Mr. J.H. Thomas, is likely to be a conclusive answer for many years to come to any suggestion that the details of the Budget should be formulated through normal Cabinet discussions.

The Budget Cabinet is held as near to the Budget Speech as practicable - usually on the day before, and preferably in the afternoon or evening. The dates in recent years are:-

<u>CABINET</u>			<u>BUDGET</u>
1945:	22nd October	(a. m.)	23rd October
1946:	8th April	(a. m.)	9th April
1947:	14th April	(p. m.)	15th April
1947:	11th November	(a. m.)	12th November
1948:	5th April	(a. m.)	6th April
1949:	5th April	(a. m.)	6th April

On occasions - e. g. C.M.(47) 36th Conclusions and (47) 36th Conclusions - other business has been taken at the same meeting, but efforts are always made to avoid this.

In 1917 the Cabinet minutes recorded the Budget discussion in some detail, but since then details have never been recorded. The token minute reads:-

"The Chancellor of the Exchequer communicated to the Cabinet particulars of the proposals in the forthcoming Budget.

In accordance with precedent, details are not recorded in the Cabinet Conclusions."

In 1950 the suggestion was made that the Cabinet should have some discussion about the general principles of the Budget before the Chancellor of the Exchequer formulated its details. This suggestion was justified on the ground of the Government's difficult Parliamentary situation - they had a majority in the House of Commons of only six over all other Parties - and the need to avoid a controversial Budget. But, although this was the occasion for making it, the suggestion undoubtedly reflected a growing feeling among Ministers that the Budget was becoming one of the main instruments of economic policy and it was unreasonable that this should be the one aspect of economic planning on which no opportunity was given for the collective formulation of policy. The Cabinet therefore devoted the greater part of one meeting to a general discussion of the economic situation in relation to the Budget: (C.M.(50) 7th Conclusions). The Chancellor made an oral report on the economic and financial situation and the main factors which he would have to take into account in framing his Budget proposals; and the other members of the Cabinet took this opportunity of making specific suggestions to him and expressing their views about the broad lines which the Budget might follow. They intended to resume this discussion during the following week; but in the event they found it inconvenient to do this and agreed, instead, that Ministers who had specific suggestions to make should send them in writing to the Chancellor (C.M.(50) 9th Conclusions, Minute 5). One of these raised the question whether it was right to continue to aim at a substantial Budget surplus; and the Prime Minister asked the Chancellor of the Exchequer to circulate a paper on this question as a basis for discussion at a further meeting of the Cabinet. The Cabinet met for this purpose on 17th March and, after a full discussion, endorsed the general policy outlined in the Chancellor's memorandum, and his approach to the problems of the forthcoming Budget (C.M.(50) 12th Conclusions).

None of these discussions was recorded in the Cabinet Minutes. It was the general view of Ministers that this experiment had been valuable, since it had enabled the Cabinet to discuss the general principles of Budgetary policy, while leaving the Chancellor to formulate the details of his Budget in the light of the views expressed by his colleagues.

It is perhaps possible to deduce a general principle governing this exclusion of certain subjects from Cabinet discussion. For the Budget procedure there are special reasons of secrecy. For the rest it may be said that the matters which are not regarded as appropriate for collective discussion by the Cabinet are all, in varying degrees, matters requiring a quasi-judicial decision. Such a decision, in the last resort, can best be given by the judgment of a single individual. Moreover, it must be a decision which is, and is seen to be, taken on an objective appreciation of all the relevant factors. Although these may include political factors, political considerations and influences must not be thought to have carried undue weight in the decision - and the Cabinet is, necessarily and properly, a political body.

Foreign and Military Affairs

13

Questions concerning foreign and military affairs are not necessarily brought before the Cabinet for decision, although they are frequently discussed in Cabinet and Ministers are kept informed by the circulation of memoranda and telegrams by the Foreign Office, Commonwealth Relations Office and Colonial Office and, in certain cases, the Service Departments.

It is usual for 'Foreign Affairs' to be placed at the beginning of the agenda for the first of the two regular weekly meetings of the Cabinet, so that the Foreign Secretary has a regular opportunity of informing the Cabinet of current development.

By 1927 the practice of having 'Foreign Affairs' on the Agenda, which had hitherto been somewhat intermittent, crystallised and thereafter it appeared regularly up to the period immediately before the war. During 1938 and 1939 there were very few Cabinets which did not begin with 'Foreign Affairs' as the first item. The usual entry on the Agenda was "FOREIGN AFFAIRS (if required)", but often a particular item was noted under the general heading, e.g. "FOREIGN AFFAIRS: Situation in China." File 48 Part 2, minute of 22nd November, 1945.

During the war it was the regular practice to put the foreign and military situations first on the Agenda for the Monday meetings of the War Cabinet.

The practice of putting "Foreign Affairs" on the Agenda at the first of the two weekly meetings of the Cabinet was restored in November, 1945. File 48 Part 2, Minutes of 27th November, 1945.

Parliamentary Business

24 When Parliament is in session 'Parliamentary Business' is regularly taken, as a first item, at the Thursday meeting of the Cabinet. The Cabinet are then informed of the business in the House of Commons in the following week; any necessary adjustments are taken up and arrangements made for Government spokesmen. The Chief Whip regularly attends for this purpose. Business in the House of Lords is discussed when matters of controversy arise; and other Parliamentary matters (e.g. Select Committees, Committee of Privileges) are often raised at the same time.

See generally File 4/1/51.

The Parliamentary programme was not regularly reviewed week by week by pre-war Cabinets.

Until October, 1947 it was customary to record details of even routine business in the Cabinet minutes. It was then arranged, with the agreement of the Prime Minister, the Lord President (as Leader of the House of Commons) and the Chief Whip, that details would be omitted from the minutes and a separate note circulated by the Secretary of the Cabinet, each Thursday afternoon, showing the House of Commons programme for the following week. This practice was, however, discontinued in 1948, and Departments now receive (from the Government Whips' Office) only copies of the business statement in the House of Commons. Any significant points arising are, however, noted in the Cabinet minutes.

At the last regular meeting of the Cabinet before a Parliamentary recess it is usual to take the Parliamentary business for the first week after the recess.

On occasion, if the Cabinet is not meeting on Thursday, 'Parliamentary Business' is taken earlier in the week. Frequently, however changes have to be made subsequently. (Exceptionally the House of Commons programme is sometimes settled outside the Cabinet in discussion between the Chief Whip and the Leader of the House of Commons and, if necessary, the Prime Minister).

In 1949, when limited Parliamentary time was allowed for Private Members' Bills, points arising from discussion of them by the Legislation Committee were taken with "Parliamentary Business" and the Government's attitude on each Bill explained.

Economic Affairs

25 At regular intervals 'Economic Affairs' is put on the Agenda, when the periodical Economic Report submitted by the Chancellor of the Exchequer is discussed. The 'Production Ministers' attend for this discussion.

(i.e. the Ministers of Transport, Food, Supply, and Fuel and Power)

The Economic Report was first suggested in October, 1947 as a means of affording Ministers a regular statement, supported by statistics, on trends and developments in the economic situation. The first Report (C.P. (47) 309) was circulated on 21st November, 1947; and 'Economic Affairs' first appeared on the agenda on 2nd December, 1947 (C.M. 92(47) 2). For the first few months the Report was submitted fortnightly, but a monthly report was later submitted.

The Budget

26 The budget is outlined orally to the Cabinet by the Chancellor of the Exchequer before it is presented in the House of Commons, but the Chancellor's statement and the discussion on it are not recorded in the minutes.

On attendance at 'Budget Cabinets'

See Jennings, p 182.

The Budget is normally taken at a special meeting of the Cabinet on the day before the Budget is presented in the House of Commons (preferably at an afternoon meeting). On occasion (e.g. C.M. 36(47) and 86(47)) other business has been taken at the same meeting, but efforts are always made to avoid this.

In 1917 the Cabinet minutes recorded the Budget discussion in some detail, but since then details have never been recorded. The token minute reads:-

"The Chancellor of the Exchequer communicated to the Cabinet particulars of the proposals in the forthcoming Budget.
"In accordance with precedent, details are not recorded in the Cabinet Conclusions."

The dates of recent 'Budget Cabinets' in relation to the date of the Budget are:-

	<u>Cabinet</u>		<u>Budget</u>
1945:	22nd October (a.m.)		23rd October
1946:	8th April (a.m.)		9th April
1947:	14th April (p.m.)		15th April
"	11th November (a.m.)		12th November
1948:	5th April (a.m.)		6th April
1949:	5th April (a.m.)		6th April

White Papers

27

There is no requirement that proposed White Papers as such should be brought before the Cabinet before they are published. White Papers on major questions of policy are, however, normally submitted to a Ministerial Committee or the Cabinet before issue.

See File 4/3/137, particularly minute of 8th April, 1946.

On publicity arrangements for White Papers see Part VII II.

ACTION PRIOR TO SUBMISSION OF BUSINESS

28

The current notes on procedure state:-

The business of the Cabinet consists, in the main, of -

- (i) Questions of major policy which affect a number of Departments or engage the collective responsibility of the Government.
- (ii) Questions on which there is a conflict of interest between Departments which has not been resolved.

Except in cases of extreme urgency, questions falling under the second of these heads should not be referred to the Cabinet until all possible means of resolving the conflict have been exhausted, including personal correspondence or discussion between the Ministers concerned.

Similarly, it is the rule that matters falling under the first head should be thoroughly examined at the official level, if necessarily interdepartmentally, before they are referred to Ministers, so that the policy decisions required may be clearly defined.

Proposals which involve expenditure or affect general financial or economic policy should always be discussed with the Treasury - and, if Treasury agreement has not been secured at the official level, with the Chancellor of the Exchequer - before they are submitted to the Cabinet or to a Ministerial Committee. Full consideration must also be given to the probable cost in terms of man-power of any proposal involving new or extended administrative commitments. It is a standing instruction that any proposals submitted for consideration shall, if they would involve the employment of additional staff or would place a financial burden on the Exchequer, be accompanied by an estimate of -

- (a) the man-power likely to be required by Government Departments (and also, where practicable, an estimate of the man-power required outside the Government service); and
- (b) the cost to the Exchequer, whether direct or through grants-in-aid of local rates.

An indication should always be given that the cost to the Exchequer has been discussed with the Treasury; and special attention should be drawn to proposals of whose potential man-power requirements the Treasury have not been informed.

These rules do not, of course, limit the right of Ministers to submit to the Cabinet memoranda setting out their views on general issues of policy.

Ministers should not hesitate to consult the Law Officers, as colleagues in the Government, on legal questions which arise in the formulation and administration of policy.

Matters which fall wholly within the Departmental responsibility of a single Minister and do not engage the collective responsibility of the Government need not be brought to Cabinet at all. A precise definition of such matters cannot be given and in borderline cases a Minister is well advised to bring the matter before his colleagues.

(C.P. (49) 95, paragraphs 1-7)

In January, 1920 the Cabinet (1(20)) ruled that the financial details of proposals must be discussed with the Treasury before submission, and to this end they agreed that a Treasury representative should be added to the Cabinet Secretariat.

In 1924 it was laid down (Cab.27(24)4) that the Law Officers should see draft Bills at an early stage and that prior consultation between Departments should always be carried out. A Treasury circular was issued (April, 1924) covering these points; it also laid down the rule that no memorandum could be put on the Cabinet agenda until at least five days after its circulation. This circular was re-issued when Mr. Baldwin's Government took office later in 1924 (Cab.59(24)1).

In 1929 the Cabinet ruled that draft Bills should not be submitted until after their subject matter had been fully examined between the Department responsible and the Treasury, the Law Officers (where contentious Bills were concerned) and the other Departments interested. (Cab. 22(29)1). This decision was specially brought to the attention of Departments in 1931 in Treasury Circular 8/31 of 25th February, 1931 and again in Treasury Circular No. 13/37 of 24th June, 1937. Files 15/34/1 Pts. 1 and 2)

Before the war all Bills had to have prior approval by the Cabinet before introduction, but during the war this practice lapsed. In 1944, however, in connection with the Requisitioned Land and War-Works Bill (which had been introduced without submission of the draft to the War Cabinet) the War Cabinet ruled that no Bill dealing with a controversial subject should be introduced unless the policy had been considered and approved by the War Cabinet. (W.M.25(45)4).

In December, 1942 the War Cabinet asked (W.P.(42)541 and W.M.163(42)) that full consideration should be given to the man-power implications of new proposals.

In 1947 Departments were required, in terms of Treasury Circular No. 16/47, to see that when proposals were put before the Cabinet or a Ministerial Committee an estimate was included of any additional man-power required to put them into effect. This instruction was repeated in the general directive issued by the Prime Minister in November, 1948 (C.P.(48)288) on the cost of new schemes in men and money. The substance of this directive was reproduced in paragraph 4 of C.P.(49)95. File 15/34/36.

SUBMISSION OF BUSINESS

29 The Cabinet's discussion normally proceeds on the basis of memoranda circulated in advance of their meeting.

The current notes on procedure state:-

Memoranda for the Cabinet should be as brief and as clear as possible. The model memorandum explains at the outset what the problem is, indicates briefly the relevant considerations and concludes with a precise statement of the decision sought. While it is sometimes useful to include a summary of the main points brought out in the body of the memorandum, such a summary should never exceed a few lines; any longer summary defeats its purpose and simply means repetition. So far as possible prefatory covering notes should be avoided. To facilitate reference in discussion, paragraphs should be numbered. Supporting data may often be relegated to an Appendix. If authority is sought to make a statement or despatch a telegram a draft may be attached. Time spent in making a memorandum short and clear will be saved many times over in reading and in discussion; and it is the duty of Ministers to ensure that this is done by personal scrutiny, and where necessary revision of the memoranda submitted to them by their officials. In particular, the use of unnecessary neologisms and obscure technical terms should be avoided.

(C.P. (49)95, paragraph 10)

A memorandum intended for consideration by the Cabinet, other than one commenting on a memorandum already circulated, must be circulated two clear days before the meeting at which it is to be considered. A precise formulation of this rule has been issued to all Departments by the Secretary of the Cabinet, who is responsible for seeing that it is strictly enforced. The permission of the Prime Minister is required for any exception to this rule and will be granted only in cases of extreme urgency.

(C.P. (49)95, paragraph 9)

The pre-war rule was that memoranda should be circulated five clear days before the meeting at which they were to be considered (C.P. 88(36) Appendix I). This rule (which went back to 1924) was relaxed during the war of 1939-45 during which the present two day rule was introduced.

In 1945 when the Caretaker Government took office a number of Coalition Government memoranda remained to be considered. The Secretary of the Cabinet asked the successors of the outgoing Ministers responsible for these memoranda whether they were prepared to resubmit them in their own name or whether they wished them to be withdrawn. A number were in fact considered without change by the new Cabinet. File 4/3/261.

In 1932 the Prime Minister (Mr. Macdonald) (Cab.9(32)11) asked "that his colleagues should make it a regular practice before circulating memoranda to the Cabinet to pass them through his hands." Such prior submission became the rule, but in 1934 the Prime Minister renewed his request, adding that "he took a lenient view as to what should be circulated" (Cab 13(34)1 and 30(34)2). It is not clearly established when the practice of prior submission to the Prime Minister lapsed. In 1943, however, the Prime Minister's Private Secretary said that for all practical purposes the practice had lapsed. (Minute of 27th April, 1943 File 4/1/6A Pt. 2)

It was also customary before the War to send to the Chancellor of the Exchequer a copy of all memoranda received for circulation and to delay circulation until his consent was obtained. This practice lapsed on the outbreak of war in 1939.

ACTION IN THE CABINET OFFICE

30. Notes on current practice in the Cabinet Office in the arrangement of Cabinet business are given in Annex II .

PROGRAMME OF FUTURE BUSINESS

31

A programme of future business giving provisional notice of subjects which will come up for discussion during the following week, together with the numbers of any papers already issued on those subjects, is, after approval by the Prime Minister, circulated by the Secretary to the Cabinet each Friday.

Before the War the Secretary circulated regularly to members of the Cabinet a weekly list of subjects awaiting consideration (C.P.88(36) paragraph 1). This practice was abandoned during the War, but advance notice of the following week's business was given whenever possible.

AGENDA

32

Agenda of the Cabinet are settled by the Prime Minister on submission of the Secretary. They show subjects to be discussed at the meeting (with references to relevant memoranda and any earlier discussions) and indicate the Ministers other than members of the Cabinet required to be present at the discussion. Ministers not in the Cabinet summoned to meetings for particular items receive an agenda paper on which the approximate time is set against each item.

For details of current and past practice see Part IV; and for preparation of the Agenda Annex II.

The receipt of the Agenda is regarded as an invitation to a Cabinet meeting.

Before the War it was customary to send with the copies of the Agenda a formal notice calling a meeting "of His Majesty's Servants". This notice was issued for Tuesday meetings of the War Cabinet (see minute of 31st December, 1940 in File 48 Pt. 1), but the practice lapsed. In order that the custom might not be completely forsaken the notice was issued (with the Prime Minister's approval) in connection with the meeting of the Cabinet held on 5th April, 1948 (Budget Cabinet). See File 4/1/52.

In February, 1929, Ministers were asked (Cab. 4(29)7) "to scrutinise documents carefully before a C.P. number was asked for in order to avoid overloading the Cabinet Agenda with matters which are only sent for information". The practice of "taking note" of documents of this character lapsed on the appointment of the War Cabinet, and it was not resumed after the war.

For "Foreign Affairs", "Parliamentary Business" and "Economic Affairs" as items on the Agenda see pp. 20-23.

For notes on pre-war practice in the preparation of the Agenda see minute of 2nd October, 1936 on File 4/5/4.

MEETINGS

General practice

33

The Prime Minister always takes the chair at Cabinet meetings, unless he is unavoidably absent; in that event the member of the Cabinet next in order of precedence takes the chair.

The Lord President took the Chair at one meeting in 1947 (C.M. 73(47)), and at one meeting in 1948 (C.M. 56(48)). On occasion the Foreign Secretary (C.M. 57(48)) or the Chancellor of the Exchequer (C.M. 58(48)) has presided.

34

Meetings are normally held in the Cabinet Room at 10, Downing Street. If it is necessary for the Cabinet to meet at a time when the House of Commons is sitting and important divisions are due to take place, or when a number of senior Ministers must be within easy reach of the Chamber, the meeting is held in the Prime Minister's room in the House of Commons.

In September, 1921 the Cabinet held two meetings in Scotland (Town Hall, Inverness, and Brahan Castle) (Cab. 74 and 75(21)).

During the war of 1939-45 meetings were often held in the Cabinet War Room.

In recent years the Cabinet has on a few occasions during the Summer Recess met in Conference Room 'B' in the Cabinet Office and not in the Cabinet Room, (e.g. C.M. 56(49), 52(49)). The reason for this has usually been to make it easier to prevent knowledge of the meeting from becoming public. In the summer of 1949, at the time of the discussions on the devaluation of the pound sterling the possibility of holding a Cabinet meeting at Chequers was canvassed.

In the 19th Century the Cabinet met occasionally at the Foreign Office, and in earlier periods often at the House of the member who had business to submit. See Hankey, *Diplomacy by Conference*, page 49.

35

The Cabinet does not normally vote; all decisions must represent general agreement, and discussion continues until the general sense of the meeting appears.

Exceptionally in the past some Cabinets appear on occasion to have decided questions by vote. See Jennings, 202-3.

For general discussion of practice at Cabinet meetings in the past, see, Jennings, Chapter IX, Section 5, and notes in File 4/1/56.

Frequency of Meetings

36 The Cabinet normally meets at present twice a week - on Mondays and Thursdays - while Parliament is sitting, but additional meetings are held as required.

On the timing of meetings and on the advantages of meetings on Tuesdays as contrasted with Mondays see Annex II, and minute of 27th November, 1945 on File 48 Pt.2.

The pre-war Cabinet usually met once a week (on Wednesdays) during the Parliamentary Session. In the period immediately before the outbreak of War the Cabinet met daily and until February, 1941 the War Cabinet met daily. Thereafter meetings of the War Cabinet were held twice a week with additional meetings on other days, if necessary, to deal with urgent business.

For statistics of meetings see Annex III.

Special Meetings

37 Special or emergency meetings of the Cabinet are usually summoned by telephone messages from the Cabinet Office on the instructions of the Prime Minister. The King's Private Secretary should always be informed. If time allows the arrangements are confirmed by the circulation of an agenda paper.

For the summoning of meetings after normal working hours see current instructions to Duty Officers. See also File 4/1/15.

Meetings in Holiday Periods

38 In the holiday periods, viz. Easter, Whitsun and Christmas, it is usual to avoid meetings of ~~the~~ Cabinet Committees and indeed of the Cabinet itself, unless specially urgent business arises. A few weeks in advance the Secretary of the Cabinet takes the Prime Minister's instructions on the arrangements to be made. The note circulated by the Secretary of the Cabinet at the Prime Minister's direction usually states that if a meeting of the Cabinet is required every effort will be made to hold it on a particular day so that Ministers can make their own arrangements accordingly.

39 In the summer Parliamentary Recess it is usual to regard the first six or seven weeks as a close period in which Cabinet Committee meetings are avoided altogether and meetings of the Cabinet kept as few as possible. To avoid calling Cabinet Committee meetings during this period the practice is to arrange for urgent business which would have been taken at them to be taken instead at the Cabinet. A submission in this general sense is made to the Prime Minister early in July.

See File 4/1/81

The notes issued on the despatch of business during the summer recess have been very similar in the years 1946-49. In 1946 the note was discussed briefly by the Cabinet (C.M. 76(46)1). This was not thought necessary in subsequent years.

The pre-war practice was broadly similar.

Messages during Meetings

40

The current notes on procedure state:-

The Prime Minister's Private Secretary on duty at the Cabinet room is responsible for ensuring that the proceedings of the Cabinet are not disturbed. To assist him, Ministers should give general instructions that messages are not to be sent to them while in Cabinet, unless they are so urgent that they cannot wait until the end of the meeting.

(C.P. (49)95, paragraph 16)

X *that*

In June, 1929 the Cabinet (Cab. 24(29)1) agreed the member seated nearest the door of the Cabinet Room should take in any messages for Ministers.

In 1940 it was arranged with the Prime Minister's Private Secretary that, even when the Prime Minister was not himself present at a Cabinet meeting, one of the Private Secretaries would be regarded as on duty at the Cabinet room. File 4/1/14.

Attendance of Secretariat

41
In present circumstances, unless he is unavoidably absent, the Secretary attends all meetings of the Cabinet. He is normally accompanied by the Deputy Secretary (Civil) and/or the Under-Secretary (according to the subjects on the agenda.) The Deputy Secretary (Military) attends when military matters are to be discussed.

"The Secretary will attend meetings of the Cabinet, unless instructed to the contrary, for the purpose of recording conclusions."
(C.P.88(36), Appendix I, paragraph 2).

On the appointment of a senior member of the staff of the Cabinet Office it is usual for the Prime Minister to be informed by a note from the Secretary of the Cabinet that he will be attending Cabinet as a member of the secretariat.

Until December, 1916 there was no Secretary to the Cabinet. On the formation of Mr. Lloyd George's War Cabinet in December, 1916, Sir Maurice Hankey, who had been in turn Secretary to the Committee of Imperial Defence, the War Council, the Dardanelles Committee and the War Committee, out of which the War Cabinet was evolved, was appointed Secretary to the War Cabinet.

For general discussion of the position of the Secretary of the Cabinet, see Jennings, pp. 186-9; debate in House of Commons on Cabinet Office vote, 13th June, 1922 (File I.J.69 (1 and 2); Hankey, Diplomacy by Conference, Chapter 3.

War Cabinet meetings during the period 1939-45 were normally attended, for the discussion of particular items, by Assistant Secretaries in addition to the Secretary of the Cabinet and his senior colleagues. See Gibbs, *War Cabinet Narrative*.

Since the war an Assistant Secretary has on occasion attended as a member of the Secretariat during holiday periods. See C.M. 56, 59 and 61(18).

On 13th October, 1949, and 10th January, 1950, the Cabinet met without a Secretary to discuss the timing of a General Election. See paragraph 22 above.

CABINET CONCLUSIONS

General

42. The current notes on procedure state:-

It is an instruction to the Secretary, in drafting Cabinet Conclusions to avoid, so far as practicable, reference to opinions expressed by particular Ministers. The record in respect of each item will be limited to the decision of the Cabinet, together with such summary of the discussion as may be necessary for the guidance of those called upon to take action on the decision. Matters of exceptional secrecy may be recorded in a "Confidential Annex".

Copies of the Conclusions are circulated by the Secretary to Cabinet Ministers and Ministers of Cabinet rank. Copies of "Confidential Annexes" are sent only to the Ministers directly concerned.

Any suggested amendments to Cabinet Conclusions must reach the Secretary not later than the next day but one following that on which the Meeting was held. Thereafter the Conclusions will be sent to be printed in final form.

(C.P. (49)95, paragraphs 19-21)

In certain circumstances the Secretary may make a record, for inclusion in his "Standard File of Cabinet Conclusions", but without any circulation, of particularly delicate and secret matters discussed at Cabinet. A copy of these "No Circulation Records" is occasionally given to the Prime Minister's Private Secretary.

Cabinet Conclusions are always available in the Cabinet Room during meetings of the Cabinet for reference by Cabinet Ministers.

On the form and circulation of Cabinet Conclusions, etc., see Part/V.

A systematic record of Cabinet meetings was not kept until December, 1916, when the War Cabinet was formed and took over the secretarial machinery which had served the Committee of Imperial Defence. Before that date the only record made of Cabinet decisions (apart from early 'Minutes of Cabinet') was a personal note sent by the Prime Minister to the Sovereign after each meeting of the Cabinet.

For general discussion of the practice prior to the establishment of the Cabinet Secretariat and historical accounts of early Cabinet practice, including the results of researches in the archives at Windsor, etc., see Hankey, Diplomacy by Conference, Chapter 3; Jennings, Chapter 9, Sections 3-5, 7 and 8; Anson, Vol. II(1) pp. 119-121; File 4/1/56.

Cabinet Conclusions and Cabinet Minutes are the same. For a short time, however, after the full Cabinet was restored in 1919 there was a distinction between the two, the Conclusions representing the summary record and the minutes

a detailed report of which only a very few copies were made. In a note in File CAB/C/20 Sir M. Hankey stated: "It was contemplated that in addition to the 'Conclusions' circulated to all members of the Cabinet, somewhat fuller minutes would be required. In practice, however, it has been found more convenient that the 'Conclusions' should constitute the sole official record". (See also Annex I, p. 4, to C.P.30(24)). In 1932 Mr. George Lansbury alleged in the House of Commons that the Secretary of the Cabinet kept a full record of Cabinet meetings in addition to the Conclusions. In the light of correspondence with Sir M. Hankey he subsequently explained that he had been misinformed and that the conclusions were the sole record. (Hansard, House of Commons, 12th February, 1932, Cols. 1163-4; File CAB/A/27.)

On one occasion in 1925 Sir M. Hankey recorded in manuscript, for the information of the King, a Cabinet discussion on a specially secret matter. (File CAB/A/13).

Dissent from Conclusions

43 Decisions of the Cabinet are normally unanimous. In the past, however, the dissent of particular Ministers has sometimes, exceptionally, been recorded in the Cabinet conclusions.

The conclusions of the meeting of the Cabinet on 25th July, 1922 (42(22) 3 and 4) (Anglo-American Debt), note the fact that the Lord Privy Seal (Mr. A. Chamberlain) and the Chancellor of the Exchequer (Sir Robert Horne) asked that their dissent might be recorded. Lord Balfour (Lord President) stated, when the propriety of this was questioned, that in his view the confidential record of a dissent did not infringe the rule that Ministers were corporately responsible for all Cabinet decisions, and this view was accepted.

The question was again raised in 1931 and the Cabinet (81(31)6) took the view, put forward by the Prime Minister (Mr. Macdonald,) that the recording of notes of dissent or reservation was contrary to the general principle of Cabinet unity.

On 22nd January, 1932, however, the Cabinet agreed that in the case of discussions relating to balance of trade, import duties and cognate matters members of the Cabinet should be entitled to record their dissent from conclusions of the Cabinet (7(32)2). Several such notes of dissent are recorded (the "agreement to differ").

Implementation of Conclusions

44
The current notes on procedure state:-

All Ministers are responsible for giving such instructions to their Departments as may be necessary to give effect to the Conclusions of the Cabinet, and for communicating to subordinate Departments or branches decisions of which they should be made aware. Where an urgent matter arises in Cabinet unexpectedly, and a decision is reached requiring immediate action by a Department not represented at the meeting, the Secretary will ensure that the Department concerned is notified forthwith.

(C.P.(49)95, paragraph 22)

It was the practice of the Secretary to the War Cabinet of 1916 - 1919 to send a covering note with each copy of the Conclusions circulated indicating which Departments were expected to take action on the decisions recorded.

In 1924 the Cabinet (59(24)1) asked Ministers to enquire into the arrangements in their Departments for giving effect to decisions.

In 1929 the Cabinet agreed that, in cases where a Minister was not available (through illness, urgent public business, or for some other reason) to instruct his Department in regard to decisions taken at Cabinet, the Prime Minister had authority to arrange for notification to be made to the Permanent Head of the Department. The Secretary was instructed to bring such cases to the Prime Minister's notice. (C.M.23(29)3).

In September, 1939 a circular letter was sent to Private Secretaries making it clear that, notwithstanding the practice in the War Cabinet of 1916-19, Departments were expected to take action forthwith on receipts of the Conclusions. File 48/1

45.
Outstanding Conclusions

The Secretary of the Cabinet circulates to Departments from time to time schedules of Cabinet Conclusions ("Black List") on which no report has been received by him that action has been taken.

In 1940 the War Cabinet decided (W.M.268(40)8) that the Secretary should circulate weekly to Departments a schedule of the Conclusions reached by the Cabinet in the previous week and of the Conclusions recorded in previous schedules until he had been informed by the Departments concerned in writing that the action called for had been taken, or, in the case of long-term projects, that the initial steps had been taken to implement the Cabinet's decision. The first series of schedules was issued on 23rd October, 1940. This practice was maintained after the war, but the intervals at which the schedules were circulated were lengthened. The present modified practice was introduced in 1947. See File 48/36.

On 25th August, 1947 (C.M.74(47)2) the Cabinet asked the Secretary to consider "whether any further machinery was required to ensure that the arrangements for following up and progressing decisions by Ministers were adequate to the needs of the present emergency". Various means of improving the arrangements ("black lists", progress reports, etc.) were discussed; one of the results was the institution of the periodical Economic Reports to the Cabinet by the Chancellor of the Exchequer. File 30/22/36.

SECRECY OF CABINET PROCEEDINGS

46
It is the established rule that proceedings of the Cabinet are secret. It is the personal responsibility of Cabinet Ministers to see that there is no leakage of information about discussions in the Cabinet. Their collective responsibility for the decisions of the Cabinet imposes this need for discretion upon them and they are bound also by the Privy Councillor's oath.

Precautions against unauthorised disclosures of information and noted in paragraphs 33-38 of C.P. (49)95.

For earlier notes on the need for secrecy see File 4/1/6A.

For general discussion of the secrecy of Cabinet proceedings see Jennings, pp. 208-210.

The relevant passage of the Privy Councillor's oath is:-

"You shall, in all things to be moved, treated, and debated in Council, faithfully and truly declare your Mind and Opinion according to your Heart and Conscience and shall keep secret all Matters revealed unto you or that shall be treated of secretly in Council. And if any of the said Treaties or Councils shall touch any of the Counsellors, you shall not reveal it unto him, but will keep the same until such time as, by the Consent of His Majesty, or of the Council, Publication shall be made thereof."

On the procedure for tracing leakages of information see generally File S50/10/15.

On the King's consent to disclosure of Cabinet proceedings in statements by resigning Ministers, see Part II.

On the security of Cabinet Documents and restrictions on their circulation see Part V.

The records of Cabinet proceedings include many references to leakage of information and many injunctions to Ministers on the importance of preserving secrecy, particularly in the handling of Cabinet conclusions. Thus in March, 1922 the Cabinet decided, because of frequent leakages, that only two full copies of Cabinet conclusions should be made. Later in 1922 (Cab. 68(22)9) the Cabinet discussed a memorandum by Lord Stanfordham on instances of unauthorised public references to proceedings in Cabinet: it was made clear that the King's permission was necessary before such disclosures were made (Cab. 68(22)9, and original memorandum there filed).

ANNOUNCEMENT OF CABINET DECISIONS

47

The current notes on procedure state:-

While the collective responsibility of Ministers often calls for discussion between Ministers on some important question which falls wholly or mainly within the purview of a single Department, the normal course is for the resulting decision to be announced and defended by the Minister concerned as his own decision.

There may be rare occasions when it is desirable to emphasise the importance of some decision by stating specifically that it is the decision of His Majesty's Government. This, however, should be the exception rather than the rule. The growth of any general practice whereby decisions of the Cabinet were announced as such would lead to embarrassment. Thus, some decisions of Government would be regarded as less authoritative than others.

(C.P.(49)95, paragraphs 29 and 30)

On the exceptional practice of public reference to a decision as a "decision of the Cabinet" (as an alternative to "His Majesty's Government") see minutes of 29th and 30th May, 1946 on File 4/1/6A. General statements of procedure prior to C.P.(49)95 allowed this alternative.

It was agreed by the Cabinet in 1929 that in any case where a member of the Cabinet thought it to be in the public interest to issue a Press communique or any announcement of Cabinet decision he should first consult the Prime Minister. (Cab 22(29)1).

PRESS COMMUNIQUEs ABOUT CABINET MEETINGS

48
No communiques are now issued to the Press about the holding of Cabinet meeting or the attendance at them. Press references to prospective meetings and to actual meetings and attendance are normally based on unofficial or unauthorised disclosures, speculation, or observation by Press representatives of the movements of Ministers, but unofficial guidance is sometimes given, as a matter of policy, through the Prime Minister's Adviser on Public Relations.

On 6th November, 1919 the Cabinet (3(19)2) asked the Secretary to publish a press notice after each meeting of the Cabinet, stating who was present. It became customary also to indicate the subjects discussed. On 12th November, 1924 it was decided (Cab. 59(24)1) at the first meeting of Mr. Baldwin's Cabinet to revert to the practice of giving a list of names only without any particulars of the subjects discussed. For a specimen notice see File 4/1/55. On particular occasions the Cabinet asked that a press notice should not be issued or agreed that it should take the form of a specially drafted announcement.

During the war this practice was dropped and Defence Notice prohibited the publication of any information about future meetings of the Cabinet, the place where the meetings had been or were to be held, the subject matter of Cabinet meetings and the names of Ministers and others present.

In January, 1948 the question of resuming the pre-war practice was discussed, but it was decided not to pursue the matter. File 4/1/55.

On 27th May, 1936 reports were given in B.B.C. news bulletins of what was believed to have passed at a Cabinet meeting that morning. On the instructions of the Cabinet the Secretary of the Cabinet wrote to the Director-General asking that in future no statement should be made in news bulletins on proceedings in Cabinet without direct authority for the statement from 10, Downing Street. The B.B.C. accepted this arrangement, but pointed out that it imposed restrictions which were not applied to responsible newspapers. In reply the Secretary, on the Home Secretary's advice, made the point that the B.B.C. stood in a special position of responsibility to the public and that a clear distinction ought to be drawn between a broadcast announcement which went into every home and a mere statement in the Press. See File PUB/B/13. In recent years, however, the B.B.C. have frequently quoted, on the basis of agency reports, statements by political and other correspondents on matters believed to have been discussed at Cabinet.

WAR CABINET REPORTS

49. In 1917 Lord Curzon suggested that reports should be prepared to "present to Parliament and the public a clearly compiled record of the war histories and the accomplishment of the period since the present Government assumed office in December 1916". (File 70/13). The War Cabinet agreed that a draft should be prepared, and a report was eventually published (Cmd. 9005.). A second report (Cmd. 325) was published in 1918, but the practice was then discontinued.

In 1944, the Prime Minister (Mr. Churchill) replying to a question in the House said that it was not proposed to prepare for publication reports on the War Cabinet then in office. (Hansard, House of Commons, 22nd February, 1944 Col. 656.)

MISCELLANEOUS

Cabinet Photographs

50 It is not an invariable custom for new Cabinets to be photographed. The initiative is normally taken by the Prime Minister or a member of the Cabinet or by a photographer writing to a Cabinet Minister suggesting a photograph.

Mr. Attlee's Cabinet was photographed in August, 1945, shortly after the Government took office. The photographs were taken by press and photographic agencies under arrangements made by the Ministry of Information; news reel films were also made. On earlier occasions of Cabinet photographs specialist photographers (Bassano and Vandyk) were called in, but a rota press photographer has also been present. The scene has always been the garden at 10, Downing Street, and suggestions for photographs of the Cabinet in session have always been rejected.

It has been usual for Cabinet photographs to be taken about 15 minutes before a meeting of the Cabinet. The arrangements for the attendance of photographers and for seating, etc., in the garden are made by the Private Secretary at 10, Downing Street. The Cabinet Office is responsible (i) for advising generally in the light of past practice; (ii) for preparing and submitting for the Prime Minister's approval a "seating and standing" plan (based on the precedence of member of the Cabinet); and (iii) for notifying Ministers of the time and the arrangements generally. The main questions to be considered, in consultation with 10, Downing Street, are (a) when should the photographs be taken? (b) what groups should be taken (e.g. Cabinet, Cabinet with Ministers of Cabinet rank, Cabinet with Secretary)? (c) what photographers should be commissioned?

See generally File 4/5/16 (minutes of 5th June, 1945 and 24th June, 1948).

In 1924 the first Labour Cabinet rejected the request for a Cabinet photograph (Cab. 7(24)10) but subsequently agreed. (Cab. 16(24)12).

The War Cabinet was photographed on several occasions. File 48/24.

In 1944 photographs of Dominion and United Kingdom Ministers were taken in the Cabinet Room. File 9/7/5.

In June, 1948 suggestions for a Cabinet photograph were made to the Lord President by an independent photographer. The Prime Minister agreed; but in the event it proved impossible to find a convenient time for the photograph, and the matter was dropped.

In 1947 an artist commissioned by an American journal wished to have access to the Cabinet Room in order to paint an imaginary session of the War Cabinet for purposes of illustration in the serial publication of Mr. Churchill's memoirs. The request was rejected after discussion with the Prime Minister's Private Secretary.

44

Cabinet presents etc.

51

There are many precedents for collective presents by the Cabinet, e.g. on the occasion of Princess Elizabeth's marriage. These matters are normally handled by the Prime Minister's Private Secretary and are usually mentioned at Cabinet by the Prime Minister, but, under current practice, a reference is not normally made in the Cabinet minutes.

On the death of a member or a former member of the Cabinet it is usual for a wreath to be sent in the name of the Cabinet. The initiative is taken by the Prime Minister's Private Secretary, but the Cabinet Office may be asked to assist, e.g., in the collection of contributions from Ministers. See File 32/279.

(The cost of wreaths has, however, on some occasions been met from public funds.)

