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PRECEDENT BOOK.

Part IV.

DOCUMENTS.

PRECEDENT BOOK  
PART IV - DOCUMENTS

NOTE: This Part deals with practice and procedure in the preparation, issue and handling of the documents of the Cabinet and its Committees. Questions concerning the issue of documents to the King and to Commonwealth representatives are dealt with respectively in Parts V and VI. On detailed practice reference should be made to (i) the Cabinet Office Handbook; (ii) the Handbook for Committee Clerks and (iii) the Notes for Secretaries of Committees circulated by the Secretary of the Cabinet.

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## NATURE AND STATUS

### 1. Types of documents

The documents of the Cabinet and its Committees ("Cabinet documents" or "Cabinet papers") are of three main kinds:-

- (i) Memoranda, submitting questions for decision or giving general information;
- (ii) Agenda, stating the business before a meeting;
- (iii) Minutes or Conclusions, recording proceedings and decisions.

There are also various subsidiary documents, e.g. notices relating to meetings, corrigenda and addenda notices, schedules, indexes. See p. , and, for details, the Cabinet Office Handbook and the Handbook for Committee Clerks.

### 2. Status, Ownership and Copyright

All Cabinet documents are official documents and the property of the Crown and they remain the property of the Crown throughout their existence. Likewise the drafts of Cabinet memoranda are official documents: once any document is initialled for an official purpose it becomes an official document and the property of the Crown.

See Law Officers' Opinion (1934) noted on p. 33 .

3. Every document bears the heading "This Document is the Property of His Britannic Majesty's Government".

The practice of marking documents in this way was introduced in respect of Foreign Office documents in 1892 by an administrative decision of Lord Rosebery, then Foreign Secretary. The practice was thereafter generally adopted for secret and confidential documents, including Cabinet memoranda (see File 4/1/56). It was confirmed by the War Cabinet in 1917 (War Cabinet 217).

In 1931 prolonged interdepartmental discussion took place on the possibility of finding an alternative formula which would avoid the use of the word "Britannic". The matter was referred to the Law Officers (Jowitt and Cripps) in May, 1931. They recommended the phrase "Secret and Confidential. This document is the property of His Majesty". Objections were, however, raised and although it was intended to refer the matter to Ministers, it was not in fact pursued..

A modified formula has on occasion been used on documents prepared by the Cabinet Office for Imperial and international conferences; and in October, 1948 at the time of the Commonwealth Prime Ministers' Conference it was decided that the Conference documents should not be given the customary heading. Files 4/3/307 and 10/4/45/16.

*It has also been omitted from the documents of the Commonwealth Liaison Committee. See Part VI.*

4. The copy-right of all Cabinet documents (as of other official documents) belongs to the Crown.

For Law Officers' Opinion (1933) bearing on this see File 28/2/79 Pt. II and File 4/3/8A (minutes of February, 1948). The relevant provisions of the ~~Crown~~ Copyright Act, 1911 (Section 18) are:-

"Without prejudice to any rights or privileges of the Crown, where any work has, whether before or after the commencement of the Act, been prepared or published by or under the direction or control of His Majesty or any Government department, the copyright in the work shall, subject to any agreement with the author, belong to His Majesty; and in such case shall continue for a period of fifty years from the date of the first publication of the work."

(On the interpretation of the words "subject to any agreement with the author" see minute of 17th February, 1948, File 4/3/8A.)

## SECURITY CLASSIFICATION

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The proceedings of the Cabinet and its Committees (including Official Committees) are confidential, and their documents are therefore "classified" and bear security markings according to current rules. The marking assigned to a particular paper depends on the degree of secrecy with which it must be handled. The security classification of Cabinet memoranda as such is normally 'secret' or 'top secret', but they are sometimes marked 'confidential', particular notes on procedure. Most Cabinet Committee memoranda are marked 'secret'. The minutes of the Cabinet are invariably marked 'secret', and most Cabinet Committee minutes are marked 'secret'. The marking 'restricted' is used on certain corrigenda and on notices circulated to Official Committees on changes in membership, etc. The security marking is placed on the left-hand side of the document immediately above the serial number and the date. For 'top secret' documents specially headed paper is used.

See generally File 4/3/108.

Some documents of Official Committees, particularly notes covering published documents, are marked 'unclassified', but this is to be deprecated and such documents should be marked 'restricted'.

The current security markings were introduced in April, 1944, when the marking 'most secret' was abolished in favour of 'top secret' in accordance with United States practice. See T.C. No. 8/44; File 4/3/108 (Part 2).

For the standard definition of the current markings see Cabinet Office Handbook, pp. 19-21.

In May, 1949 the practice was introduced in the Service Departments, Ministry of Defence and Ministry of Supply of placing the security marking in a central position at the top and bottom of each separate page of a document. The application of this practice (which is identical with the current United States method) to the documents of the Cabinet and of civil departments was discussed by the Inter-departmental Committee on Security in 1948. (See File 4/3/108 (Part 2)). It was decided, however, not to adopt it for Cabinet and Cabinet Committee documents, and the Departments which adopted it for their own documents conform to Cabinet Office practice in submitting documents to the Cabinet and Cabinet Committees.

Until June, 1943 particularly secret documents given a restricted circulation were described as "Lock and Key" papers and carried in red a warning on the special precautions needed in their handling.

On Ministry of Defence and certain other Departmental documents which it is important that United States representatives should not see it is usual to include in the heading the marking GUARD, in addition to the appropriate security marking. See File 8/3/59.



## FORM AND PRESENTATION

### 6. Memoranda

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 repetitions and obscure technical terms should be avoided.*

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

7. All Cabinet documents, including those reproduced in Departments, carry a standard heading showing their date, the Committee or body concerned, their subject, and their authorship. Additionally they are all marked "This document is the property of His Britannic Majesty's Government". carry a security marking and, with few exceptions, a serial number and a copy number. At the end of every memorandum are given the author's name or initials, the office of origin and the date.

In June, 1940 the Prime Minister (Mr. Churchill) ruled that the date should appear on the front page immediately under the serial number, and also at the end. The date given should normally be that on which the memorandum was signed. See minute of 22nd June, 1940, File 48/1/5.

It was laid down in December, 1931 that the pages of Cabinet memoranda must be numbered. (Cab. 89(31)3).

In 1942 the Prime Minister (Mr. Churchill) ruled that in statistical tables the totals should be shown either at the right hand side and/or at the bottom of the page. This rule was enforced in all Departments, except in the Registrar-General's Office, where for special reasons a different layout was retained. See File 48/1/33.

*On phraseology and geographical synonyms  
see Files 4/2/20 and 4/3/264.*

Agenda

A standard form is followed in the agenda for meetings of Cabinet Committees: there are certain slight differences in Cabinet Agenda. In addition to the customary headings and an indication of the place, date and time of meeting, the Agenda paper lists the subjects to be discussed in the order in which they are to be taken, with references to the last discussion of the subject (if any), and to the memoranda to be considered. The Agenda carry the signature of the Secretary. The Cabinet Agenda are normally seen in draft by the Prime Minister, and in the case of certain Committees the Chairman likewise approves the draft. Provisional agenda are not normally issued.

The 'Previous Reference', if any, is normally to the minutes of the body concerned, but in special circumstances it may be to the proceedings of a different body. The reference is never to an earlier memorandum. If it is desirable to refer to such a memorandum it is expressed as 'relevant' to the discussion in a note below the reference to the memorandum to be discussed. Occasionally, on Cabinet agenda, the 'Previous Reference' is not given if it is likely to provoke requests for e.g. copies of a Confidential Annex not generally circulated; the reference is, however, given when the relative minute is prepared.

*a Ministerial Committee of*

'Previous References' to the minutes of an earlier administration should not be given. Exceptionally, previous references from the Cabinet minutes of the Caretaker Government were, in a few instances, quoted in the documents of Mr. Attlee's administration. See note of 17th January, 1946, File 7/3/1.

The order of items is determined by the Secretary under the authority of the Chairman. The headings of the items are determined by the Secretary; they may not necessarily be the same as the titles of the memoranda to be discussed. On grounds of security a generalised heading is sometimes to be preferred.

9. The Agenda paper also constitutes an invitation to the meeting. In the case of the Cabinet and of Ministerial Committees, the Agenda paper gives in a note at the foot the names of Ministers who are not Members required to be present, together with an indication of the items for which they are to attend, and, if necessary, a note of the approximate time. On Cabinet Agenda Ministers are given by name and not by office. If the officials are asked to be present at Ministerial Meetings they are usually shown on the Agenda by office and not by name.

10. On the Agenda for meetings of Official Committees the attendance of officials who are not members may be indicated either by listing their names or by a general reference, e.g. "representatives of....."

Prior to the Second World War it was usual, when additional business was to be taken at a Cabinet meeting, to circulate a supplementary Agenda. The current practice is to issue, if time permits, a Revised Agenda or,



if necessary, a Second Revised Agenda. Alternatively a memorandum circulated for consideration at a Cabinet meeting for which the Agenda paper has already been issued may carry a note indicating that it is to be taken under a particular item or as an additional item.

### Minutes

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The front or outside page of the minutes gives in addition to customary headings, the place, date and time of the meeting; a list of those present, distinguishing between members and others; and the names of the members of the secretariat present. The list notes the chairman and the items for which those present attended, if not present throughout. The names of Ministers are given in order of precedence; of officials in order of precedence of their Departments and rank. The names of the members of the secretariat are given in order of rank. Letters of honours or distinctions are not given, except, where appropriate: "The Rt. Hon", "M.P.", "K.C."

The formula introducing the list of those present who are not members is "The following were also present", but if the number is only one or very small it is "Also Present". Likewise, if the secretariat consists of only one member he is shown as "Secretary".

In the listing of officials it is sometimes desirable to follow the order of rank and not of precedence of Departments.

Before the Second World War it was customary to include letters of honours and distinctions generally. In September, 1939 the King agreed that this was unnecessary. See letter of 11th September, 1939, File 4/3/7.

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12. Before the body of the minutes a table of contents, with references to numbers of items and pages, is given. If only one subject is dealt with this table is headed "Subject" and not "Contents".

The contents list was first introduced, for Cabinet minutes, in January, 1939.  
File 4/5/24.

13. The individual minutes are numbered serially in the order in which the subjects were in fact discussed at the meeting, i.e. not necessarily the order of items given on the Agenda. The headings are chosen by the Secretary. In Cabinet minutes they are given at the side, with the previous reference below; in other minutes the headings are given immediately above the body of the minute. Sub-headings are given if appropriate: if given, they are normally embodied also in the table of contents.

The use of side headings in Cabinet minutes follows long tradition and is justifiable since they are subsequently thus printed. Some Committee minutes occasionally give side headings, but the practice is uneconomical of space and inconvenient when the papers are bound.

14. Each minute consists of (i) a statement of the matter before the meeting with references to any memoranda; (ii) a summary of the main points in discussion; and (iii) a statement of the conclusions of decision.

On the form of Cabinet conclusions 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".

(C.P. (49)95, paragraph 19)

This instruction, with minor changes, has appeared in successive versions of the notes on procedure. When the first Labour Cabinet took office in 1924 the Secretary was instructed to record conclusions only 'with necessary explanatory notes' (Cab. 7(24)1), but somewhat fuller minutes were gradually introduced.

On the general style of minutes see the notes circulated by the Secretary of the Cabinet and File 4/2/20.

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X

Incidental references to purely political matters are normally not recorded, and on such matters and other delicate references the Cabinet Secretariat exercise discretion. It is open to the Prime Minister to give express directions that certain matters under discussion are to be excluded from the formal record, but this is rare. On the general practice as regards omissions see S. and P. 695.

7

15. Where a subject discussed by the Cabinet is of particular secrecy the Cabinet minutes may contain only a token minute, the substantive minute being prepared in the form of a Confidential Annex and given a very restricted circulation. The token minute usually consists of a brief statement of the matter before the Cabinet, followed by the formula "The Cabinet's discussion and the conclusions reached are recorded in the Secretary Standard File of Cabinet Conclusions". (Sometimes the conclusions, in whole or part, are included in the "open" minute). The substance of the Annex is often embodied in the printed version of the minutes of the need for special secrecy has disappeared. In the case of Committees a discussion of particular secrecy may likewise be recorded in a Confidential Annex: the token minute after a statement of the subject discussed, indicates that "the Committee's discussion and the conclusions reached are recorded in a confidential annex". Confidential annexes are normally Top Secret.

For circulation of Confidential Annexes see p. .

The "Secretary's Standard File" of Cabinet Conclusions is the set of minutes and confidential annexes maintained for the use of the Secretary of the Cabinet. The current parts of this set are taken to meetings of the Cabinet for reference. In due course minutes and annexes are bound and kept in the Private Office.

16 When a matter discussed by the Cabinet (or by a Ministerial Committee) is of exceptional secrecy and delicacy no record at all may be made. Sometimes a "no circulation record" is made, i.e. a typed note which is kept in the Secretary's volume of minutes and confidential annexes. Very occasionally a copy of such records is given to the Prime Minister or a Minister particularly concerned. Some such records are preserved in sealed envelopes (bound with the Secretary's volume) to be opened only by him or his deputy.

17 The minutes of the Cabinet and its Committees are not now expressed as drafts when they are circulated. Effect is, <sup>however,</sup> given by means of a corrigendum notice, <sup>in printed</sup> to ~~amendments~~ <sup>subsequently agreed</sup>. If the Secretary feels doubt about a particular suggested amendment he normally submits the matter to the Chairman.

*these and other amendments are embodied in the printed version of the minutes.*

Until the appointment of the War Cabinet in September, 1939 it was customary for the draft of the Cabinet Conclusions to be submitted to the Prime Minister for approval. They were thereafter circulated in draft, final copies being issued later.

During the period 1939-45 the minutes in several Committee series were circulated in draft.

On the amendment of Cabinet minutes the current notes on procedure state:-

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, paragraph 21)



### Miscellaneous Documents

18.

Miscellaneous documents issued by the Cabinet Office include notices relating to meetings (e.g. provisional notice, cancellation, change in place or time); notices of corrigenda to memoranda and minutes, schedules of outstanding conclusions, and indexes. All these documents bear the customary headings.

Meeting notices (i.e. notice of a meeting in advance of the circulation of the Agenda) are not normally issued unless delay is likely to be incurred in the circulation of the Agenda.

Schedules of outstanding conclusions ("Black Lists") are not issued in all Committee series. For the Cabinet schedule see Part I.

For indexes and indexing see p. .

## SERIAL NUMBERING

19. It is usual for all documents to carry, in addition to the appropriate headings, a distinguishing symbol for reference purposes. For standing committees, and ad hoc committees which are likely to last for a fairly substantial time, the symbol customarily consists of two parts: (a) one or more letters from the initials of words in the title of the Committee and (b) the last two figures of the year in brackets, e.g. P.C. (49). The same symbol cannot be given to more than one Committee, at least while they are contemporary with each other; a register of symbols is therefore kept by the Records Section, and if it is found that the letters first chosen have been already used for a committee which was active within a recent period other letters must be found.

Where two Committees are set up on the same subject, one of Ministers and the other of officials, it is usual to use the same symbol, distinguishing the Official Committee by the addition of "O". Sometimes the Ministerial Committee is distinguished by the addition of "M" but this is not necessary unless the plain symbol is already in use for another Committee.

For sub-committees it is quite common to use symbols incorporating the symbols of the parent committee, but the multiplication of initial letters is in general to be avoided.

In the Cabinet series the symbol used for memoranda ("C.P.") is different from that used for minutes ("C.M."). Committees, however, use the same symbol for all their documents, distinguishing between the different kinds by using plain serial numbers for memoranda (e.g. P.C. (49) 1, 2, 3 etc.) and ordinals for meetings (e.g. P.C. (49) 1st Meeting, 2nd Meeting, etc.) (The same symbol is used for the corresponding Agenda paper).

Committees retain the same symbol throughout their life even if their titles change: thus the former Home Policy Committee is now known as the Legislation Committee, but the symbol is still "H.P.C."

If, after a change of Government, the new Government appoints Committees with the same terms of reference as those of the old those committees have been given the same titles and symbol. This makes it necessary, in order to avoid confusion, to begin the series of the new Government's Committee with the serial number next following the last of the old Government's series.

When the Legislation Committee was re-appointed by the present Government the memorandum announcing its appointment was H.P.C. (45) 67 and the first meeting under the new administration was H.P.C. (45) 18th Meeting.

20. At the beginning of each calendar year the serial numbering of all Committee documents is recommenced.

Committee of Imperial Defence documents were numbered continuously in four series.

Prior to the establishment of the Cabinet Secretariat in December, 1916, Cabinet documents were not numbered. Memoranda were numbered



X and  
continuously from 1919 until the end of 1922, (the last was C.P. 4379). The year number was thereafter included in the symbol; thereafter the numbering has been recommenced annually. The meetings of the War Cabinet of 1916-19 were numbered serially throughout the period. Thereafter the minutes of Cabinet meetings have been numbered serially within each calendar year, but symbols were not used until the appointment of the War Cabinet in 1939, when the symbol W.M. was introduced.

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At the beginning of the Second World War, War Cabinet memoranda were circulated in three series W.P. - papers of a very secret character; W.P.(G) - papers of a less secret character; W.P.(R) - periodical reports submitted to the War Cabinet. The series W.P.(G) and W.P.(R) did not persist, the last documents in their series being issued in 1941 and 1942, respectively. File 48.

X  
When the Caretaker Government succeeded the Coalition Government in May, 1945 and War Cabinet was dissolved, the symbols C.P. and C.M. superseded W.P. and W.M. and the numbering was recommenced. On the appointment of the Labour Government the serial numbering was carried on. Thus the first meeting of the Labour Cabinet is recorded as C.M. (45) 18th Conclusions; and the first Cabinet paper of Mr. Attlee's administration is C.P. (45) 90.

89  
X  
21. Special arrangements are in force for allotting reference numbers to the documents of Committees or Conferences which are neither of an informal character or of a strictly ad hoc kind. The symbols consist of the letters GEN followed by a number which is the individual number of the Committee. The year number is not used since it is assumed that none of these Committees will last long enough to make this necessary. In practice, however, several of the Committees in the GEN series have lasted more than one calendar year.

The present GEN series started in December, 1942. Previously the symbol employed was MISC. See File 4/5/39.

22. Sometimes memoranda (particularly reports from Committees) are circulated simultaneously in two series. In that event they carry the symbols and serial numbers appropriate to both bodies, with the necessary adjustments in the order and in the headings. It is very rare for a memorandum circulated to the Cabinet to be expressed also as the document of a subordinate body. An appendix to a Cabinet memorandum may on occasion be circulated to a subordinate body, but it is usually accompanied, when so circulated, by a note by the Secretary of the Committee concerned.

## PREPARATION AND REPRODUCTION

### Memoranda

- 23 Memoranda for the Cabinet are normally sent in draft to the Cabinet Office, and they are then either sent to the Foreign Office Press for printing or, if there is insufficient time for printing, reproduced by stencil duplicating. Memoranda for Cabinet Committees are, save in special circumstances, reproduced in the Departments responsible for them.

See paragraph 11 of C.P. (49)95 and, generally, File 4/3/151. The responsibility of Departments for the reproduction of their own Committee memoranda was stated in a circular letter of 26th March, 1947 from the Secretary of the Cabinet to Private Secretaries (File 4/3/151). Previously the Cabinet Office and Departments had shared the work of reproducing Cabinet Committee memoranda. Before and during the Second World War it was usual for Departments to reproduce their own memoranda for the Cabinet as well as for Committees.

- 24 Memoranda, where printed, are prepared on pale green foolscap paper, except procedural memoranda by the Prime Minister which are printed on white quarto. In addition to Cabinet memoranda some few Committee memoranda especially long reports, are printed. Sometimes a memorandum initially duplicated is subsequently printed for permanent record, the duplicated copies being recalled.

The use of Foreign Office Press for printing Cabinet memoranda has a long tradition behind it. See historical notes in File 4/1/56.

In the past some Departments (Foreign Office India Office, Dominions Office, Colonial Office) have dealt direct with the Foreign Office press. This has, however, deprived the Cabinet Office of an opportunity of seeing the text of memoranda before they are reproduced and it is now the normal practice for the text to be sent to the Cabinet Office in the first instance. (The War Office still sometimes print Cabinet memoranda on their own press.)

- 25 Where draft Bills are to be attached to memoranda copies are provided by Parliamentary Counsel. White Papers for submission to the Cabinet are printed either by the Stationery Office or by the Foreign Office Press (which is run by the Stationery Office): the Department concerned is responsible for ensuring that the necessary copies are provided. To avoid double type setting they should be set up from the outset for octavo printing.

- 26 When memoranda are to be reproduced in the originating Department, the Department apply to the Cabinet Office for the serial numbers. They are required to send all copies to the Cabinet Office.

See paragraph 11 of C.P. (49)95.

Periodic returns are made of the number of memoranda in the several series reproduced in the Cabinet Office and in Departments. See File 4/3/151.

### Agenda and Minutes

27. These documents are always reproduced in the Cabinet Office. After a lapse of time for any necessary corrections the minutes of the Cabinet and the Defence Committee are printed and the duplicated versions are recalled. Any amendments required are embodied in the printed version (significant amendments are circulated in advance of printing by means of a corrigendum notice); and the opportunity is sometimes taken of incorporating the substance of confidential annexes if the need for special secrecy has in the interval been reduced. Confidential annexes are not themselves printed.

On the circulation of minutes in draft see

P.

### Methods of Reproduction

28. Until April, 1940 memoranda and minutes reproduced by stencil duplicating were typed in double-spacing. In 1948 it was decided that memoranda of Official Committees should be reproduced on both sides of each sheet of paper.

See File 48/25 (Part 3).

In 1949 methods of reproduction were examined by an informal Committee under the chairmanship of an officer of the Treasury Organisation and Methods Division. See File 4/3/310.



## CIRCULATION

### General

29. The documents of the Cabinet and Ministerial Committees are issued primarily to the King and Ministers.

The need for secrecy calls for special care in circulation and handling. The circulation of the documents of the Cabinet is the responsibility of the Secretary of the Cabinet, subject to the general approval of the Prime Minister. The circulation of Cabinet Committee documents is the responsibility of the Secretary of the Committee subject to the Chairman and under the general supervision of the Secretary of the Cabinet.

Where Departments themselves reproduce memoranda for circulation to Cabinet Committees (and, exceptionally, to the Cabinet itself) they are required to send all copies to the Cabinet Office. Each copy made is given a copy number and the issue of each is recorded on the circulation sheet or 'skin'. Documents are issued to individual recipients by name.

## Cabinet

### Memoranda

#### 30. The current notes on procedure state:-

Subject to such special instructions in regard to any particular paper as he may receive from the Prime Minister or from the responsible Minister, the Secretary circulates memoranda and other documents prepared for their use to all members of the Cabinet, and, where appropriate, to other Ministers whose Departments are affected.

(C.P. (49)95, paragraph 12).

The circulation of each memorandum must be determined separately. Where a memorandum is of a Departmental character all Ministers concerned with its subject matter receive copies. Memoranda of general interest (e.g. on the proceedings of the United Nations, the International Labour Organisation, etc.) are given a full circulation to all Ministers of Cabinet rank, as are likewise notes on points of procedure and organisation. Memoranda of general political or constitutional interest are given a full circulation, unless the need for special secrecy makes it undesirable to circulate beyond the Cabinet itself.

The circulation list provides, in certain cases, for Ministers to receive memoranda in duplicate or triplicate. Where the need for special secrecy so requires the number issued is sometimes reduced. Standing arrangements are sometimes made (see C.P. (49)95, paragraph 11) for the supply to Ministers of additional copies of their own memoranda.

31. The English Law Officers receive copies of memoranda on legal issues and on general issue of policy with constitutional or legal implications. The Lord Advocate ~~normally~~ receives the same memoranda; few are ordinarily sent to the Solicitor-General for Scotland.

See File 4/3/56.

32. Junior Ministers do not normally receive memoranda; if in the absence of the Senior Minister a Junior Minister attends a Cabinet meeting he normally makes use of the memoranda issued to the Minister himself.

The Chief Whip receives memoranda on Parliamentary matters, including, as a rule, memoranda covering draft White Papers.  
File 4/3/242.

The Economic Secretary, Treasury receives memoranda on economic questions.

33. The Chiefs of Staff receive copies of memoranda on military and strategic matters and of memoranda on political and constitutional questions which may have strategic implications. (If the Chiefs of Staff Secretariat are given a copy of memoranda not sent to the Chiefs of Staff themselves the Secretariat are informed accordingly.)

During the Second World War the Chiefs of Staff received copies of all War Cabinet memoranda. See File 48 (Part I)



34. The only Departmental officials to whom copies of memoranda are regularly sent are the Permanent Secretary to the Treasury and the Permanent Under-Secretary of State for Foreign Affairs. Certain Treasury officials are provided direct with copies of particular memoranda, but with a few exceptions, e.g. the head of the Army Council Secretariat, memoranda are not usually sent to officials.

In the period 1939-45 copies were more frequently sent direct to officials. Before the outbreak of war the issue of memoranda to officials was extremely rare.

Cabinet memoranda are sometimes sent to the head of the subordinate Departments of the Treasury. The usual practice is to inform the Private Secretary to the Chancellor of the Exchequer accordingly. Other subordinate Departments (e.g. the Registrar General's Department) are not normally sent copies; the parent Departments are expected to keep them informed on matters of special concern to them. See File 4/3/257

35. Parliamentary Counsel receives direct copies of memoranda of concern to him.

Before 1939 Parliamentary Counsel received copies, when necessary, through the Treasury.

36. In the Cabinet Secretariat copies are normally sent in addition to the Secretary, to the Deputy Secretary (Civil) the Deputy Secretary (Military) and the Under Secretary. Assistant Secretaries have access in the Private Office to the volume of memoranda kept for their use. (This volume normally does not contain 'Top Secret' memoranda.)

The Chiefs of Staff Secretariat receive copies of memoranda issued to the Chiefs of Staff. They may on occasion receive other memoranda, but if so they are advised of the fact.

37.

In 1940 Mr. Chamberlain, for a short time after he ceased to be a member of Government, received copies of Cabinet documents. See minute of 18/10/40. File 4/3/13.

In April, 1931 the Labour Cabinet considered the question whether certain documents might be shown to leading members of the Liberal Party. They decided that "(a) as a matter of principle it would not be right to treat a Committee of Members of Parliament who belong to another party on the same footing as members of the Cabinet, who, as Privy Counsellors, have taken an oath of secrecy; the members of that party must be regarded generally as being in the same position as other Members of Parliament; (b) the Prime Minister should discuss with Mr. Lloyd George with a view to arranging some appropriate procedure; possibly, for example, by allowing the leader of the party concerned to see the papers and to make a statement based thereon to the Members of Parliament co-operating with him in this matter". (Cab. 26(31)8). The Prime Minister subsequently saw Mr. Lloyd George and Sir Herbert Samuel. It was agreed that certain papers should be given also to the latter as a Privy Councillor and subject as such to obligations of secrecy (Cab. 27(31)6).

### Agenda

38. Agenda papers are regularly sent to all Ministers of Cabinet rank and to the Chief Whip and the Economic Secretary, Treasury.

### Minutes

39. The Cabinet minutes are sent to all Ministers of Cabinet Rank, the Permanent Secretary, Treasury the Permanent Under-Secretary of State for Foreign Affairs, the Chiefs of Staff, and the head of the Army Council Secretariat. Extracts are sent as appropriate to the Law Officers, the Chief Whip, and the Economic Secretary, Treasury and to certain officials, e.g. Parliamentary Counsel. Extracts are not normally sent to Departmental officials.

See C.P. (49)95, paragraph 20.

In addition to ordinary War Cabinet Minutes there were, in the period 1916-19, 'most secret' 'A' minutes, which were typed, but which as a rule were not circulated. There were also specially secret 'A' minutes which the Secretary wrote out in his own hand and which he occasionally showed to the Prime Minister or Mr. Balfour for approval before having them put away. File 48/1 (note of 23rd September, 1932)

On 4th November, 1919 the Cabinet (1(19)3) decided that the draft conclusions and final conclusions should be sent only to the King, the Prime Minister, and the Leader of the House of Lords. In addition Ministers in charge of Departments specially concerned in particular conclusions were to receive copies of these conclusions. Conclusions were not to be sent to the Permanent Secretaries of Departments or to the Chiefs of Staff.

On 8th March, 1922, in view of a series of unauthorised disclosures, the Cabinet decided (16(22)3) that the Cabinet Conclusions should be given no circulation at all; the Secretary was asked to maintain a copy for reference by Ministers, and to notify conclusions by letter to those concerned. (After the meeting at which this decision was taken the Secretary arranged with the Prime Minister that copies would continue to be sent to the King). By October, 1922, however, full circulation (23 Ministers) had been resumed.

War Cabinet conclusions (1939-45) were sent to all members of the War Cabinet, to all Ministers who held offices represented in the Cabinet before the outbreak of war, and the Ministers of Information and Economic Warfare and the Chiefs of Staff. See File 48/1.



### Confidential Annexes

40. It is stated in the current notes on procedure that "copies of 'Confidential Annexes' are sent only to the Ministers directly concerned" (C.P. (49)95, paragraph 20). The King and the Prime Minister invariably receive copies; and copies are usually sent to Ministers very closely concerned with the subject matter or required to take action. It is usual for the Secretary of the Cabinet to send a copy (under cover of a minute) to a member of the Cabinet prevented from being present at the discussion recorded. Other circulation (e.g. within the Cabinet Office) depends on the subject matter.

On access to War Cabinet Confidential Annexes by Ministers not in the War Cabinet see minute of 24th September, 1939 in File 48/1.

### "No Circulation" Record

41. Very occasionally copies of the "no circulation" record are sent to the Prime Minister or to another Minister particularly concerned.

### Cabinet Committee Documents

42. Agenda, Memoranda and Minutes of Cabinet Committees are normally circulated on the basis of standard lists drawn up by the Secretary of the Committee and revised from time to time. The lists for memoranda and minutes are usually the same; the agenda list is often much shorter. But although standard lists are in use, documents may on occasion need to be given a restricted circulation; equally some documents or extracts of Minutes may need to be sent to Departments not on the standard list.

### Chiefs of Staff Committee

43. On the circulation of Chiefs of Staff Committee papers Service Ministers see notes in S. and P. No.

#### METHODS OF DISTRIBUTION

44. Two sets of circulation boxes and keys are in use for the transmission of secret documents between the Cabinet Office and Departments and between Departments themselves: black boxes for the circulation of documents to Ministers, the Chiefs of Staff and certain senior officials; and green boxes for circulation to Heads of Departments and other officials. Documents for transmission in these boxes are not normally sealed in envelopes, except Top Secret documents, which are enclosed in envelopes sealed with a special label. If the recipient is not in possession of a box key documents addressed to him are sent in envelopes, double envelopes being used for Secret and Top Secret documents. Deliveries are made from the Distribution Room at fixed times; special circulations being made if urgently required.

For the issue of box keys see Files 4/5/17/2 .  
4/5/17/2.

For the long distance transmission of documents in the United Kingdom, see Cabinet Office Handbook; File# 4/3/102/5 .

For the transmission of documents overseas, see p. .

For the general system of distribution, routes, times and procedure, etc. see File# 4/2/53 .

## SENDING OF DOCUMENTS OVERSEAS

45. The general rule is that Cabinet documents, i.e. memoranda and minutes of the Cabinet and any of its Committees, are not to be taken or sent out of the country; it is a fixed rule that Cabinet minutes are in no circumstances to be taken or sent out.

This general rule has frequently been broken, both during the period of the War Cabinet and since. There are three important points: (a) the prior consent of the Cabinet Office must be obtained by Departments, each application being considered on its merits; (b) secure means of transmission must be used; (c) a list of documents sent overseas must be kept by the Cabinet Office or the Departments, as the case may be. Copies of some series of Official Committee documents are regularly sent overseas, to Embassies, Missions, etc; Ministerial Committee documents and Cabinet memoranda more rarely. The grounds for these restrictions are mainly security, but there is also the need to avoid misunderstanding and the misinterpretation of isolated documents as having full Cabinet authority and as statements of approved policy. To avoid such misunderstanding it is often desirable for the form of the document in question to be such as to give no indication that it is a Cabinet document.

46. The main occasions on which Cabinet memoranda may be sent overseas are:-

(a) When the King is on a visit abroad. In 1938 when the King visited Canada and the United States, a collection of important memoranda for reading on the return journey were sent by sea in charge of the Captain; they were, however, not landed from the ship. See File 4/3/83.

(b) On official visits by Cabinet Ministers abroad. See File 4/3/89/1.

In 1932, at the beginning of the Disarmament Conference in Geneva, that Cabinet decided (10(32)3) that Ministers in the United Kingdom Delegation should have discretion to arrange to receive in Geneva copies of Cabinet Minutes and Memoranda on the understanding that they were responsible for ensuring the safety of the documents in Geneva and for their return as soon as they were no longer required.

Exceptionally copies of certain Cabinet minutes were taken out of the country for the purposes of the Yalta and Potsdam Conferences during the Second World War.

(c) For the general information of Ministers Resident Overseas during the Second World War. See Files 4/1/43, 14/31/40, 48/46/1. 48/54, 48/57.

(d) For the general information of Missions, etc., abroad. Thus Chiefs of Staff documents are, in certain cases, sent to Commanders-in-Chief overseas. See File 48/1/4.

(e) For the general information of certain Ambassadors. In 1941, when Lord Halifax was appointed H.M. Ambassador in Washington while remaining a member of the War Cabinet, it was arranged, with the approval of the Prime Minister, that he should be given for general information copies of important Cabinet memoranda. These were sent at intervals under cover



of a letter from the Secretary of the War Cabinet indicating the War Cabinet's decisions on them and adding background information. This arrangement was continued when Lord Inverchapel and later Sir Oliver Franks were appointed to the Embassy at Washington, since it was recognised that the importance of the post was such that it was highly desirable to supply its holder with general background information on the Cabinet's proceedings. See File 4/3/187. In 1948 it was agreed that the British Military Governor in Germany should be sent copies of Cabinet and Cabinet Committee memoranda bearing on German problems. The selected memoranda were sent through the Foreign Office with a note, supplied by the Cabinet Office, of the relevant conclusions. See File 4/3/255.

It was also arranged, in 1948, at the request of the Foreign Secretary, that His Majesty's Ambassador in Paris should be given copies of certain Cabinet memoranda on the development of a Western Union policy. See File 4/3/247. All these arrangements are exceptions, and in all cases it was stressed that the Cabinet memoranda in question were being sent only for personal information and for purposes of general background guidance: instructions, as always, would come from the Foreign Office.

See generally File 4/3/104/13.

In October, 1948 it was agreed that copies of Oversea Defence Committee memoranda being sent overseas might be despatched without the removal of headings, symbols, etc., indicative of their origin. See File 4/3/1A.

In October, 1944, Sir Noel Charles (H.M. Ambassador in Rome) asked for copies of Cabinet papers on Soviet Policy in the Balkans and Europe. It was recommended that the Foreign Office should prepare a despatch containing the necessary information from the Cabinet documents but making no reference to the origin of the information. File 4/3/247.

### Memoranda

49. It is a standing rule that in no circumstances are Cabinet or Cabinet Committee memoranda to be reproduced or copied in Departments. Where a memorandum is reproduced in a Department for purposes of circulation all copies made must be sent to the Cabinet Office, application being made to the Cabinet Office for any additional copies required by the reproducing Department. See G.P. (49)95 paragraphs 11 and 13.

### Minutes

50. The current notes on procedure state:-

Where a Department has to take action upon, or is otherwise directly affected by, a particular Conclusion, and the actual decisions of the Cabinet on that matter may be copied in the Department, together with so much of the record of the discussion as is essential to a proper understanding of them, and these extracts may be passed to responsible officers in the Department, as may be necessary. The distribution within a Department of such extracts from Cabinet Conclusions should be limited to the occasions on which it is strictly necessary for the efficient discharge of public business and care should be taken to see that extracts are sent only to those officers of the Department who need be acquainted with the actual terms of the decision. Duplicate copies of the complete Conclusions are not issued for this purpose by the Cabinet Office save in exceptional cases.

(G.P. (49)95 paragraph 23)



## Filing in Departmental Files

51. The rules governing the handling of minutes (see above) mean that no full verbatim copy of a Cabinet minute should be filed, but for the rest practice is known to vary from one Department to another.

Apart from the rules governing the handling of Cabinet minutes the Cabinet Office have not issued general guidance to Departments. The following notes constitute, however, a reasonable basis on which enquiries from Departments may be handled:-

### (a) Memoranda

#### Cabinet and Ministerial Committees:

Memoranda bearing a direct Departmental interest may be placed on registered files: those which have a mainly political interest will not be filed. This will usually mean that a paper may be filed when a brief has been prepared on that paper. Where a paper makes a proposal which is accepted by Ministers and is to be made public at a later date, the paper should not be filed until after the public announcement has been made, unless the file is given the same security classification as the paper itself. Once the proposal has been made public the need, so far as that particular item is concerned, for giving the file a security classification will have disappeared. Where proposals in Cabinet, etc., papers are not subsequently made public, care must be taken that the files which include them continue to bear the appropriate security classification.

#### Official Committees

Papers may be placed on registered files provided the files are given the same security classification as the papers and retain their classification so long as the contents of the papers makes this necessary.

### (b) Minutes

#### Cabinet and Ministerial Committees

No minutes or extracts of minutes should be placed on registered files. Conclusions only of meetings of the Cabinet and of Ministerial Committees may be placed on registered files, provided the files are given and retain the appropriate security classification.

#### Official Committees

Minutes and conclusions may be placed on registered files provided those files are given, and retain so long as necessary, the appropriate security classification.

These notes are based on the practice laid down in the Treasury in 1946 (Treasury notice 53/46) after discussion with the Cabinet Office. See File 4/2/36.

The matter was discussed in 1933 in relation to the procedure to be adopted in 'weeding' files for transfer to the Public Record Office, and at a conference under Treasury Chairmanship on 25th October, 1933 agreement was reached on a set of rules:-

(a) No full verbatim copy of Cabinet Minutes may be put in a Departmental file; a copy of



of the actual conclusion may be filed in accordance with usual Departmental practice;

(b) A C.I.D. or C.I.D. Committee paper or a Cabinet or Cabinet Committee memorandum on a defence topic, may be placed only in a secret file and must be removed before such file is sent to the Public Record Office;

(c) The filing of Cabinet and Cabinet Committee memoranda other than the above should be avoided as far as possible; when it is found necessary, however, to file such documents the procedure on weeding should be that the department doing the weeding, in consultation with the Department from which the document originated, should decide whether or not it should be left with documents to be transferred to the Public Record Office.

These rules were not in the end circulated. See generally Files 4/2/44 ~~para~~ 1 and 2.

In April, 1944, it was agreed that the Foreign Office should have discretion to place Confidential Annexes and Cabinet Minutes in the Foreign Office Secret Registry Files, in any case whether they considered it necessary. It was stipulated that Annexes recording matters of very special secrecy or of political significance from the point of view of the United Kingdom should be kept in the Private Office. File 4/2/36.

#### General Guidance by the Cabinet Office

52. From time to time the Cabinet Office are asked for advice on the arrangements which should be adopted in handling Cabinet documents. Such requests are usually met by reference to the current notes on procedure and to Cabinet Office practice or the known practice in other Departments. It is important, however, that the Cabinet Office should not attempt to lay down in any detail how the general principles should be applied in a particular Department. No set of detailed rules can be applied uniformly to all Departments. Departmental instructions on this matter must be left to those who are familiar with the layout of the Department and the personalities involved. See letter of 23rd November, 1945 in File 4/3/257.

### LOSS OF DOCUMENTS

53. In spite of the special measures taken to safeguard them, Cabinet documents are sometimes lost in transmission and in Departments; and there have been instances where copies have been left in vehicles, clubs, etc. Sometimes documents can be shown to have been inadvertently destroyed by fire or as secret waste, but the circumstances must in every case be fully investigated before duplicate copies are issued. When the Cabinet Office are informed by a Department that a document has not been received by the individual to whom it is addressed the first step is to establish from the Distribution Section when it was despatched, when it was delivered to the Department and who signed for it on receipt. It is often found that although a document has been received in a Department it has been thereafter mislaid or sent to the wrong individual. If search fails to reveal the document it may be necessary to arrange for the Cabinet Office Security Officer, in consultation with the Department concerned, to make further enquiries. In some cases it may be desirable to seek the help of the Security Service.

See generally Files 4/3/4 and 4/2/18.

## RETURN OF DOCUMENTS TO THE CABINET OFFICE

### General

54. The current notes on procedure state:-

Cabinet documents remain the property of the Crown; the normal practice is, therefore, that Ministers, on relinquishing office, return to the Cabinet Office all Cabinet documents, with the exception of any immediately required for current administration, which may be handed on to their successors. In order to facilitate this arrangement, Ministers are asked to arrange for the return to the Cabinet Office during their tenure of office, say, at intervals of three to six months, of such Cabinet documents as are not required for current administration.

The provision above for handing on certain Cabinet documents to a Minister's successor does not always apply on a change of Government: special instructions will be issued to cover such cases.

(G.P. (49)95, paragraph 25).

### Routine Return by Departments

55. The extent to which Departments return documents no longer required for current administration varies considerably. Some Departments tend to retain documents for long periods, others return batches at fairly regular intervals. Apart from certain special cases, pressure is not normally brought on Departments to return unwanted documents; they were, however, reminded of the standing rule in a circular letter to Private Secretaries in May, 1949 (See File 4/3/8 Part 3). Bundles of returned documents should be accompanied by two copies of a list of those included, the one for checking and retention by the Records Section, and the other for eventual return to the Department as a form of receipt. The documents returned are sorted in the Records Section and either returned to the respective skins or destroyed and a record made.



## Return of Documents by Ministers and Ex-Ministers

### Current practice

56. The current rule is that Ministers, on relinquishing office, return to the Cabinet Office all Cabinet documents, with the exception of any immediately required for current administration, which may be handed on to their successors. This rule, which derives from the policy adopted by the Cabinet in 1934 (see below) is based on the following considerations:-

(a) Cabinet documents remain the property of the Crown throughout their existence.

(b) Former Ministers have normally no facilities for the safe custody of secret documents; it is in any case highly undesirable that there should be a risk of Cabinet documents falling into undesirable hands and of unauthorised disclosure from them.

(c) Former Ministers have a right of access in the Cabinet Office, on application to the Secretary of the Cabinet, to those documents issued to them while in office.

(d) On Ministerial changes in the life-time of one administration there is no need for all documents to be withdrawn to the Cabinet Office. This would in any case be impracticable since the requirements of current administration must be met.

57. Action by the Cabinet Office on a Ministerial change within the life-time of a single administration is therefore on the following lines: a letter is sent to the Private Secretary to the outgoing Minister asking him to remind him of the standing rule, i.e. that all documents should be returned to the Cabinet Office with the exception of those immediately required for current administration, which should be handed on to the incoming Minister. It is often convenient to take the opportunity of reminding the Private Secretary that those documents retained in the Department should be reviewed and any not actually required returned to the Cabinet Office. The Private Secretary should also be asked to confirm in writing that the incoming Minister has taken over his predecessor's documents (See, for example, letters on File 4/3/212).

58. If the outgoing Minister indicates his intention to retain any particular document or documents the matter must be considered on merits and in the light of the circumstances and personalities involved, and ordinarily the question of further action should be submitted to the Prime Minister by the Secretary of the Cabinet.

Mr. J. Wilmot, on relinquishing office as Minister of Supply in October, 1947, stated that he intended to retain certain Cabinet Committee documents, notwithstanding that the standing rule had been brought to his attention. The matter was referred to the Prime Minister, but no further action was recommended. File 4/3/290.

When Mr. H. Dalton resigned from the office of Chancellor of the Exchequer in November, 1947 he took with him copies of a substantial number of Cabinet papers a collection of which he had arranged to make up as they were issued. It was decided in the circumstances not to take special steps to recover these documents. File 4/3/295.

On Change of Government

59. The current notes on procedure state that special instructions will be issued on the practice to be followed on a change of Government (C.P. (49) 95, paragraph 25).

Such instructions are based on the two principles (i) that the documents of one Administration should not be accessible to another which is of a different political complexion, and (ii) that Cabinet documents are the property of the Crown and may not be retained by Ministers who leave office, although this second rule has on occasions been relaxed to allow Ministers to retain documents which they wrote themselves. For the instructions issued on recent changes of Government see the historical notes below.

## Historical Notes

### Practice up to 1934

60. In the Committee of Imperial Defence it was the practice from 1908 onwards to recover all records of that Committee from Ministers on leaving office. (It may be noted nevertheless that copies of some C.I.D. papers were retained on Departmental files, e.g. in the War Office and the Dominions Office - see File 4/2/44 Part 1). This practice was followed by the War Cabinet of 1916-19, but all the Governments from 1919 to 1931 (including the Labour Government which resigned in 1931) took the view that Ministers could retain on leaving office such Cabinet documents as they desired. It became the practice for a Cabinet which was due to dissolve to adopt a conclusion at its last meeting in the following terms:-

"To adhere to the procedure of their predecessors in regard to Cabinet documents; that is to say, Ministers should retain such Cabinet documents as they desire on the understanding that as ex-Ministers they could have access to Cabinet Minutes and other documents issued during their term of office."

The only Cabinet during the period which did not pass such a resolution was that of the Conservative Government of 1924-29, the explanation being that the Government resigned after the General Election of May, 1929 without holding any further meeting of the Cabinet. There is no reason to doubt that if they had considered the question they would have held the same view as the other Cabinets of the time.

The doctrine was that a new Government was not entitled to have access to the documents of its predecessors and that a Government which wished to refer to Cabinet papers or minutes of a previous administration ought to seek permission from the Prime Minister of the Government which had issued the papers. At one time it was the practice for an outgoing administration, as their final act, to authorise the Secretary of the Cabinet to keep for record purposes a complete set of their papers. (See File 7/3/1).



Action taken in 1934

61. In 1934 the question of the retention of Cabinet documents came to the front as a result of the publication of a life of Mr. George Lansbury by his son, Mr. Edgar Lansbury (see File Pub./B/8). As a result the Secretary of the Cabinet, in March, 1934, submitted a memorandum to the Cabinet making the following recommendations:-

"(a) That it shall be the duty of all Cabinet Ministers, on vacating office, to return forthwith all Cabinet Minutes and papers issued to them while in office, to the Secretary to the Cabinet; and it shall be the duty of the Secretary to the Cabinet to recover all such papers accordingly.

(b) That the same procedure shall be followed in the case of Ministers outside the Cabinet on vacating office.

(c) That ex-Cabinet Ministers shall continue to have the right of access to all Cabinet Minutes and papers issued to them during the time that they were members of the Cabinet.

(d) That the Secretary to the Cabinet be instructed to invite the representatives of deceased ex-Ministers to return forthwith to the Cabinet Offices all post-war Cabinet Minutes and papers in their possession.

(e) That the Secretary to the Cabinet be instructed to write to living ex-Cabinet Ministers inviting them to co-operate by returning their Cabinet minutes and papers to the Cabinet Office to be kept there in safe custody for them."

X  
These recommendations were approved by the Cabinet on 21st March, 1934, subject to the substitution of the words "members of previous Cabinets" for "ex-Cabinet Ministers" in paragraph (c); and the Cabinet "authorised the Secretary to put the proposals in operation in the spirit as well as in the letter and endeavour to recover all documents from the termination of the war onwards other than documents belonging to the present Government which Ministers wish to retain while in office" (Cab. 35(34)5).

### Law Officers' Opinion

62. In June, 1934 a Law Officers' opinion (Inskip and Somervell) was obtained about the right of Ministers to retain Cabinet documents. Briefly the opinion was:-

(i) that, since the Cabinet decision of 21st March, 1934 did not purport to revoke the usual conclusion adopted by Cabinets on vacating office, Cabinet Ministers still had a right to retain documents;

(ii) that although (i) applied strictly only to Cabinet Ministers, it might be unwise to attempt to make a distinction between them and non-Cabinet Ministers in the matter;

(iii) that clearly executors, administrators and assigns had no right of retention, and that an offence would be committed under section 2 of the Official Secrets Act, 1911 if a Minister in future, or an executor or administrator or assign retained any of the documents in question.

(iv) that once any document is initialled for an official purpose it becomes an official document and the property of His Majesty's Government.

See case for the opinion and the opinion (dated 18th June, 1934) on File 4/3/8A.

The following is an extract from Section 2 of the Official Secrets Act, 1911:-

"If any person having in his possession or control any... document .... which he has obtained owing to his position as a person who .. has held office under His Majesty communicates the document ... to any person, other than a person to whom he is authorised to communicate it ... that person shall be guilty of a misdemeanour."

### Report to Cabinet in 1935

63. In November, 1935, the Secretary of the Cabinet submitted a report (C.P. (218(35)) on the outcome of the action taken on the decision of March, 1934. In general the results were satisfactory since nearly 90% of the outstanding documents had been recovered. A number of ex-Ministers had, however, refused to return their papers, and the report suggested that it would be best to make no further effort to recover the papers during the life-time of the Ministers concerned, but to approach their executors after their death. This report was approved by the Cabinet (Cab. 51(35)10).

### Developments since 1935

64. After the General Election of 1935 the Government was of the same political complexion as its predecessor and there was merely some reshuffling of posts. Ministers were asked to hand on their papers to their successors, and in one or two cases where they were not being replaced they were asked to return them to Cabinet Office. After May, 1940 this practice became even more strongly established. The existence of a Government in which virtually all parties were represented and which was engaged in the single task of waging war, meant that whenever a Ministerial change was made, papers were automatically handed on from one Minister to another.

The notes on War Cabinet procedure issued in 1942 (File 4/1/6A) stated:-

"In normal times it is the duty of all Ministers, on vacating office, to return forthwith to the Secretary to the Cabinet all Cabinet papers issued to them whilst in office and it is the duty of the Secretary to the Cabinet to ensure that this rule is complied with. For the period of the war, however, Ministers vacating office should hand over to their successors in office such War Cabinet papers as are essential for the carrying on of the business of the Department. Papers not so required should be returned to the War Cabinet Office periodically....."



Break-up of Coalition Cabinet: May, 1945

65. Some study was made of the matter at the end of 1944 and later in April, 1945 when it was clear that the Coalition was likely to break up. A submission was made to the Prime Minister on 18th April, 1945 suggesting:-

(a) Outgoing Ministers should be asked to hand over to their successors all Cabinet documents required for current administration.

(b) All Cabinet documents other than (a) should be returned to the Cabinet Office.

(c) Ministers who thought they might in future wish to refer to particular documents should be told that if they handed them over to the Cabinet Office they would be kept separately so that they could have ready access to them without delay.

In a minute of 30th April, 1945 the Prime Minister stated that he agreed generally, but added: "Ministers are entitled to keep all telegrams, minutes or documents circulated to the Cabinet which they wrote and signed themselves..... These must be regarded as their personal property except that they will be bound by the rules governing the use of official papers, which are well established. To these should be added, in the case of the Prime Minister, correspondence with Heads of Governments.... Ministers below Cabinet rank must return all their papers."

The Treasury Solicitor confirmed that there was no difference between the documents specified by the Prime Minister and other Cabinet documents. All were equally official documents and the property of His Majesty's Government. Minute of 17th May, 1945 on File 4/3/8 Part 3.

On 23rd May, 1945 a note by the Prime Minister was circulated to the War Cabinet, stating the general rule and adding (paragraph 2):-

"This general rule will be subject to two provisos:-

(a) Ministers leaving office may take with them copies of War Cabinet memoranda and other documents of State which they wrote themselves. Duplicate copies will be provided, if required, for the use of their Departments.

(b) Ministers of Cabinet rank may at any time have access in the Cabinet Offices to documents issued to them while they were in office."

(W.P. (45) 320 - File 4/3/8 Part 3)

On 24th May, 1945 a circular letter was sent to Private Secretaries indicating that "War Cabinet Documents" included memoranda and minutes of all War Cabinet Committees as well as those of the War Cabinet itself and asking for details of any papers which their Ministers wished to retain.

Fall of Caretaker Government: July, 1945

66. On 26th July, 1945, the last day of his administration, Mr. Churchill agreed to a submission that the instructions in W.P. (45) 320 should apply on the resignation of the Caretaker Government, and similar action was taken in the Cabinet Office.

File 4/3/8 Part 3.

General Election, February, 1950

66a. Before this Election was held, the Prime Minister (Mr. Attlee) agreed that, if his Party were defeated, Ministers should be asked to return to the Cabinet Office all Cabinet documents (including those which they had written themselves) except those of certain non-political Committees, which they might leave to their successors. Ministers were not to take away any papers with them. Similarly, if the Labour Party won the Election, any Ministers relinquishing office in the subsequent reconstruction of the Administration should be asked to hand over to their successors any Cabinet papers required for current administration <sup>or</sup> to return the rest to the Cabinet Office. The Labour Party won the Election by a narrow margin; the Administration was duly reconstructed and instructions about the return of Cabinet papers were issued in the sense previously agreed on.

C.R. (50) 22. File 4/3/8 Part 3.

Ministers and Ex-Ministers in possession of Cabinet documents

67. The following Ministers and Ex-Ministers have retained documents of earlier administrations:-

(a) Pre-War Administrations

Lord Addison  
Mr. L.S. Amery  
Mr. A.V. Alexander  
Mr. C.R. Attlee  
Lord Cecil  
Mr. W.S. Churchill  
Mr. A. Greenwood  
Sir A. Sinclair

(b) Coalition Government (1940-45)

Mr. E. Bevin  
Mr. W.S. Churchill  
Mr. H. Dalton  
Mr. A. Eden  
Mr. T. Johnston  
Lord Jowitt

(c) Caretaker Government (1945)

Mr. L.S. Amery  
Lord Beaverbrook  
Mr. W.S. Churchill  
Mr. A. Eden  
Major G. Lloyd George  
Mr. R. Law  
Mr. G. Lloyd  
Earl of Munster  
Mr. D. Sandys  
Lord Swinton

The Earl of Munster was a Junior Minister (Parliamentary Under-Secretary of State for the Home Department), but was authorised to retain a copy of a memorandum of whose contents he was the author. File 4/3/36.



Procedure in the Cabinet Office for recovery

68. In 1935 the Cabinet (Cabinet 51(35)10) decided that in 9 cases submitted them no further action should be taken towards recovery during life-time of those concerned, but that on their death their executors should be asked to return the documents outstanding. In a number of instances the documents were later returned in whole or part or recovered from executors. Outstanding pre-war cases and cases arising in 1945 are noted above.

69. The practice is that on the death of any of the Ministers or ex-Ministers concerned the Secretary of the Cabinet, after an appropriate interval, writes a letter to the executors seeking the return of documents outstanding.

For the form of words used see, e.g.  
File 4/3/209 (letter of 17th November, 1948).

It is usual for the Cabinet Office to offer assistance in identifying documents and to arrange to collect them. They are thereafter checked and sorted and either returned to the respective 'skins' or destroyed. In many cases it is impossible to be certain what documents are in fact outstanding since the information on record is sometimes deficient. Detailed lists are, however, on record of the documents retained by individual Ministers on the break-up of the Coalition and Caretaker Governments in 1945.

The main file (4/3/8 Part 3) is brought forward quarterly in the Registry for scrutiny. On the death of any of the Ministers or ex-Ministers concerned the appropriate individual file is brought forward.

### DISPOSAL OF CABINET DOCUMENTS

70. After an interval the number of spare copies of Cabinet documents is reduced to a minimum, the balance being destroyed as 'secret waste'. Agenda, meeting notices and other ephemeral documents are destroyed by Departments but the disposal of memoranda and minutes is the responsibility of the Cabinet Office. An exception to this is that, by special arrangement, copies of documents held in posts abroad and no longer required for current use are sometimes destroyed there, a list of documents so destroyed being sent to the Cabinet Office.

In March, 1939 a circular letter was sent to Ministers' Private Secretaries on the action which they should take in the matter of Cabinet documents in the event of an emergency evacuation of offices in Whitehall. This letter stressed that the responsibility for the safe custody of Cabinet documents in their position rested with the Departments. It was suggested that in the event of an emergency, current Cabinet papers should be removed when the Department was evacuated. Older documents should either be left in strong rooms or safes, if the buildings were still to be guarded day and night, or, that failing, destroyed by fire, a note in general terms being kept of the documents so destroyed. It was also stressed that in no circumstances should any attempt be made in an emergency to return copies of Cabinet papers to the Cabinet Office. Departments were asked to reduce the size of the problem by returning older papers periodically. This circular letter was re-issued in May, 1940. (File 4/3/194, Parts 1 and 2).

## PRESERVATION BY THE CABINET OFFICE

### Confidential Library and Records Section

7/. Bound volumes of all Cabinet and Cabinet Committee memoranda and minutes are kept in the Confidential Library in the charge of the Records Section, which is also responsible for maintaining sets of spare copies of documents. After an interval the number of spare copies is reduced to a minimum.

Documents recovered from ex-Ministers are normally restored to skins or destroyed unless there is a special request for their separate preservation.

In January, 1939, when alterations to the basement of the Cabinet Office (in Richmond Terrace) made it temporarily impossible to continue storing Cabinet documents there, it was arranged that they should be transferred to a room in Scotland Yard.

In January, 1939, in connection with emergency arrangements in the Cabinet Office, a proposal was approved by the Prime Minister that spares of all Cabinet records other than those required to be immediately available, should be sent for safe custody to the Public Record Office, and stored in Record Office accommodation at Canterbury where they would not be open to public inspection. This arrangement was not in fact carried out. (This proposal applied only to spares and there was no intention of handing over the confidential library copies of Cabinet documents to the Public Record Office.) (File 4/3/132 Part 1).

Negotiations subsequently took place, through the Office of Works, for the acquisition of storage accommodation at Elstree and large numbers of spare copies of early documents and of registered files were removed there in April, 1939. Later documents were likewise transferred in May, 1939. In 1940 these records were moved to accommodation at Woburn Abbey, Bedfordshire where certain branches of the Cabinet Office worked during the war (the Country Headquarters') See generally File 4/3/132.

In March 1942 the question of microfilming Cabinet conclusions was considered, but it was decided that this was unnecessary. File 4/3/198.



### Question of transfer to Public Record Office

72.

No decision has as yet been reached on the question whether at some stage Cabinet documents should be transferred to the Public Record Office, and if so, whether they should be opened to public inspection after a lapse of a specified number of years.

The first recorded contact between the Public Record Office and the Cabinet Office dates to April, 1918, when the War Cabinet Office was asked whether it would approve Rules for the disposal of documents and participate in the drawing up of a schedule in terms of the Public Record Office Acts. Eventually, on 15th July, 1918 Sir Maurice Hankey signed the proposed Rule (File I/P/315), which was subsequently approved by order in Council and became S.R. and O 1572 of 1918. No schedule was made under that Rule to regulate the weeding of documents for transfer to the Public Record Office and the Rule has therefore had no effect.

The question came up indirectly in 1932 in relation to the transfer to the Public Record Office of Departmental files containing Cabinet and C.I.D. documents and was discussed at an interdepartmental conference under Treasury Chairmanship. On 25th October, 1933, after prolonged consideration, agreement was reached on a set of rules to be followed by Departments in the filing of Cabinet and C.I.D. documents, but these rules were never promulgated.

The general question was further considered in 1947 in consultation with the Deputy Keeper of Public Records.

See generally File 4/2/44.

A large collection of papers belonging to Mr. Gladstone is preserved in the British Museum. This collection which is open to public inspection contains large numbers of Cabinet memoranda and notes by Mr. Gladstone of Cabinet meetings over the period 1853 to 1894. See article in 'The Times' of 16th July, 1949 (File 28/2/8 ).

*There are numbers of early Cabinet memoranda in a collection of papers belonging to Lord Haldane (Lord Chancellor, 1924) in the National Library of Scotland. It has been agreed that these papers may remain in the library provided they are kept in hand for the present. (File 4/3/320)*

*Copies of Mr. Asquith's Cabinet letters to the King and of certain Cabinet documents which belonged to him are held in the Bodleian library. (File 4/1/56)*

*Asquith*

## ACCESS TO CABINET DOCUMENTS

### Former Ministers

73.

Former Ministers of Cabinet rank may at any time have access in the Cabinet Office to documents issued to them while they were in office. (Where a Minister desires access only to a single document or to a few documents it is usual on grounds of convenience, to send the document or documents to him.)

This is the long-standing rule. It was specifically stated by the Cabinet in 1936 (Cabinet 54(36)10).

In recent times former Ministers who have visited the Cabinet Office to examine documents issued to them when in office are Mr. Hore-Belisha (File 28/2/112) and Lord Templewood (File 28/2/126). It is customary for rooms to be made available temporarily for such Ministers.

Exceptionally documents have been sent to, e.g., Mr. Churchill (File 28/2/79) and Mr. Hore-Belisha (File 28/2/112).

For the form of words used in cases where single documents are sent by request see, e.g. letter of 12th February, 1947 on File 28/2/96 (Mr. R.S. Hudson).

74.

The privilege of access to documents issued to them while in office is not regarded as applying to Junior Ministers save in special circumstances.

See File 4/3/38A (letter of 8th June, 1948).

(In a letter of 15th August, 1946 (File 28/2/65) it was stated that the Cabinet Office "would be disposed to give ex-Parliamentary Secretaries facilities to consult any Cabinet documents relating to work for which they were responsible when they were in office.")

75.

The right of access has normally been regarded as applying to Departmental papers current at the time when a former Minister was in Office, including drafts of Cabinet memoranda.

See File 4/3/38A (letter of 8th June, 1948).

76.

So far as concerns the period before the War Cabinet of 1939-45 access by former Ministers is not in practice narrowly confined to the documents actually issued to them while in office: they have access to the documents circulated while they were in office. The presumption is that a member of the Cabinet received, when in office, all the documents of the Cabinet of which he was a member and, if he had so wished, could at the time have seen all subordinate documents.

On occasion a former Minister has asked to see a document circulated when he was not in fact a member of the Government. He has, however, no right to see such a document.

In December, 1947 Mr. Churchill asked to see a memorandum circulated in 1935 to Mr. Macdonald's National Cabinet (of which he was not a member). The position was explained to him, but it was suggested that it might be possible to let him have some of the factual information on which the memorandum was based. File 28/2/79 Part 1.



## Officials

77. Persons holding official positions under the Crown would not normally be precluded from access in the Cabinet Office to documents which it was necessary for them to see for official purposes, but each application should be considered on its merits. Ordinarily civil servants requiring to see particular documents for official purposes would see the copies held in their Departments, but requests are sometimes received for access to specially secret documents not given a full circulation (e.g. Confidential Annexes).

There is an established procedure whereby official historians and narrators (who have access to Cabinet memoranda and conclusions that they require) may also, with the permission of the Secretary of the Cabinet, see confidential annexes. See File 70/4.

## Unofficial Persons

78. The standing rule is that unofficial persons are not given access to Cabinet documents; exceptions are made only in very special circumstances. The rule and exceptions to it were laid down expressly by the Cabinet on 17th October, 1934 (Cabinet 35(34)4) (on a request made by Lady Milner to see Cabinet documents which had belonged to Lord Milner in order to reply to criticism of him made by Mr. Lloyd George):-

"(1) Access by unofficial persons to Cabinet and other similar secret documents for the safe custody of which Cabinet Offices are responsible, should not be given where the object of the application is the production of an ordinary historical, biographical or other similar work.

(2) In cases, however, where extracts have already been published with authority, access to the documents may, subject to the conditions named in (3) below, be given to any person who has a good title to vindicate the memory of a deceased person who claims that that memory has been injured by the publication in question.

(3) The conditions to be satisfied in (2) above are:-

(a) That the documents must contain nothing, the publication of which would be prejudicial to the public interest.

(b) That in such cases the proofs of any proposed to be published by the vindicator should be submitted to the Cabinet Office for approval before publication;

(c) The sanction of the Prime Minister of the day as well as the Prime Minister in office when the documents were actually produced and circulated must be obtained before access by an unofficial person is given".

There have since been certain further exceptions to the standing rule. See Part VIII.

79. The extent to which former Crown servants can be given access to Cabinet documents has not been clearly destined. Strictly they are precluded from such access, but the application would be considered on its merits, having regard to (i) the nature of the documents in question, (ii) the position which the applicant formerly held, and (iii) the purpose for which access was sought. See cases noted in Part VIII.



Access by Ministers to the documents of an earlier administration

80. Since the documents of one administration are domestic to it, a succeeding administration has no right of access to them. This is the traditional rule, but it is qualified in practice in two ways. Firstly, access to the documents of an earlier administration may be given with the consent of the Prime Minister of that administration. Secondly on successive changes of Government since 1935 it has been the general practice for Ministers demitting office to hand over their documents to their successors so far as they were required for current administration (see p. ) and there has therefore been no general withdrawal on the resignation of Governments. (This may not, however, hold good when the present Government goes out of office.) Again, in many instances Departmental files will contain documents of an earlier administration.
81. It is very seldom that proposals have been made that the administration in office should be given access to the papers of a previous administration. The only occasions before the war of 1939-45 in which this was done, no political question of any kind was involved: on grounds of convenience it was sometimes desirable, on some technical question, to let the administration in office see documents prepared for the guidance of the preceding administration, e.g. reports of technical or specialised committees. Even in these cases it was the practice to obtain the consent of the Prime Minister in office at the time when the documents were circulated. In other cases where it was suggested that the administration in office should be given access to the political papers of their predecessors it was suggested that if they pressed the matter they would be creating a precedent which might later be used against themselves.
82. If the administration in office wish to see a document of an earlier administration the strict rule is for them to secure the consent of the Prime Minister of that administration, or, if he is dead, the leader of the party concerned. This rule should certainly be complied with if the document involved is in any way of a political character, but if the document is essentially factual in nature (e.g. a report by an official Committee) it would probably not be necessary to obtain the consent of the earlier administration.
83. In the past it was sometimes held that the King's consent should be obtained before the documents of an earlier administration were disclosed in this way. It is possible that a case might arise where the administration in office insisted on seeing the papers of the previous administration notwithstanding that that administration objected. In these circumstances it would probably be constitutionally necessary for the Prime Minister in office to recommend formally to the King that the requisite permission should be granted, but whether in such a case the Prime Minister would ever think it desirable to make such a submission may well be open to question.

See generally Files 7/3/1; 4/3/8 and 28/2.

Particular instances are noted in File 7/3/1.

In March, 1928 the Home Secretary asked to see all the Cabinet proceedings referring to the Zinovieff letter. He was given the



proceedings on this matter of Mr. Baldwin's Cabinet but not those of Mr. Macdonald's Cabinet. Among the latter was a report of a Cabinet Committee dealing with the subject, the sole copy being preserved, under cover, in the Secretary's Standard File. The Prime Minister was advised that he was entitled to see this document and if he thought fit to show it to any of his colleagues, but that he was under obligation not to use or quote the document without the consent of Mr. Macdonald. The Prime Minister read the document but decided not to make any use of it. See note, by Sir M. Hankey, of 16th March, 1928 at the end of volume XVII of the Cabinet Minutes.

84. A new Minister taking charge of a Department has access to all the Departmental files, including those containing minutes by his Predecessor. The need for continuity of administration makes this inevitable. If a new Minister specifically called for an old file it could not be withheld from him. At the same time when officials submit files in current action to a new Minister at their initiative, they often refrain from sending forward material which it might be politically embarrassing for a new Minister to see. The difficulty is often met by submitting a separate memorandum without attaching the file.

A rule about the Government of the day not having access to the Cabinet papers of an earlier Government of a different political complexion arose in the course of the Foreign Affairs Debate on 26th February, 1952. No departure from the practice described above resulted but guidance was given to the Press to emphasise the distinction between the right of access to the political and the executive papers of a previous Administration. A note on the point raised in the Debate and the ensuing action is on file 7/3/1.

## PUBLICATION OF CABINET DOCUMENTS

### General

85.

The general rule is that there is no publication of Cabinet documents as such or of extracts from them. There have, however, been many instances where the text of such documents or quotations from them have been reproduced in private publications, with or without authority. There have also been isolated cases where the text or substance of a Cabinet memorandum has been published officially.

### Private Publication

86.

On the rules governing the reproduction of and quotation from Cabinet documents in private publication see Part VIII and the digest of cases there given. Notes are also given there of cases of publication by Commonwealth and other Governments of secret documents to which the United Kingdom was a party.

### Official Publication

87.

There are no instances on record of the official publication in the United Kingdom of Cabinet documents as such, except in the Official Histories of the War. Publication of documents in the Official Histories is governed broadly by the same rules as are applied where consent is sought to private publication.

In a debate in the House of Lords on 19th February, 1947 the Secretary of State for Dominion Affairs (Lord Addison) quoted from a War Cabinet memorandum (W.P. (45)36). He did not reveal the source of his quotation, but the Opposition pressed for the publication of the document. After discussion with the Opposition it was agreed that the text of W.P. (45)36 should be published as a White Paper with a number of minor adjustments to remove any suggestion that it was a Cabinet paper. File 28/2/96.

Erskine May (pages 433-4) states that "it has been admitted that a document which has been cited ought to be laid upon the table of the House, if it can be done without injury to the public interests".

A memorandum by the Central Office of Information to Sub-Committee D of the Select Committee on Estimates quoted extracts from a Cabinet paper (C.P. (46)54) and a Cabinet conclusion (C.M. (46)17th Conclusions). This memorandum, which cited the extracts with their reference symbols, was published in March, 1948 in the report of the Sub-Committee. There was, however, no subsequent request for the publication of the documents quoted. File 32/68.

In February, 1946, the British Prosecutor at the War Criminals Tribunal at Nuremberg asked for permission to produce documents as evidence to refute German charges alleging that the French and British had intended to invade Norway and the allegation that the German invasion was a defensive measure to forestall this event. The documents concerned included Foreign Office telegrams and Cabinet papers. In a minute of 29th March, 1946 the Prime Minister (Mr. Attlee) said that he thought that Attorney General should be able to deal with the matter without producing documents and that he considered that to present Cabinet minutes as documentary evidence would make a most undesirable precedent. File 8.50/16/6.

*Requests have been received from time to time for the production of documents to the Royal Commission on Awards to Inventors. Most of the documents have been Chief of Staff Committee papers, and each request has been considered on merits having regard to security, importance. In August, 1948 a request was made for the production of extracts from A.D.R. 21 (a memorandum by Mr. W. S. Churchill in 1935). The request was met on the understanding that the proceedings would be held in camera and that special care would be taken to prevent any public reference to, or quotation from, the document.*  
File 4/3/305. 49



### INDEXING

88. In 1938 arrangements were made for the maintenance of a central index covering Cabinet Committee and C.I.D. proceedings. (The Cabinet minutes continued to be indexed separately.) This central index system was continued during the early years of the war, under the charge of an Indexing Section stationed at the Country Headquarters. In January, 1943, however, the central index was abandoned and the clerical sections were made responsible, under supervision of Assistant Secretaries, for the preparation of indexes for the Committees with which they were concerned (see O.N. (43)3)

Indexes to the proceedings of the Cabinet, the Defence Committee and the Lord President's Committee are printed annually and circulated to Departments. Indexes are also prepared for certain other important Committees but are not printed or, in general, circulated outside the Cabinet Office. The basis on which indexes are compiled is governed by the guidance contained in the Office Notice of 1943 (i.e. they are based for the most part on minutes), but practice varies in accordance with the requirements of particular Committees.

See generally File 4/2/17, Parts 1 - 4.

